



# construction contracts -

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## International and Indian Experiences

**Date:**

19<sup>th</sup> and 20<sup>th</sup> July, 2013  
23<sup>rd</sup> & 24<sup>th</sup> July 2013

**Venue:**

India Habitat Centre, Lodhi Road, New Delhi  
ICSR Complex, IIT Madras, Chennai

**Organised by:**

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Consulting Engineers  
Association of India

**Supported by:**

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Indian Institute of  
Technology Madras  
Chennai



With construction going on in different sectors of Infrastructure Highways, Roads, Railways & Metros, Ports & Harbours, Waterways, Water & Waste Water, Power, Rural & Urban development, Buildings, etc. and with owners ranging from the Government Departments/ Bodies/ Organisations (PSUs) to the Private Sector organisations and entrepreneurs new to the gamut of consultancy and works contracts a need is felt to disseminate knowledge so that they can make informed selection and decisions from the array of bewildering forms of contracts in use throughout the world by the construction industry. Many of the forms are heavily amended to create bespoke arrangements, with varying degrees of success. It is, perhaps, not surprising that claims frequently arise. The seminar will provide an opportunity to learn from the experiences of leading persons dealing with contracts across many countries; to provide clarity and guidance to those working with different types of contracts International and Indian so as to gain a better understanding of their administration and the handling of issues. The two days seminar is aimed at providing a broad insight into experiences related to contractual problems, project risks and insurances and how to handle them. Case studies will also be presented.

## OBJECTIVE & ABOUT THE SEMINAR

### ABOUT CEAI

Consulting Engineers Association of India (CEAI) is the apex body of consulting engineers in India. CEAI represents the Indian Engineering Consultancy profession at the International Federation of Consulting Engineers (FIDIC). By virtue of amalgamation of the two erstwhile professional bodies of consulting engineers, Association of Consulting Engineers (ACE) and National Association of Consulting Engineers (NACE) into CEAI in the year 1996, CEAI has, behind it, over 50 years of accumulated knowledge and experience. CEAI Membership comprises of practicing consultants, private and public sector firms engaged in the entire range of engineering consultancy services. CEAI looks after the interests and enhances the status of consulting engineering profession in India and is equally concerned with quality development, productivity enhancement and promotion of ethical practices. CEAI has established linkages and strong bonds with its counter parts in various countries and is a staunch advocate of global networking and co-operation.

### ABOUT INDIAN INSTITUTE OF TECHNOLOGY MADRAS

Indian Institute of Technology Madras, is one among the foremost institutes of national importance in higher technological education, basic and applied research. In 1956, the German Government offered technical assistance for establishing an institute of higher education in engineering in India. The first Indo-German agreement in Bonn, West Germany for the establishment of the Indian Institute of Technology at Madras was signed in 1959. The Institute was formally inaugurated in 1959 by Prof. Humayun Kabir, Union Minister for Scientific Research and Cultural Affairs. It has established itself as a premier centre for teaching, research and industrial consultancy in the country. The campus is located in the city of Chennai, previously known as Madras, which is the state capital of Tamilnadu, a southern state in India.

### Who Should Attend

- Corporate Legal Heads
- VP/ GM Contracts
- Senior construction professionals
- Quantity Surveyors
- Engineers involved in construction of projects
- Commercial Managers
- Construction Consultants
- Project Managers
- Lawyers/ Arbitrators/ Insurance professionals and others who have a professional interest in the handling of construction contracts and the resolution of disputes that inevitably arise on construction projects.

# PROGRAMME

Day 1	
Time	Details
08.30 - 09.00	Registration
09.00 - 09.45	Inaugural Session
09.45 - 10.30	International Contracting A Consulting Engineers Perspective - Mr. Giovanni Di Folco
10.30 - 10.45	Q & A with Panel (Host MVT)
10.45 - 11.00	Tea Break
11.00 - 11.45	International Contracting Hot Topics - Mr. Nick Carnell
11.45 - 12.00	Q & A with Panel (Host GDF)
12.00 - 12.45	Cross Border Transactions in a Construction Context - Mr. Mark Tiggeman
12.45 - 13.00	Q & A with Panel (Host NXC)
13.00 - 14.00	Lunch
14.00 - 14.30	Key Legal Concepts in Construction Contracts - Mr. Nick Carnell
14.30 - 14.45	Q & A with Panel (Host MVT)
14.45 - 15.30	Contracts in the Indian Scenario Case Studies - Dr. P V Amarnadha Prasad
15.30 - 15.45	Q & A with Panel (Host USG)
15.45 - 16.00	Tea Break
16.00 - 16.45	Hypothetical Scenario 1 Mediation
16.45 - 17.15	Discussion of Hypothetical Scenario 1
17.15 - 18.00	Re-cap and Close Out of Day 1

Day 2	
Time	Details
09.00 - 09.45	Unincorporated Joint Ventures Some Learnings - Prof. K N Satyanarayana
09.45 - 10.00	Q & A with Panel (Host MVT)
10.00 - 10.45	The Indian Arbitration Act Joinder of Non-Signatories to Arbitration - Mr. Rajat Taimni
10.45 - 11.00	Q & A with Panel (Host NXC)
11.00 - 11.15	Tea Break
11.15 - 11.45	Bilateral Investment Treaty Actions - Mr. Mark Tiggeman
11.45 - 12.00	Q & A with Panel (Host NXC)
12.00 - 12.45	Letters of Intent, Bonds & Guarantees, Defects Liability Periods - Mr. Giovanni Di Folco
12.45 - 13.00	Q & A with Panel (Host MVT)
13.00 - 14.00	Lunch
14.00 - 15.00	ICC Arbitration Collective Panel Presentation and Discussion - Mr. Mark Tiggeman
15.00 - 15.45	Liability Insurance Claims in India - Mr. Rajat Taimni
15.45 - 16.00	Tea Break
16.00 - 16.45	Construction Contracts Some Issues - Mr. Uttam Sengupta
16.45 - 17.15	Q & A with Panel (Host NXC)
17.15 - 17.45	Re-cap and Close of Day 2
17.45 - 18.00	Vote of Thanks - Mr. Jeffrey Nambiar

## FACULTY



**Mr. Mark Tiggeman**

Mr. Mark Tiggeman is a partner of Kennedys, an English international law firm, with over 24 years experience. He specialises in the areas of construction & engineering (including specialized buildings), energy & utilities, infrastructure, arbitration, litigation, alternative dispute resolution and commercial law. Mr. Mark focuses on contentious construction cases. He is also highly experienced in handling a wide range of contentious commercial matters, particularly complex cases with cross-border elements. He has lived and worked in Australia, UK, Singapore and Hong Kong and regularly represents clients in the Middle East, Asia and Europe. He has dealt with significant construction and engineering cases over the past years, many of which have exceeded £100 million in claim value. Significant disputes in which he has been involved include Dublin Port Tunnel, the UK Ministry of Defence Procurement Headquarters, the A13 DBFO project in Central London, Kowloon Station in Hong Kong, Paiton II Power Station in Indonesia and the recovery of well over £100 million of misappropriated pension fund assets following the collapse of Robert Maxwell's London-based international media empire. He is a member of numerous professional societies including the International Chamber of Commerce (Paris) Australian Representative on the ICC Commission on Arbitration; Dispute Board Federation (Geneva); Chartered Institute of Arbitrators (London), Fellow; Society of Construction Law (UK); Forum of Insurance Lawyers (FOIL) (UK); Law Society of England & Wales; and Law Society of South Australia.



**Mr. Giovanni Di Folco**

Mr. Giovanni Di Folco is the President and Senior Partner of Techno Engineering & Associates Ltd, an international consulting firm specializing in Contract and Claims Management and Dispute Resolution internationally, with offices in Romania, Bulgaria and Qatar. He is a civil engineer with more than 30 years' experience of managing multidisciplinary civil engineering projects around the world, including Italy, Iran, Libya, South Africa, the Kingdom of Lesotho, the Sultanate of Oman, the United Arab Emirates, Qatar, Greece and Romania. Mr. Di Folco is an expert in project and contract management, contract administration, claims preparation and defence. He has gained extensive experience in both international arbitration and adjudication work whilst acting as Counsel for a wide variety of clients. In particular, he has represented international contractors on more than forty international dispute adjudication procedures and in many international arbitrations conducted under the ICC Rules relating to disputes under the FIDIC Red, Yellow and Silver Books. One of his highly recognized speciality is Forensic Delay Analysis. He lectures regularly in international FIDIC workshops and he is a FIDIC, adjudication and arbitration expert in his own right.



**Mr. Nick Carnell**

Mr. Nick Carnell is a partner of Kennedys, an English international law firm and is based in Dubai. He has long experience in Dispute resolution including, litigation, arbitration, adjudication, mediation, expert determination, Contract drafting and negotiation, Professional indemnity (architects, engineers). He has had numerous appointments as arbitrator (both sole and as part of panel) in matters ranging in value between \$2m and 50m His significant reported cases are Kitsons v Matthews Hall in relation to Heathrow Terminal 4 and Cosgrove v Weeks economic loss. The clientele are Contractors, Developers, Sub-Contractors, Architects, Engineers, Insurers and Bond providers. He graduated in 1986 and is Qualified in England and Wales. He is a Fellow of the Chartered Institute of Arbitrators and an Accredited mediator. He has published a book "Causation and Delay in Construction Disputes", Blackwells, 2000 which ran a 2nd edition in 2005. He is a member of the Society of Construction Law, and Technology and Construction Solicitors Association.



**Mr. Rajat Taimni**

Mr. Rajat Taimni is a partner with Tuli and Co, an insurance driven dispute resolution law firm with offices in Delhi and Mumbai. Rajat is tasked with the operation of the Mumbai office. He specialises in arbitration both institutional and ad hoc. He has appeared and represented numerous clients in ICC, LCIA, International Cotton Association, China International Economic and Trade Arbitration Commission amongst other forums in jurisdictions such as Singapore, Michigan, London, Shanghai and Trinidad and Tobago. He regularly appears before the Supreme Court of India as well as High Courts across the country in respect of arbitration proceedings such as challenge and enforcement of awards, appointment of arbitrators and interim reliefs. He is advising a Multinational client on a dispute where sums involved are US\$1.25 billion and another matter for a USA based IT major where the claims exceed US\$400 million. Reported cases include Venture Global Engineering v Satyam Computer Services, Board for Control of Cricket in India v WSG and Conros Steels Pvt Ltd v Lu Qin. He also advises general insurance clients on property, engineering and construction policies including claims under first loss Contractors Plant and Machinery, Contractors All Risks, Industrial All Risks policies and the like. He has represented clients in arbitration cases arising from policy disputes as well as appeared before consumer tribunal and high courts in this regard. Tuli and Co has been voted as the Number 1 insurance firm in India for the last 4 years by the Asia Pacific Legal 500 since the rankings were introduced and Rajat has been recommended for his practice for 2011/2012.



**Dr. P V Amarnadha Prasad**

Dr. P V Amarnadha Prasad, a Graduate in two branches of engineering in civil and mechanical, has over two decades of professional experience in engineering, legal and arbitration matters pertaining to infrastructure projects. Dr. Prasad is very active in the Techno-Legal profession and has expertise in the design of highway projects, project management, preparation of tender documents and tender administration for engineering procurement and construction contracts. Dr. Prasad is an approved legal expert for various projects under National Highways Authority of India and other agencies. Has served as an Arbitrator in many cases and is appointed as Court Commissioner by Andhra Pradesh State Commission under Consumer Protection Act. Dr. Prasad is the Chairman of Technical Arbitrators, Andhra Pradesh State Centre and Member of the Institute of Management Consultants of India, Indian Roads Congress, Indian Building Congress, Indian Council of Arbitration, and Indian Society of Construction Law. He is an active member of the Consulting Engineers Association of India and Indian Faculty.



**Prof. K N Satyanarayana**

Dr. Kalidindi N. Satyanarayana is Professor in the Building Technology & Construction Management Division of the Department of Civil Engineering at the Indian Institute of Technology Madras, Chennai, India. He received his B.Tech degree in Civil Engineering from IIT Madras. His MS and PhD degrees with specialization in Construction Engineering and Management were from Clemson University, USA. He has been a faculty member at IIT Madras since 1991. In 2009 he was a Visiting Professor at Iowa State University, USA. His teaching, research and consulting interests are in the areas of project management, construction contracts, quality management, construction equipment, and public private partnerships. He has published many papers in these areas and is the recipient of many academic awards. He was presented the PMI India Distinguished Scholar 2011 award. As Chairman of the Engineering Unit of IIT Madras, he has been overseeing the construction of a number of new buildings on campus and is involved in the day to day contractual issues on these projects and handling a number of arbitration cases related to them. He is a board member of the Institute for Lean Construction Excellence, Vice-Chairman, Board of Advisors of The Glass Academy, and Member of the Academic Advisory Group, Project Management Institute (PMI) India.



**Mr. Uttam Sengupta**

Mr. Uttam Sengupta graduated in Commerce and later on did his LLM from the University of Bombay. After graduation he joined Siemens Limited as a "Commercial Trainee" and moved up in the organization in different capacities and in different divisions. During his long innings in Siemens he handled commercial issues of various domestic and international projects in the field of power and it also extended to heading the project management team at the corporate level. In Siemens he was also deputed abroad and that gave him international exposure. In 2004, Mr. Sengupta was invited by Voltas Limited (A TATA Enterprise) to head the "Risk Management" cell for their International Operation Business Group. At Voltas Mr. Sengupta is engaged with vetting of International Contracts from the bidding stage to monitoring of contracts during execution which inter alia involves identifying and advising on "Risks" associated during bidding and execution phase. His function also includes reporting the "Risk" identified to the Board for their approval, and reporting to the Board Audit Committee on the updates of Risk rating of major ongoing projects.

**Last date of receipt of registration: 15th July 2013**

**FOR FURTHER DETAILS PLEASE CONTACT:**

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**COURSE CO-ORDINATOR:**

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**FOR DELHI**

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# REGISTRATION FORM



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1. Name : \_\_\_\_\_
2. Designation: \_\_\_\_\_
3. Organization: \_\_\_\_\_
4. Sex (Please ✓): Male ( \_\_\_\_\_ ) Female ( \_\_\_\_\_ )
5. Contact Address: \_\_\_\_\_ PIN: \_\_\_\_\_
- Ph: \_\_\_\_\_ Mob: \_\_\_\_\_ E-mail: \_\_\_\_\_
6. Details of Cheque/ Bank Draft: \_\_\_\_\_
7. Amount: ₹ \_\_\_\_\_
8. Please (✓) the place of Attendance: Delhi ( \_\_\_\_\_ ) Chennai ( \_\_\_\_\_ )

Date: \_\_\_\_\_ Signature of the Applicant \_\_\_\_\_

Intending participants may apply for registration along with Cheque/ Demand Draft of Rs.8,000/- plus Service Tax at 12.36% on any scheduled bank.

For Delhi Seminar cheque/D.D should be drawn in favour of **CONSULTING ENGINEERS ASSOCIATION OF INDIA**, payable at Delhi.

For Chennai Seminar cheque/D.D. should be drawn in favour of **CONSULTING ENGINEERS ASSOCIATION OF INDIA - WESTERN REGION CENTRE**, payable at Mumbai.

**Mail this form along with payment to:**

For Delhi : **Mrs. Anita Manchanda, Director, CEAI**

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