



**MUMBAI
CENTRE
FOR INTERNATIONAL
ARBITRATION**

MUMBAI CENTRE FOR INTERNATIONAL ARBITRATION

ANNUAL REPORT 2020



CEO'S Message

Since the publication of our last report, the MCIA has seen a 150% growth in the total number of cases being administered by us. We have received 12 new matters this year of which 9 arose from contracts containing an MCIA Arbitration clause.

The remaining three are of as much significance to the MCIA as they are to the cause of institutional arbitration in India. With the Hon'ble Supreme Court of India referring two ad hoc arbitrations to be administered by the MCIA under the MCIA Rules, and the Hon'ble Bombay High Court referring yet another ad hoc arbitration to be conducted in accordance with the MCIA Rules. These precedents go a long way in establishing India as a favourable jurisdiction for arbitration.

The MCIA has always ensured that through our events we push dialogue, discussion and thought in the field of arbitration as well as the larger dispute resolution space. While we have had to cancel or re schedule most of our planned events owing to the pandemic, we found innovative ways to ensure that we continue to reach out to as many individuals through our virtual events. While initially challenging, we found that the new format for the 'new normal' allowed us to increase the number of events, speakers, participants and jurisdictions, without compromising on quality.

Through this report, we will share with you details of our progress through the year 2020.



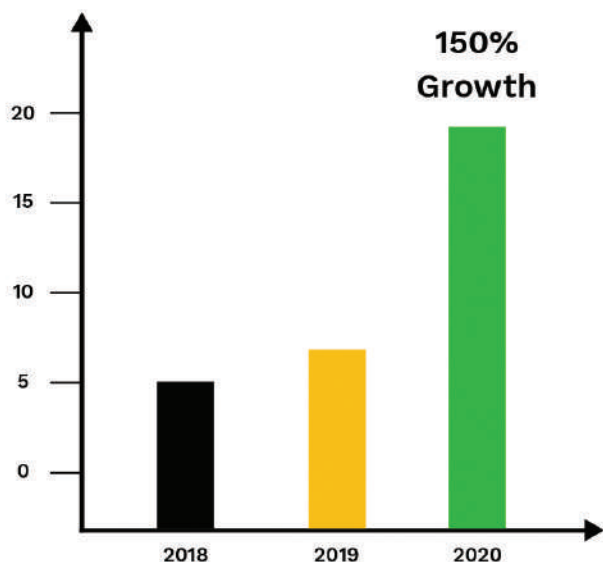
Madhukeshwar Desai
CEO, MCIA

HIGHLIGHTS

- ★ Since the publication of our last report, MCIA has seen a 150% growth rate in the total number of cases being administered by it.
- ★ MCIA received 12 new matters this year of which 9 arose from contracts containing an MCIA Arbitration clause.
- ★ The Hon'ble Supreme Court of India referred two ad hoc arbitrations to be administered by the MCIA.
- ★ The Hon'ble Bombay High Court referred another ad hoc arbitration to be conducted in accordance with the MCIA Rules.
- ★ The MCIA hosted its first ever Masterclass and International Conference on Investment Arbitration in New Delhi on 17th and 18th January 2020.
- ★ The MCIA expanded its global reach by marking its presence in the United Arab Emirates and South Africa.
- ★ The Young MCIA, our forum for young professionals, has continued to gain traction and has now crossed 1300 registered members across several jurisdictions from the world.

MCIA ADMINISTERED CASES

In spite of the challenges faced in the year 2020, we are delighted to report that the MCIA had an exponential increase in the number of new cases received for administration. To date, we have administered nineteen arbitration cases of which ten cases have been received in 2020 itself. This reflects a 150% increase in the number of total cases administered as compared to the previous year. Most significantly, nine of these arbitrations have arisen out of 'organic' agreements i.e., agreements that have MCIA clauses incorporated in them.



We also continue to see increasing geographical diversity in the venue and seat of disputes that we are administering. This year, we had parties from Agra, Amritsar, Bengaluru, Gujarat, Hyderabad, Indore, Jharkhand, Kolkata, Noida and Telangana. Additionally, the MCIA is administering four international arbitrations with at least one party from Mauritius in two of the cases.



In 2020, the MCIA has received disputes worth over USD 180 Million.

With lawyers, law firms, business houses and the Indian Courts reposing faith in the MCIA, we are confident that we are headed in the right direction in terms of the standard of services that we provide.



- 📍 **Agra**
- 📍 **Amritsar**
- 📍 **Bengaluru**
- 📍 **Delhi**
- 📍 **Hyderabad**
- 📍 **Indore**
- 📍 **Kachch, Gujarat**
- 📍 **Karimnagar, Telangana**
- 📍 **Kolkata**
- 📍 **Mumbai**
- 📍 **Mauritius**
- 📍 **Noida**
- 📍 **Ramghar, Jharkhand**
- 📍 **Zaheerabad, Telangana**

INTERNATIONAL INVESTMENT ARBITRATION SETTING THE STAGE

The MCIA jointly with the Centre for Trade and Investment Law (CTIL) organized its first-ever conference on International Investment Arbitration titled, 'International Investment Arbitration: Setting the Stage.' The event was held in New Delhi on 18th January 2020. With participation from over a hundred delegates and a stellar cast of speakers from across the globe, the event was a grand success.



The Conference was also graced with the presence of Hon'ble Ms. Justice Indu Malhotra (Judge, Supreme Court of India), Hon'ble Mr. Justice A.K. Sikri (Retired Judge, Supreme Court of India), Mr. Sudhanshu Pandey (Additional Secretary, Department of Commerce) and Mr. K. Rajaraman (Additional Secretary (Investments), Department of Economic Affairs).



The discussions at the conference laid emphasis on the fundamental aspects of International Investment Arbitration particularly in light of India's ongoing tryst with Investment Treaty Arbitrations. The sessions witnessed robust debates on various issues in this field and the engagement from the audience was quite heartening. It was also encouraging for us to receive words of appreciation from our guests of honour and our eminent speakers.

We wholeheartedly extend our gratitude to all our sponsors for their unwavering support and for sharing MCIA's vision in promoting discussion and practice in the field of arbitration.

CAPACITY BUILDING

A. Masterclass on International Investment Arbitration

The MCIA in collaboration with the CTIL hosted a Masterclass on International Investment Arbitration in New Delhi on 17th January 2020. The Masterclass was facilitated by Mr Gaetan Verhoosel and Mr Manish Aggarwal, Partners at Three Crowns LLP (London) and Visiting Lecturers at King's College, London.

The Masterclass was another testament to MCIA's commitment to building capacity and thought leadership among students and young professionals as well as encouraging engagement in the field of arbitration. With over 50 participants, the Masterclass was a great success. The participants expressed their appreciation for the facilitators and commended the quality of discussions.



B. The Frankfurt Investment Arbitration Moot

As in the past, the MCIA in association with the Network for International Law Students (NILS) hosted the national qualifying rounds (India) of the Frankfurt Investment Arbitration Moot in 2020. With an aim to encourage participation from different law schools across the country, this edition of the Frankfurt Moot was held in New Delhi.



The 2020 edition of the Moot saw participation of 22 teams. The positive feedback that we received from the participants and judges towards MCIA's efforts was highly motivating.

As the world adapts to working remotely, we are happy to report that the MCIA will be hosting this event virtually in 2021.

C. MCIA-JUR Certificate Training on Blockchain and Smart Contracts

In November 2020, the MCIA in partnership with Jur organized the first of its kind online certificate training on Blockchain and Smart Contracts. At MCIA, we strongly believe that technology is the way forward for handling disputes of all sorts. To promote the use of technology and to make legal professionals capable of doing so, the training covered the basics of blockchain technology and enabled the participants to draft smart contracts. As with other initiatives, this too received appreciation from the participants and the facilitators.



MCIA WEBINARS

As the Covid-19 pandemic brought the world to a standstill, the MCIA did not hesitate to adapt to the “new normal.” To further its commitment towards capacity building, the MCIA hosted a number of webinars throughout 2020. These webinars allowed us to engage with thousands of attendees from across the world; something that is difficult to achieve in physical events.

Some of the highlights include the MCIA's five-part interview series called, ‘Legally Speaking’ which saw some of the most renowned legal luminaries engage in candid conversations about their work in the field of arbitration and their opinions on some of the most debated issues. Further, the MCIA's maiden webinar on Maritime Arbitration and the Knowledge Series on International Investment Arbitration (jointly organized with FTI Consulting) received an overwhelming participation and commendation from the experts in the field as well as the attendees. It is always heartwarming to see the legal and business communities reposing faith in our activities.

In addition to this, the MCIA has supported numerous webinars and constantly promoted meaningful engagement with the professionals and students even during these trying times. Most of these webinars are available for viewing on our YouTube Channel- ‘Mumbai Centre for International Arbitration.’ A complete list of webinars hosted and supported by the MCIA is annexed with this report.

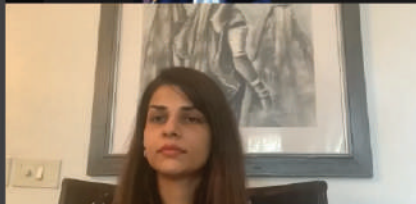
YOUNG MCIA ACTIVITIES

The Young MCIA, our forum for young professionals, has continued to gain traction from young professionals as well as law students. Young MCIA has now crossed 1300 registered members from several jurisdictions across the world.

The Steering Committee has benefited tremendously under the able leadership of Ms. Sheila Ahuja and Dr. Rishab Gupta. Like previous years, in 2020 as well, the forum actively organized events and webinars to create more dialogue about various aspects of arbitration among its members. The panel discussion organized by Young MCIA in March 2020, titled, 'Role of National Courts in Collecting Evidence in Support of Arbitration' was a great success. The discussions covered a multi-jurisdictional approach with the panelists sharing their experiences of working in the USA, the UK and India.



Further, the five-part webinar series, 'Lifeline of an Arbitration' hosted by the Young MCIA received overwhelming participation from young professionals from different parts of the world. Needless to say, the Young MCIA is committed to encourage the younger generation of lawyers to gain experience in the field of arbitration and equip them with the knowledge to get started.



Annexure

List of webinars hosted and supported by the MCIA

WEBINARS HOSTED BY MCIA

01.	<p>Webinar Interview Series: Legally Speaking</p> <ol style="list-style-type: none">Justice Indu Malhotra with Sir Bernard RixMr Harish Salve QC with Mr John BeecheyMr Shuva Mandal with Mr Nish ShettyMr Darius Khambata SC with Mr Adrian WinstanleyMr Naveen Raju with Mr Nicholas Peacock	27th April 2020 30th April 2020 4th May 2020 7th May 2020 11th May 2020
02.	<p>Young MCIA Webinar Series: Lifeline of an Arbitration</p> <p>Session 1: Drafting of an Effective Dispute Resolution Clause Speakers:- Mr Michael Pryles, Mr Vikram Nankani, Ms Sheila Ahuja, Dr Rishab Gupta</p> <p>Session 2: Managing and Strategizing the Pre-Disputes Phase Speakers: Mr Christopher Lau, Mr Promod Nair, Mr Alipak Banerjee, Mr Kritika Venugopal</p> <p>Session 3: Commencement of Arbitration Proceedings Speakers: Mr Dipen Sabarwal QC, Mr Shreyas Jayasimha, Ms Mumtaz Bhalla, Ms Yuet Min Foo</p> <p>Session 4: Procedural Steps in an Arbitration Speakers: Mr Matthew Gearing QC, Mr Rajendra Barot, Mr Kotla Harshavardhan, Ms Mumtaz Bhalla</p> <p>Session 5: Post Arbitration Award Phase Speakers: Ms Angeline Welsh, Mr Nakul Dewan, Mr Anirudh Krishnan, Mr Alipak Banerjee</p>	22nd April 2020 29th April 2020 6th May 2020 13th May 2020 20th May 2020
03.	<p>Young MCIA Webinar on "Support for or Interference in the Arbitral Process- A Discussion of Recent Decisions in the English and Indian Courts"</p> <p>Speakers: Mr David Joseph QC, Mr Ciccu Mukhopadhaya, Mr Shashank Garg, Mr Omar Ahmad</p>	28th April 2020

04.	<p>Webinar on 'Maritime Arbitration: Topical Issues</p> <p>Speakers: Mr Doran Doeh, Cdr Madhvendra Singh, Mr Philip Teoh, Ms Vasanti Selvaratnam QC</p>	30th May 2020
05.	<p>Webinar on 'Use of Blockchain and AI for ODR' Organized with Centre for Arbitration & Research, MNLU Mumbai</p> <p>Speakers: Justice Gita Mittal, Cdr Madhvendra Singh, Dr Paresh Kathrani, Mr Ben Giaretta, Mr Alessandro Palombo, Mr Chirag Balyan</p>	11th July 2020
06.	<p>Webinar on 'Sole Arbitrator Appointments: Answering the Unanswered' Organized with Centre for Arbitration & Research, MNLU Mumbai</p> <p>Speakers: Justice S.C. Gupte, Prof. Steve Ngo, Mr Shashank Garg, Mr Kevin Nash, Ms Neeti Sachdeva, Mr Yashraj Samant</p>	18th July 2020
07.	<p>Webinar on 'The Role and Relevance of the New York Convention- A 62 Year Journey' Organized with ICCA and UNCC India</p> <p>Speakers: Mr Fali Nariman, Prof. Albert van den Berg, Ms Niuscha Bassiri, Mr Gourab Banerji, Ms Neeti Sachdeva, Mr Promod Nair, Mr George Pothan</p>	22nd Aug 2020
08.	<p>Webinar on 'Discovering Full Potential of E-Discovery in India's Dispute Resolution Landscape' Organized with CAR, MNLU Mumbai and FTI Consulting</p> <p>Speakers: Prof. (Dr.) Dilip Ukey, Ms Dipti Gandhi, Mr Jayesh H, Mr Amit Jaju, Mr Mrinal Jain, Mr Kevin Nash, Mr Chirag Balyan, Mr Shubhabrata Chakraborti</p>	5th Sept 2020
09.	<p>Webinar Series: 'The Knowledge Series on Investment Arbitration' jointly organized with FTI Consulting and the IBA.</p> <p>Session 1: Investment Treaty Planning, Protection and Key Threshold Issues</p> <p>Speakers: Dr Crina Baltag, Mr Gaetan Verhoosel, Mr Nicholas Lingard, Dr Rishab Gupta, Mr Romesh Weeramantry</p> <p>Session 2: Substantive Protections- Part 1 Fair and Equitable Treatment and Expropriation</p> <p>Opening Remarks: Mr David Rivkin</p> <p>Speakers: Ms Andrea Menaker, Mr David Kavanagh QC, Mr Manish Aggarwal, Mr Sanjeev Kapoor Rishab Gupta</p>	5th Sept 2020 1st Oct 2020

<p>Session 3: Substantive Protections- Part 2 MFN, Umbrella Clauses, Defenses and Exemptions Speakers: Mr Amit Mishra, Ms Danielle Morris, Mr Kenneth D. Beale, Mr Matthew Hodgson, Mr Rajendra Barot, Mr Shreyas Jayasimha</p>	9th Oct 2020
<p>Session 4: Damages and Compensation Issues in Investment Arbitration Speakers: Mr Arne Fuchs, Mr Montek Mayal, Mr Parteek Bagaria, Mr Promod Nair and Ms Sabina Sacco</p>	23rd Oct 2020
<p>Session 4: Damages and Compensation Issues in Investment Arbitration Speakers: Mr Arne Fuchs, Mr Montek Mayal, Mr Parteek Bagaria, Mr Promod Nair and Ms Sabina Sacco</p>	23rd Oct 2020
<p>Session 5: Enforcement of Awards and Use of Third-Party Funding in Investment Arbitrations Speaker: Mr Albert Marsman, Mr Darius Khambata SC, Lord Goldsmith QC, Mr Patrick Taylor, Ms Shaneen Parikh, Mr Quentin Pak</p>	30th Oct 2020

WEBINARS SUPPORTED BY MCIA

APCCA Covid-19 Webinar Series	Multiple Sessions
CIArb Webinar Series on 'Journey of an Arbitrator'	Multiple Sessions
Webinar on 'Causation and Damages: Relationship between the Breach and Economic Loss' by FTI Consulting	5th Aug 2020
Webinar on 'Exceptions to the Breach Date Rule in Assessment of Damages- The Golden Victory and Beyond' by SCL, India	14th Aug 2020
'Fireside Chat: Navigating the 360 degree Impact of Covid-19' by FTI Consulting	15th Aug 2020
Webinar on 'Construction Law in India and Investment Treaty Arbitrations' by HSA Advocates and FTI Consulting	21st Aug 2020
Virtual GC Meet by Legal Era	Multiple Sessions
Oxford Style Debate on 'V-Shaped Economic Recovery in India in 2021' by HSA Advocates	26th Sept 2020



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