

THE MCIA REPORT

4TH EDITION



**MUMBAI
CENTRE**
FOR INTERNATIONAL
ARBITRATION





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CENTRE**
FOR INTERNATIONAL
ARBITRATION

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The MCIA – The Dawn of Institutionalisation

The Mumbai Centre for International Arbitration (MCIA) was set up in 2016 with a view to bring international best practices in arbitration to India. In a short span of time, we have not only established ourselves as a credible international arbitral institution but have made significant progress in building an ecosystem for arbitration in India. Coupled with the amendments made to the Arbitration and Conciliation Act, 1996, as well as a consolidated effort by the Government of India and the judiciary – we have taken the first steps to institutionalise arbitration in India. Since its inception, the MCIA has seen a collective effort from the Indian and international legal community to ensure that the MCIA succeeds. We are truly humbled by this support and will ensure that we work towards strengthening this relationship. Through this report, we would like to highlight some of the important steps that we have taken over the past three years, as well as key milestones for the MCIA.



Madhukeshwar Desai
CEO, MCIA



MCIA COUNCIL



John Beechey



Vyapak Desai



Nakul Dewan



Shreyas Jayasimha



Christopher Lau



Promod Nair



Vikram Nankani



Justice Nijjar



Nicholas Peacock



Michael Pryles



Justice Rebello



David W. Rivkin



Sir Bernard Rix



Nish Shetty



Cyril Shroff



Pallavi Shroff



James Spigelman



Adrian Winstanley

MCIA SECRETARIAT



Madhukeshwar Desai
CEO, MCIA



Neeti Sachdeva
Registrar and Secretary General, MCIA



Bhavya Mahajan
Case Manager, MCIA



MCIA COUNCIL & SECRETARIAT



Highlights

- The Government of Maharashtra passed a policy for institutional arbitration, mandating the incorporation of institutional arbitration clauses in all future government contracts with a value of over Rs Five Crore (approximately USD 900,000) in the State of Maharashtra. We are pleased that the MCIA has been recognized as the sole arbitral institution under this policy.
- In an unprecedented move, the Supreme Court of India nominated MCIA as the Appointing Authority in an *ad hoc* arbitration.
- The Bombay High Court reposed faith in our work by directing an *ad hoc* arbitration to be conducted in accordance with the MCIA Rules.
- The MCIA has thus far administered a total of 8 cases with a value of over Rs 130 Crore (approximately USD 18,242,000). While the MCIA is headquartered in Mumbai, parties to the disputes are based not only in Mumbai but also in Delhi, Jaipur, Chandigarh and Africa.
- Since our launch in 2016, there has been a steady increase in the number of arbitrations conducted at our premises. Thus far, the MCIA premises has been used for over 650 international and domestic arbitration sessions.
- The Young MCIA, which was launched in 2017 as a forum for young practitioners, now has over 1000 registered members across 9 jurisdictions spread across the world.

MCIA Administered Cases

Being a young institution, we are aware that contracts that contain our clauses may not result in disputes just yet. However, we are happy to report that we have administered eight arbitrations so far. Of these disputes, two have concluded in awards. Significantly, two of these arbitrations have arisen out of 'organic' agreements i.e., agreements that have MCIA clauses incorporated in them.

We see a consistent increase in the number of cases coming our way which is a testament to the standard of services that the MCIA provides.

While the MCIA is headquartered in Mumbai, we have the ability to, and aspire to service jurisdictions across the country and internationally. This is reflected in the venue and seat of disputes that we are administering. We have administered cases with parties based not only in Mumbai but also Jaipur, Delhi, Chandigarh and Africa.

At the time of this report going to print, the MCIA has administered disputes worth approximately Rs 130 Crore (approximately USD 18,242,000).

With lawyers, law firms, business houses and the Indian courts reposing faith in the MCIA, we are confident that we will continue to see a steady stream of arbitrations.

**MCIA ADMINISTERED
CASES**

8

**TOTAL SUM
IN DISPUTE (INR)**

**130
CRORE +**

The MCIA 1st Annual Conference

The MCIA believes in demonstrating quality at every event that it hosts. Since its launch in 2016, the MCIA has continued to host its annual conference with an aim to provide a forum for robust discussions on the changing dynamics of arbitration in India.

The MCIA was launched at our 1st Annual Conference themed 'International Arbitration in India - A New Dawn'. We firmly believe that it was the best way for us to introduce our work and the changes that we hope to bring in the arbitration ecosystem of the country. Presided over by the then Chief Minister of Maharashtra Shri Devendra Fadnavis, the inaugural conference was attended and appreciated by over 250 stalwarts of the legal profession. The appreciation we received at our first event, encouraged us to host events of a similar stature, moving forward.



THE MCIA 1ST ANNUAL CONFERENCE



The MCIA 2nd Annual Conference

Our 2nd Annual Conference saw us go from strength to strength. We had in attendance 6 sitting judges, including the Hon'ble Chief Justice of India and the Hon'ble Chief Justice of the High Court of Judicature at Bombay. The speakers and participants were spread across 10 different jurisdictions in India and across the world. The discussions revolved around the changing landscape of arbitration in India and the Conference was once again praised for the quality of speakers and their presentations.



THE MCIA 2ND ANNUAL CONFERENCE

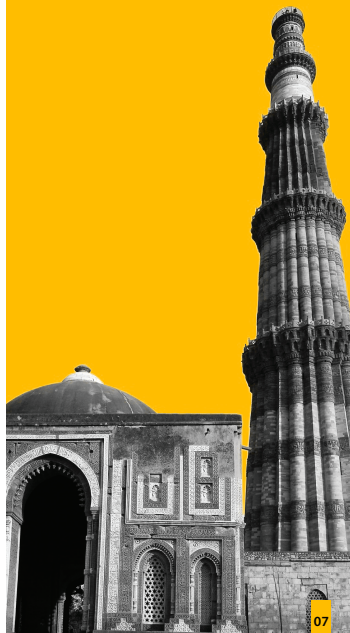


The MCIA 3rd Annual Conference

The 3rd Annual Conference themed 'Institutional Arbitration- The Time Has Come!' was held in New Delhi. With this Conference we conveyed an important message; that our physical presence in one city does not limit our reach in any manner. The response we received was extremely heartening and motivating, to say the least. Since then, we have been motivated to host and support more events in the National Capital Region and to continue increasing our outreach across various jurisdictions in India.



THE MCIA 3RD ANNUAL CONFERENCE



The MCIA 4th Annual Conference

The 4th Annual Conference held in Mumbai in September 2019 was well attended and received laurels particularly for its diversity, quality of speakers and adherence to time. Like the previous editions, we saw participation from over 200 delegates joining us from across the country. We were honoured to have Hon'ble Mrs Justice Indu Malhotra, Judge, Supreme Court of India and Hon'ble Mr Justice Pradeep Nandrajog, Chief Justice, High Court of Judicature at Bombay as our speakers for the Plenary Session.

The discussions for the 2019 Conference laid emphasis on the importance of institutional arbitration particularly in light of the amendments made by the Amendment of 2019. The sessions witnessed robust debates on varied issues concerning international arbitration. It was also encouraging for us to receive words of appreciation from our panel of eminent speakers.

We would like to extend our gratitude to all of our sponsors whose unwavering support has made it possible for us to organise this event year after year.



THE MCIA 4TH ANNUAL CONFERENCE



MCIA Conference, Gujarat

The MCIA in association with the Gujarat High Court Advocates Association organized the 1st International Arbitration Conference in Ahmedabad in July 2019. The theme for the conference was 'International Commercial Arbitration: Back to Basics.' The conference hosted a stellar cast of speakers and received an overwhelming response. We shall endeavour to make this an annual event alongside the MCIA Annual Conference that we host at Mumbai.



International Outreach

With India's increasing presence internationally and a concentrated effort to improve ease of doing business and bringing business to India, there has been a keen interest in India as a jurisdiction for arbitration. The MCIA finds itself in a unique place to bring to the world awareness about the institution as well as the strides India is making to build itself as a hub for international arbitration.

The MCIA has conducted 11 roadshows across the world in the last three years which were well attended by lawyers, law firms and practitioners, all of whom expressed a keen interest in the activities undertaken by us.



MCIA offers India's only dedicated premises that is tuned-for-arbitration.



Since our launch in 2016, there has been a steady increase in the number of arbitrations conducted at our premises. Thus far, the MCIA premises has been used for over 650 international and domestic arbitration sessions, of which over 150 sessions took place in 2019 alone.

**ARBITRATION HEARINGS
AT MCIA PREMISES**

650+

Capacity Building

One of the key focuses of MCIA is capacity building and encouraging thought leadership amongst students and practitioners alike. In an effort to educate and train more people, and equip them with the requisite skills, the MCIA has organised and supported a large number of events. Some of them are listed below:

The Frankfurt Investment Arbitration Moot

The MCIA in association with the Network for International Law Students (NILS) has been hosting the national qualifying rounds (India) of the Frankfurt Investment Arbitration Moot since 2016. The event has received an overwhelming response with several of the top law schools across the country participating, year after year. It is extremely heartening to see young students taking a keen interest in the field of arbitration and performing splendidly in the competitions.

The 2019 edition of the Moot took place at our premises and saw the participation of 22 teams. The positive feedback we received from the organisers and participants towards MCIA's set up was highly motivating.

We are also happy to report that the MCIA hosted this event for the fourth consecutive year in January 2020 in New Delhi.



Investment Course at National Law University, Delhi

Earlier this year, the MCIA organised a two-day Investment Course at the National Law University, Delhi in association with P&A Law Offices. As important as it is, investment laws are yet to be included in the curriculum of law schools in India. With this course, we attempted to ignite an interest amongst students in this field and also encouraged rigorous analysis or research in this area going forward. We look forward to organising similar courses at other law schools across the country as well.



Webinar Series on International Commercial Arbitration

The MCIA in association with the Alumni Association of IIT Delhi started a webinar series on International Commercial Arbitration. The first web session organised in April 2019 was titled 'Drafting of an Arbitration Clause' and covered the nuances of drafting a watertight dispute resolution clause to safeguard the interests and liabilities of parties in all commercial contracts. More sessions in this series will follow.

Partnerships and Collaborations

MCIA has always focused on a collaborative approach with institutions and organisations across India and continues to associate with different law schools as well for a number of events. We view this as a part of MCIA's efforts towards capacity building in India.

So far, the MCIA has entered into MoUs with the following organisations with an aim to promote institutional arbitration and encourage scholarship in the field of arbitration.

- **Permanent Court of Arbitration (PCA):** The PCA and the MCIA have entered into an agreement for the PCA to use MCIA's facilities for their arbitrations being conducted in India. The MCIA is thus uniquely placed to showcase its world class infrastructure to a larger audience.
- **Chartered Institute of Arbitrators (CIArb):** The MCIA and CIArb (India) have entered into an agreement to run training programmes in Mumbai for courses offered by CIArb. The training courses organised thus far have been well attended and have received positive feedback.
- **Dispute Resolution Data (DRD):** The MCIA and DRD have entered into an agreement for MCIA to provide arbitration data to DRD for data analytics purposes.



Young MCIA

The Young MCIA was officially launched on 18 February 2017 with an aim to create a one-of-its-kind forum for young arbitration practitioners in India and abroad. Since its inception, the Young MCIA has focused on providing a collaborative platform for young practitioners to learn, grow and transform themselves into thought leaders in the field.

The Young MCIA is about to complete three years of its existence. Over these years, its initiatives have seen active participation from practitioners, lawyers and law firms and have received immense support from legal luminaries across the world. With the growing support of the legal community, we shall endeavour to continue to increase our outreach and expand the scope of our activities. Thus far, the Young MCIA has organised the following events:

City	Date	Event
Mumbai	18 Feb 2017	The launch event of Young MCIA along with a full-day training session organized in association with IBA Arb40 and AFIA (Asia-Pacific Forum for International Arbitration).
Mumbai & Delhi	21 Apr 2017 & 22 Apr 2017	Training sessions were organized on 'Commencing an Arbitration' and 'Emergency Arbitration' in association with HK45.
Mumbai & Delhi	01 Sep 2017 & 02 Sep 2017	Training sessions were organized on 'Drafting Pleadings in International Arbitration' in association with IBA Arb40.
Singapore	13 Dec 2017	Young MCIA Workshop on drafting of arbitration clauses in association with Centre for Advanced Research in Dispute Resolution (CARDS).
Mumbai & Delhi	7 July 2018 & 13 July 2018	Young MCIA launched a new initiative 'Young MCIA Meet-Up Sessions' a post 'work-hour' meet up with the objective to bring together like-minded professionals to share domain knowledge and ideas relating to arbitration.
London	5 Sep 2018	The Young MCIA hosted a discussion on 'The Art of Advocacy in International Arbitration' by Constantine Partasides QC, Founding Partner, Three Crowns. The event was well attended by members of legal community in London.
Mumbai	14 Sep 2018	A workshop was organized on 'Careers in Arbitration' by Young MCIA. Dr F Rebello, Mr Vikram Nankani, Ms Dipali Talwar and Dr Rishab Gupta shared their experiences and valuable advice with young practitioners on their career trajectories.
Singapore	26 Aug 2019	The Young MCIA organized an evening debate on the motion, 'Adopting the expedited procedure mechanism in the absence of the other party is a recipe for a successful challenge' where several eminent practitioners and arbitrators participated.
Mumbai	31 Aug 2019	The Young MCIA organized the first session for its members under the 'Lifeline of an Arbitration' programme. This session held at the MCIA premises in Mumbai covered the nuances of drafting an effective dispute resolution clause.
Mumbai	06 Sep 2019	The Young MCIA organized its 2nd Annual Event which involved discussions around the themes, 'India, A Respondent Friendly Jurisdiction: A Myth' and 'Witness Conferencing in International Arbitration: Is the Tub Too Hot?'

The 2nd Young MCIA Event



The Young MCIA organised its 2nd Annual Event in Mumbai in September 2019. The event had several international and Indian professionals in attendance, and it involved discussions around the themes, 'India, A Respondent Friendly Jurisdiction: A Myth' and 'Witness Conferencing in International Arbitration: Is the Tub Too Hot?'

We are delighted to report that the Young MCIA presently has over 1000 members with a stellar Steering Committee with practitioners from nine different jurisdictions. The members of the Steering Committee are:

Co-Chairs

Rishab Gupta- Shardul Amarchand Mangaldas (Mumbai)

Sheila Ahuja- Allen & Overy (Singapore)

Committee Members

Alipak Banerjee- Nishith Desai Associates (New Delhi)

Anirudh Krishnan- AK Law Chambers (Chennai)

Deepa Somasunderam- Mishcon de Reya (London)

Eva Kalnina- Levy Kaufmann-Kohler (Geneva)

Harshavardhan Kotla- Advocate (New Delhi)

Jae Ha Kwon- Kim & Chang (Korea)

Kabir Duggal- Arnold & Porter (New York)

Karan Bhosle- Advocate (Mumbai)

Kritika Venugopal- Herbert Smith Freehills LLP (Singapore)

Manish Aggarwal- Three Crowns LLP (London)

Manavendra Mishra- Khaitan & Co. (Mumbai)

Matthew Brown- Clifford Chance Pte. Ltd. (Singapore)

Montek Mayal- FTI Consulting (New Delhi)

Mumtaz Bhalla- L&L Partners (New Delhi)

Suruchi Suri- Suri and Company (New Delhi)

Taeko Suzuki- Nishimura & Asahi (Japan)

Yuet Min Foo- Drew & Napier (Singapore)

Testimonials



"I am happy to note that the institutional centres, such as the MCIA, have played an active role in streamlining commercial dispute resolution and providing world class arbitration rules to administer arbitration."

Justice Indu Malhotra
Judge, Supreme Court of India.

"I see the future of the MCIA as extremely positive, consistently with the government's own desire to promote international commercial arbitration."

Michael Brindle QC
Arbitrator, Fountain Court Chambers

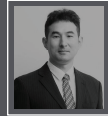


"The Mumbai Centre for International Arbitration has rules that really address the issues on both cost and efficiency."

Poornima Hatti
Partner, Samvad Partners.

"I believe that MCIA will play a very very important role for expedited dispute resolution method in India. I am very impressed after participating in Annual Conference of MCIA."

Ryo Kotoura
Partner, Anderson Mori & Tomotsune.



"MCIA rules bring about a lot of efficiency and there is a certain of degree of smoothness to their procedure"

Shuva Mandal
Group General Counsel, Tata Sons Limited

"Being a user of the MCIA, I would also say that the hearing facilities at MCIA are one of the best in the world."

Raj Panchmatia
Partner, Khaitan & Co.



"The fact that you have these world-class arbitral rules and a Secretariat to administer it, is providing the impetus to institutional arbitration that Indian arbitration very much needs. I hope very much for the success of the MCIA."

Dipen Sabharwal QC
Partner, White & Case LLP.

"MCIA is a credible institution and has established itself in a short span of 3 years. I will recommend MCIA arbitration clause to be incorporated in all commercial agreements."

Rajbeer Sachdeva
President (Group) Legal, J.K. Organisation



"The MCIA has fulfilled the much felt need of a vibrant arbitration institution in India... I have not come across any other arbitration institution in India which is so professionally managed."

Dr Birendra Saraf
Secretary, Bombay Bar Association

In the year 2020, we will be focusing on increasing our outreach within India as well as abroad. Given below is a list of events we have planned for 2020:

International Commercial Arbitration Conferences in India:

- **Delhi**- January 2020
- **Ahmedabad**- March 2020
- **Hyderabad**- April 2020
- **Bengaluru**- June 2020
- **Chennai**- July 2020
- **Vishakhapatnam**- July 2020
- **Pune**- August 2020
- **Chandigarh**- August 2020

International Roadshows

- **Dubai, UAE**- January 2020
- **Johannesburg, South Africa**- February 2020
- **Singapore**- March 2020
- **Tokyo, Japan**- April 2020
- **Seoul, South Korea**- May 2020
- **London, UK**- September 2020
- **Hong Kong**- October 2020
- **Frankfurt, Germany**- November 2020

