Contract Management and Arbitration

**Dates**
February 08 - 12, 2021

**Programme Directors**
Prof. V.K. Unni
& Prof. R. Rajesh Babu

**Venue**
Management Development Centre (MDC), IIM Calcutta Campus, Diamond Harbour Road, Joka, Kolkata – 700104
Phone: 033 7121 6000 (D) / 7121 1000 (B), Extn: 6000/6001
Contract Management and Arbitration

INTRODUCTION:
The MDP Contract Management and Arbitration intends to provide the participants a comprehensive understanding on the legal issues in commercial transactions with specific focus on contractual issues and commercial dispute resolution. The Programme shall address different types and facets of contracts and the rights, obligations and implications on business operations. The course shall legal issues in contracts, contract with governments, breach of contract, special contracts, tender and procurement, project finance contracts, legal issues involving infrastructure companies and cyber contracts. In addition, the dispute management techniques such as Adjudication, Arbitration and Alternative Dispute Resolution the understanding of which are imperative for today’s managers, are discussed. Having a reasonable understanding of the contract law and dispute resolution methods, which are foundation to all legal transactions, will help the managers/executives in designing the strategies for competitive advantage.

OBJECTIVES:
More specifically, the Programme objectives are to:

- Provide basic understanding of the legal aspects of business;
- Provide a foundation of commercial contracts management, managing legal risk associated with breach of contracts;
- Address legal issues in tender and procurement, project financing, infrastructure contracts, and e-contracts, etc;
- Provide a comprehensive understanding the commercial dispute settlement techniques such as adjudication, arbitration and alternative dispute resolutions

KEY TOPICS:

**General Principles Contracts:** Ingredients of a valid contract; Privity of Contract, exceptions; Breach of Contracts; Remedies for Breach of Contracts; Measure of damages; Liquidated damages and penalty, Quasi Contracts; Government contracts; Special Contracts Case-laws

**Contracts:** Tender and Procurement; Legal issues in inviting tenders; Bidding and evaluation procedures; Relevance of evaluation criteria, public Procurement; Bidding process involving pre-qualification, Request for Proposals, Bid evaluation system, Bid negotiation, case-laws on tendering

**Project Finance Contracts:** various forms of project contracts; Ring fencing, high leverage, non–recourse finance; BOLT, BOT Projects; Receivable financing, Securitization; Benefits to investors, Loan Syndication; Off-take Contracts, Take or Pay Contracts; Long-term Sales Contract, Throughput Contracts; Compensation for Additional Costs; Step-in Rights, Force Majeure, Termination; Ancillary Contracts, Construction Contracts; EPC/DPC Contracts; Infrastructure contracts.

**Cyber Contracts:** Contracts in the information technology era; Importance of E-Contracts; Digital Signatures and contract formation; Asymmetric key encryption, Digital signature certificates; Legal issues involved in control of private key.

**Arbitration and Alternative Dispute Resolution:** Adjudication; Arbitration; Conciliation; Mediation; Lok Adalats; Arbitral Tribunals and Arbitral awards; Recourse against arbitral award; Enforcement of foreign awards; Investment Arbitration under BITS, ICSID, etc

PEDAGOGY:
Case studies, lecture and discussion.

WHO MAY ATTEND:
Junior and Mid Level Managers/Executives.
PROGRAMME DIRECTORS:

Prof. V. K. Unni is a professor of public policy & management at the Indian Institute of Management Calcutta. Unni is a corporate lawyer by training, and did his Ph.D in Intellectual Property Law at Nalsar University of Law. Later he joined NALSAR University as a lecturer and assistant professor of law teaching subjects like Banking and Finance Law and Intellectual Property Law. Presently he teaches at IIM Calcutta as a professor. Unni had done his doctoral and graduate studies in the field of Intellectual Property Rights (IPR) and presently holds the Max Planck India Fellowship instituted by the Max Planck Society. In 2008 he became the first and only recipient of the Max Planck India Fellowship from the field of Law. Prof. V.K. Unni, has become the first Indian IP academician to receive the prestigious Thomas Edison Innovation Fellowship 2016-17 from the Center for the Protection of Intellectual Property (CPIP) at George Mason University School of Law, Virginia, USA. At IIM Calcutta he teaches Public Policy and Management courses at the doctoral and postgraduate levels.

Prof. R. Rajesh Babu is Professor of Law at the Indian Institute of Management (IIM) Calcutta. A lawyer by training, he obtained his Ph.D. and M.Phil. in International Law from Jawaharlal Nehru University, New Delhi and an LL.M. from Cochin University. Before joining IIM Calcutta, Rajesh served as Senior Legal Officer (2002-2009) in the Asian-African Legal Consultative Organization (AALCO), New Delhi an intergovernmental organization (IGO) having permanent observer status with the United Nations. He was also a Trainee at the Legal Affairs Division of the World Trade Organization (WTO), Geneva, Switzerland in 2002. Rajesh has been a global scholar in-residence at the Graduate Institute (IHEID), Geneva in 2011. His published research, research and teaching interests are in international economic law, arbitration and adjudication, corporate liability, constitutional law, property rights, and law and public policy. His recent book is ‘Remedies under the WTO Legal System’ (Martinus Nijhoff, Boston/ Leiden 2012) and Management Education in India (Springer 2017).

PROGRAMME DETAILS:

Duration:                                             February 08 - 12, 2021
Programme Commencement:    9:00 AM on February 08, 2021
Programme Conclusion:               2:00 PM on February 12, 2021
Venue:                                                  Management Development Centre (MDC), IIM C Campus
Accommodation:                                       
For Residential participants
Check in: February 07, 2021 (6:00 pm onward)
Check out: February 12, 2021 (2:00 pm)
Participant Fees:    Residential (R):              ₹ 100,000/-
Non-Residential (NR):  ₹ 10,000/- less than the Residential fee
Taxes and surcharges extra, as applicable.
However, we would strongly encourage candidates to enroll as Residential participants, as the experience of an MDP is optimized in a full-immersion mode.

Discount on Programme Fees
A discount of 10% on the fees can be availed by an organization if it nominates at least 4 participants for this particular MDP.

Terms & Conditions:

• Participants would have to make their own travel arrangements.
• Accommodation at IIM C will be provided till 2.00 p.m. on the last day of the Programme. Participants staying beyond this time will have to bear additional stay and food charges, which they have to settle directly with the hospitality service provider, conditional upon room availability.
• Cancellation Policy: In case you/your nominated candidate(s) does(do) not attend the programme, 40% of the programme fees will be retained, as per policy.
• Executive Education Alumni: With effect from April 1, 2017, participants of IIM Calcutta’s ‘Open’ MDPs who attend 20 days of learning through two or more Open MDPs will be eligible to apply for ‘Executive Education Alumni of IIM Calcutta’ status.
HOW TO APPLY:

- You can apply/nominate your personnel by clicking on the “Apply Now” link corresponding to the particular MDP, as appearing on our online calendar available at: https://iimcal.ac.in/mdp/mdp-calendar
- Once the candidature(s) is(are) approved, the sponsoring authority or participant (in case of self-nomination) will be intimated over email along with the Payment Advice seeking programme fees in advance.
- Programme fees can be remitted online through Electronic Fund Transfer (NEFT/RTGS).
- Upon remitting the fees online, kindly intimate CMDP office with the UTR No./relevant transaction details through email, so that we can connect your remittance to your nomination(s).

Please note that confirmation of participation is subject to receipt of Programme fees by CMDP Office before commencement of the MDP.

IIM CALCUTTA’S RANKINGS AND ACCREDITATIONS:

- Only Management Institute in India with triple accreditations by AACSB (Association to Advance Collegiate Schools of Business), AMBA (Association of MBAs) and EQUIS.
- Part of the prestigious CEMS Alliance comprising 31 top Business Schools from around the world (The Global Alliance in Management Education or CEMS (formerly the Community of European Management Schools and International Companies)).
- IIM Calcutta has been ranked the highest among all management institutes in India, in Financial Times: Masters in Management 2019 Ranking. IIMC stands at Rank No. 1 in India, No. 2 in Asia and No. 17 Globally.