

Report of Guest Lecture on “Pre-Arbitration Procedures: Roadblocks to Resolution?”

Date: 31st January, 2022

A guest lecture conducted on the topic “Pre- Arbitration Procedures: Roadblocks to Resolution?” on 30th January, 2022.

The session commenced at 03:00 PM with a welcome note by Ms. Nidhi Prakriti (Student Member, CCADR) followed by a short introductory note by Mr Aridaman Raghuvanshi (Co-convenor, CCADR). **Ms Mani Gupta** is partner at Sarthak Advocates & Solicitors and has over 13 years of experience and expertise over commercial and construction arbitration.

Ms. Gupta introduced the topic by touching upon the various aspects of pre-arbitration and the significance of pre-arbitration procedures in resolving commercial disputes in the most amicable, timely and cost-effective manner. She further described the elements of the Dispute Review Boards (DRBs) and the key role they play in the process of pre-arbitration. Taking reference of various examples, she pointed out various hindrances and difficulties faced by the DRBs and suggested steps that can help the DRBs to function in a more effective and efficient manner. She also highlighted the role played by DRBs and pre-arbitration in the construction of the Hong Kong International Airport at Chek Lap Kok and how it led to the settlement of disputes in a cost-effective, hassle-free and timely manner. She further cited some landmark judgements where pre-arbitration was considered a mandatory step, and when it was only a directive measure. In last part of session, Ms. Gupta with the help of some arbitration contract clauses, pointed out the defects and merits and how in practice, drafting of clause leads to resolution or further complicates the process.

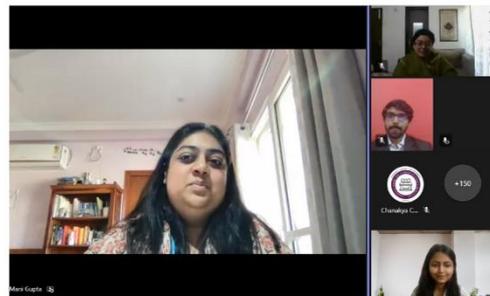


Guest Lecture

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Roadblocks to Resolution?**



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