



1
2 **INDIA ADR WEEK 2023 – DAY 6 DELHI**

3
4 **SESSION 5**

5
6 **CLOSING OF THE LAW**

7
8 **03:30 PM to 04:00 PM**

9
10 **Speakers:**

11 **Chief Guest** - Hon'ble Mr Justice Vikram Nath, Supreme Court of India

12 **Guest of Honour** - Mr. Tushar Mehta, Solicitor General of India

13
14 **HOST:** Very good evening to one and all present here and welcome to the valedictory and
15 closing ceremony of the India ADR Week 2023. I would like to invite Mr. Madhukeshwar
16 Desai, CEO and Founder of MCIA, to give the opening remarks.

17
18 **MADHUKESHWAR DESAI:** Respected Justice respected Mr. Vikram Nath, Mr. Tushar
19 Mehata, Ladies and gentlemen, I don't think I can emphasize how important it is and how nice
20 it is that every single one of you are here in the room today, despite what is happening outside.
21 I'm very happy to speak to you about a couple of things. I'll be brief, of course, because they're
22 all waiting to hear from our dignitaries. Last Sunday, the MCIA completed seven years. I'm
23 still quite in shock in how the past seven years have passed, but I'm not going to go over
24 everything that we've done in the last seven years. But I thought I'll just highlight the last one
25 year and a few statistics that would sort of emphasize what it is that we have achieved in a
26 small period of time, in a very short period of time. Just last year, in one year we gave out 24
27 awards. In those 24 awards, 92% of them were completed within 18 months. Of that, only 3%
28 were challenged in a court of law and every single one of those challenges were dismissed. The
29 one statistic, however, that I'm most proud of is 38%. 38% of all arbitrators that were
30 appointed by the MCIA were women. It's a challenging task, but the MCIA is committed to
31 diversity. It isn't enough that MCIA is led by a woman. We want to make sure that we don't
32 just talk about diversity, what we implemented as well. When we completed seven years, I
33 looked back at my opening remarks that I made at the inaugural of the MCIA, and at that point,
34 I said something that we have stuck to. I said that, "the MCIA does not want to be an Ivory
35 tower, a tower of perfection. We may have achieved an impressive number in terms of our case
36 load and what we do in terms of efficiency. But that isn't why we are established. We do not
37 want to be an Ivory tower of perfection. We want to build an ecosystem that benefits lawyers,



1 law firms, Government, business Houses, young Practitioners, arbitrators and all
2 stakeholders.” And the India ADR Week is part of that commitment. The India ADR Week...
3 and I will give complete credit to Neeti, she came to us and she said, “let's do five days of event
4 events across three cities in India.” And the first reaction was Obviously, “Absolutely not,
5 absolutely not. Nobody is going to do five days of events. People aren't going to come. People
6 aren't going to speak. People aren't going to listen.” But I'm happy to report that we started in
7 Bangalore on Monday. We had a full hall. We thank God and move on... Moved on to Mumbai,
8 we started at 08:00 a.m.. We had a full hall. On Lunch... during Lunch on Monday the hotel
9 ran out of food because we had a minimum commitment, and we highly double the number of
10 people that showed up. On Wednesday, we had a full hall and the same repeated on Thursday,
11 Friday. And of course, I've emphasized why it is so important that everyone is here today. We
12 are not just... and the reason that people have come. It's very difficult to get people into a room
13 today because you have to make... you have to emphasize why it is that you're asking for their
14 time. And we're asking for their time because we're having dialogue with every single
15 individual on important aspects of the law and important aspects of arbitration, important
16 aspects of the practice, important aspects of what is happening across the world and in India,
17 and what it is that each one of us can do, contribute and help out as stakeholders? And I think
18 that is the message that we wanted to give out with India ADR Week. That we may be many
19 States and many Union territories. But when it comes to a purpose and a cause that we will all
20 come together and make sure that we portray and demonstrate to the rest of the world that
21 we're here to show you that we are an extremely important jurisdiction. I'd like to highlight
22 two other aspects that have accomplished during the India ADR Week. We have had 2-hour
23 commitment to younger practitioners. It's important to build a pool of arbitrators and to our
24 commitment to our younger practitioners. We have actually started the Tribunal Secretary
25 Program. The Tribunal Secretary Program is the first of its kind in India. We had a Cohort in
26 Bombay, in Mumbai, and we had a cohort here in Delhi. I'm happy to report that it went very
27 well. We're going to put the list of Tribunal Secretaries on our website. And we hope to have
28 them appointed very soon. The other one... the other commitment that we've made is to Jus
29 Mundi. Jus Mundi is an important platform to signed an MOU with them and we are going to
30 be publishing redacted MCIA Awards on the Jus Mundi, platform that will be available not
31 just in India, but globally. In 2016, we did one more thing radical. When we started off, we
32 invited EPIC at that point in time ETI to fly down to India, and we put a screen next to our
33 stage and we had live transcription. It was an extremely expensive process, and it was very
34 novel at that point in time, to a point where everyone thought that we were reading off a script.
35 I'm very happy to share that seven years later we have an Indian organisation that is now doing
36 transcription at our end, and it's the same organisation, of course that did the transcription at
37 Supreme Court as well. And these services are now available to parties at India at.... And that



1 is more accessible to everyone over here. The last one before I close, is that, yes, I'm here in
2 my capacity as a founder and CEO of MCIA. I'm proud of what we've done and what we've
3 achieved. But it is equally important that we build this ecosystem with... along with other
4 fellow Institutions as well. I would like to believe that we are an umbrella organisation and not
5 one that is just in competition with other organisations. And to that end, through India ADR
6 week, we have 20 other Arbitral Institutions, that have either supported or spoken or have
7 participated or have independent panels or have come to our events and explained, why their
8 Institutions should be used? And I think that is extremely important when we are building a
9 jurisdiction or we are building a nascent jurisdiction and telling entire world, why it is that we
10 work. I If you leave me to speak about MCIA, of course I'll go on for a very long time, but
11 all I'd say is "We've started well and we're going to announce for the dates for next year, next
12 week and we hope to have next year bigger, larger, better, with more participation and
13 stronger. Thank you so much.

14

15 **HOST:** Thank you, sir. Now I would like to introduce our guest of honour for the evening, Mr.
16 Tushar Mehta, Solicitor General of India. Mr. Mehta began his carrier as an advocate in 1987
17 and was designated as a senior advocate in 2007 by Gujrat High Court. In 2008, he was
18 appointed as Additional Advocate General and in 2014, he was appointed as Additional
19 Solicitor General of India. He was later appointed as the Solicitor General of India in
20 2018. With this, I would like to invite sir, to give address to the crowd. Thank you.

21

22 **TUSHAR MEHTA:** A very good afternoon to all of you. My Lord, Justice, Vikram Nath sir,
23 my friend, Mr. Desai, Neeti, friends in the audience, I'm conscious of the fact that we are
24 meeting at this juncture where mentally we should be or we are at somewhere else. Keeping
25 that in mind I'll curtail my time. Friends, I wanted to share two thoughts. Which has repeatedly
26 occurring in my mind since last about one and a half years, because one and a half years have
27 been the period where we have seen several arbitration related seminars, et cetera. going on.
28 Some of which I happen to participate in. First, the focal point of every discussion in every
29 arbitration seminar is how to westernize the Indian concept of arbitration. Basically,
30 arbitration is necessarily an Indian concept. It is accepted, formalized and put into a kind of a
31 statutory framework elsewhere, depending upon their needs, their requirements, and their
32 issue specific problems. We always discuss how to do it in tune with UNICITRAL Model law.
33 What is the position in Singapore law? What is the position there, and how to bring about
34 changes in our law? But unfortunately, if you give a thought, that give a serious thought, you
35 will find that we have not been able to come out with our Indianized version of UNICITRAL
36 Model Law or Singapore Law, or for that matter, any other law. It is time now for vibrant
37 people like Neeti, to start working on that and ensure that there is some churning of mind



1 some deliberations, some meeting of minds, intelligent brilliant minds, put their head together
2 and come out with something which is not only relevant in the Indian context of business but
3 is also acceptable to other jurisdictions of the world because we are not confining ourselves to
4 arbitrations within India. We both have domestic and international arbitrations. So, we must
5 have our own Model Law based upon which not only our arbitrations are governed, but that
6 can be preferred Law of Arbitration for even international parties. To my knowledge, I don't
7 think any such attempt has so far been made, at least in a formalized way where all brilliant
8 minds on the subject come together, discuss, put forward their viewpoints, put forward their
9 ideas, give their suggestions, give their models and something can emerge out of. Second, I'm
10 not aware what happens after such beautiful events conclude. There has to be, in my view,
11 someone writing down whatever is discussed, whatever is suggested, whatever was shared by
12 the experts and thereafter to analyse are we in a position next year, by next year, within next
13 year to implement any of them, any of those ideas or to consider those ideas and say that this
14 idea may not be acceptable for a, b, c, d reasons. If it is not being done, I think this is a good
15 occasion, where a beginning can be made where someone who has attended all functions and
16 who has been a part of every event, can write it down what has happened, what were the good
17 suggestions given by several experts, domain experts, and what can we do? What can we do to
18 have a way forward? These are the two suggestions I had to make. You are all brilliant people.
19 You are all people associated necessarily with arbitration. I sometimes do arbitration. I cannot
20 claim myself to be a lawyer practicing on the arbitration side. But when such brilliant minds
21 are under one roof, it is time that we start thinking about our own system. And when I say, our
22 own system of arbitration, I do not for a second say that we discard whatever is the
23 international scenario. No, that's not the idea. The idea is to come out with an Indigenous a
24 domestic Model Law, which caters to our need and which can also fit into the problems of
25 international community. That is something we are lacking in. That's what my personal feeling
26 is. I may be wrong; I may be right. But if I am right, it's time something needs to be done.
27 Friends I don't wish to take any longer. I'm indeed grateful for the organizers, Mr. Desai and
28 Neeti, to be always kind to invite me with all my limitations on the subject. And I thank all of
29 you for being a very patient and very considerate listeners despite the circumstances under
30 which all of us are sitting here. Thank you so much.

31

32 **HOST:** Thank you, sir. I would now like to introduce a chief guest for the evening. Honourable
33 Mr. Justice Vikram Nath, Judge of the Supreme Court of India. Justice Nath practiced as an
34 advocate for 17 years before he was appointed as a judge in the Allahabad High Court in 2004.
35 In 2019 he was appointed as the chief justice of the Gujarat High Court, and it was in 2021 that
36 he was elevated as a judge to the Supreme Court. With this, I would now like to invite Justice
37 Nath to give the keynote address.



1
2 **JUSTICE VIKRAM NATH:** Namaskar. Good afternoon. Guest of honour of today's
3 validatory function. Mr. Tushar Mehta, General Solicitor General, Mr. Desai, Ms. Sachdeva,
4 founders of MCIA, distinguished guests, Ladies and gentlemen after hearing Mr. Desai and
5 Mr. Mehta, I am in a state of complex they have spoken without any piece of paper so eloquent
6 in their delivery with so much of content. So, in order to match them I have prepared a long
7 note for all of you. And you will have to suffer for me because, I told they just give me 5 minutes
8 to speak. He said, "No. Half an hour." Ultimately, you compromise to 20 minutes. So now I
9 can't cut down that speech of 20 minutes. You will have to hear. All right. Ready? Very well.
10 There you are. At the outset, I would like to thank the organizers with the deep sense of
11 gratitude to have given me this opportunity and the honour to be here as the Chief Guest. And
12 in particular, I wish to thank Mr. Tejas Karia. We gathered today at the conclusion of the third
13 edition of the India ADR Week. It's a moment of reflection and anticipation. The reflection on
14 the week gone by and anticipation for the path ahead. This event has brought together a
15 diverse spectrum of thought leaders from India and abroad. Fostering an environment of
16 learning and exchange on arbitrations contemporary themes. Here I would like to talk about
17 the father of our nation, Mahatma Gandhi, who was also a strong champion of principles of
18 Alternative Dispute Resolution. Gandhi firmly believed that the essence of law was not to
19 create rifts, but to amend relations. Drawing from his experiences such as his time in Durban,
20 where he had fitted for more amicable solution in a recovery suit by his client, Sheikh
21 Abdullah. He realized that pure justice sometimes lay outside the courtroom and despite
22 winning the suit and the hefty lump sum, Gandhi convinced his client to accept the payment
23 in instalments instead. It wasn't about the singular victory, but the collective harmony. In his
24 autobiography, Gandhi recalls his time in South Africa, emphasizing the potential of
25 arbitration to resolve disputes. He recounts the lesson was so indelibly burnt into me that a
26 large part of my life during the 20 years of my practice as a lawyer was occupied in bringing
27 about private compromises of hundreds of cases. This emphasis on recollection and
28 reconciliation over victory is mirrored in his *Satyagrah* Movement. He viewed conflict not as
29 a battle to be won but as an opportunity for mutual understanding and growth. The relevance
30 of this Week cannot be overstated. The vibrancy of the discussions, the depth of the debates,
31 and the vision of the dialogues reflect the dynamic nature of arbitration in the contemporary
32 world. As we converge from different backgrounds our shared commitment to the evolution
33 of arbitration remains unwavering. We have engaged in profound discussions on a range of
34 pivotal topics, including the enforceability of orders from emergency arbitrators, the
35 integration of technology and artificial intelligence in the arbitration process, the dynamics of
36 third-party funding, the scope and limits of judicial intervention in arbitration. Determining
37 which disputes are suited for arbitration, best practices for managing disputes efficiently. And



1 lastly, the latest modification to India's Mediation Framework. Globally, we have seen waves
2 of change redefine the landscape of dispute resolution, but closer to home in India, these winds
3 of change have been even more pronounced. Before we dissect our progress, innovations and
4 future plans, let's take a moment to understand and appreciate the strides taken so far. The
5 Indian legal system, with its vast and intricate fabric, has always had arbitration woven into
6 its threads. Yet recent years have seen this method of dispute resolution and emerged from the
7 shadows, becoming a forefront player in resolving Commercial disputes. Several deliberate
8 steps have been taken to achieve this prominence. Firstly, the global shift towards Institutional
9 Arbitration is evident. While ad hoc arbitrations have their merits, the value of Institutional
10 Arbitration, with its set protocols, pre-established rules and expert assistance has been
11 increasingly recognized. Institutions like the Mumbai Centre of International Arbitration are
12 at the forefront of this transformation. Their endeavours, fuelled by commitment and
13 expertise, have showcased the unparalleled advantages of systemized dispute resolution.
14 Legislative frameworks have also played a crucial role. The Arbitration and Conciliation
15 Amendment Act of 2019, stands as a testimony to India's intent to create a more streamlined
16 and user-friendly arbitration environment. It's not just about speeding up processes, it's about
17 enhancing the quality, ensuring, predictability, and fostering confidence in our arbitration
18 ecosystem. But laws alone cannot bring change. It's the interpreters of these laws, the
19 Judiciary that breathe life into them. Time and again, our course have bolstered arbitration in
20 India, not just by deferring to arbitral awards, but also by promoting arbitration as a genuine
21 efficient alternative to traditional litigation. When we talk about an evolving arbitration
22 landscape, it's imperative to touch upon the role of emergency arbitrators. Traditionally, the
23 concept of interim relief in arbitration was linked to the National Courts. But as international
24 commercial transactions grew in complexity and speed, there arose a need for a mechanism
25 that could provide immediate reliefs even before the Constitution of the main Arbitral
26 Tribunal. This gave birth to the concept of Emergency Arbitrators. In the global arena, the role
27 of Emergency Arbitrators has gained significant traction. They represent the very essence of
28 modern-day arbitration. Swift, specialized and efficient. The recent Supreme Court judgments
29 in the **Amazon.com** in the **Future Retail Limited** is monumental in this respect by
30 holding the sanctity of orders passed by Emergency Arbitrators, our highest court has
31 signalled India's alignment with International Arbitration standards. Yet for these orders, to
32 truly have the force they deserve, we need more than just judicial endorsements, we need
33 legislative amendments and institutional rule changes that recognize support and provide a
34 framework for Emergency Arbitration. In an era where technology defines the way we live,
35 work and communicate it's only fitting that arbitration embraces the technology right. The
36 COVID-19 Pandemic in particular, served as a catalyst necessitating remote hearings, virtual
37 settings, and digitized documentation. Digital platforms have democratized access, breaking



1 geographical barriers, and making arbitration more inclusive. With tools like AI powered
2 analytics, predicting arbitration outcomes, gauging, Tribunal behaviours, and crafting legal
3 strategies have taken a quantum leap forward. Online Dispute Resolution platforms have
4 carved a niche, especially for low value disputes, where costs and efficiency are paramount.
5 They are not just the future they are represent. However, with the embrace of technology
6 comes the need for caution. Cybersecurity concerns loom large, and the sanctity of proceedings
7 must be preserved. Confidentiality, integrity, and availability the CIA Triad in Cyber security
8 need to be our guiding star. Institutions and practitioners must invest in robust technological
9 infrastructures and constantly update to stay ahead of potential threats. The landscape of
10 arbitration is rapidly evolving, and one of the significant developments in this arena is the
11 advent of third-party funding, TPF. TPF, at its core is a testament of the very essence of
12 arbitration, accessibility, and efficacy. At the cost associated with arbitrary proceedings arise,
13 particularly in complex international disputes, TPF ensures that reserving parties aren't shut
14 out of the process due to financial constraints. It's not just about levelling the playing field it's
15 about expanding the arena. However, TPF is not without its critiques. Concerns regarding
16 potential conflicts of interest, transparency, and undue influence by funders have been raised.
17 It's imperative that regulations evolve to address these legitimate concerns. A robust
18 framework that ensures transparency while preserving the autonomy and integrity of the
19 arbitral process is the need of the hour. As India grapples with these challenges, it can look to
20 jurisdictions like Singapore and Hong Kong, which I have already taken strides in this
21 direction. Judicially plays a paramount role in shaping the arbitration landscape of any nation.
22 In India, the judiciary's approach has been proactive, facilitating, and in many instances,
23 pioneering. Over the past few decades, we have witnessed our courts consistently favour an
24 arbitration friendly approach. Landmark judgments have emphasized, non-intervention
25 upholding the sanctity of arbitral awards and stressing on minimal judicial interference. We
26 celebrated ***Bharat Aluminium Company versus Kaiser Aluminium Technical***
27 ***Services***, is a testament to this, where the Supreme Court clarified the noninterventionist
28 role of Indian courts and foreign seated arbitrations. Moreover, the Apex Court, in its various
29 announcements, has reiterated the importance of Institutional Arbitration, emphasizing its
30 advantages over ad hoc mechanisms. These judicial pronouncements not only pave the way
31 for a conducive arbitral environment, but also send a positive signal to international investors
32 and stakeholders about India's commitment to upholding the rule of law. The heart of
33 arbitration lies in its commitment to offer a swifter alternative to the often-lending traditional
34 litigation. To fully ensure that arbitration is efficient, we must be relentless in our pursuit of
35 enhancing its process. One way is through robust case management. Holding early case
36 management conferences can truly set the tone and provide a clear roadmap for the entire
37 arbitration journey. Embracing modern technology is another, whether it's using e-discovery



1 tools or conducting virtual hearings, technology can significantly reduce delays. Another vital
2 aspect is training and development. By offering continuous training we ensure that arbitrators
3 are well prepared to tackle complex disputes with efficiency. Lastly, it's crucial that institutions
4 maintain clear and regularly updated procedural rules. This minimizes any chance for
5 procedural ambiguities and further streamlines the process. India's commitment to mediation
6 cannot be overstated. Look at the recent data from the Legal... National Legal Services
7 Authority that is NALSA, underscores this commitment, 464 ADR Centres, 570 mediation
8 venues, and an impressive roster of 16,565 mediators. These figures alone speak volumes
9 about the rising prominence of mediation in arbitration. The Mediation Act of 2023
10 introduced several transformative changes. For example, assigning legal status to Mediation
11 Agreements, promoting Pre-litigation mediation, introducing provisions for courts to
12 recommend mediation even in ongoing litigation, incorporating Digital mediation, placing a
13 significant emphasis on Institutional mediation, establishing the mediation Council of India
14 to draft the guidelines and enforce the best practices on a national scale. Looking to the future,
15 the groundwork laid by the Mediation Act, combined with the endorsements from our
16 Judiciary, paints a hopeful trajectory for mediation in India. With these solid foundations in
17 place our collective focus ought to shift towards achieving broader acceptance and positioning
18 mediation as the go-to choice for dispute resolution. Arbitration in its role as a favoured
19 avenue of Alternative Dispute Resolution, has undergone significant transformation in India.
20 Yet for it to reach it's pinnacle and become the primary tool for resolving commercial
21 disagreements, we must confront it's challenges and seize the forthcoming opportunities as
22 outlined in the deliberations during IAW 2023. There are some pivotal measures for
23 enhancing the future of arbitration in the nation. One of these alien recommendations is, the
24 shift from ad hoc to Institutional Arbitration. We urgently need to foster and champion
25 Premier Arbitration Institutions within our borders, in this context. Entities like the MCIA can
26 be exemplary. The inception of centralized repositories detailing season and adept arbitrators
27 would streamline the selection process. The vitality of having adept arbitrators and
28 professionals cannot be overstated. Regular training modules should be both introduced and
29 mandated. There's an imperative to engage academia by integrating specialized arbitration
30 modules into legal studies. We can cultivate a fresh wave of adept arbitration practitioners
31 harnessing technological strides can vastly enhance the arbitration mechanism. We must also
32 address and also to date, any nebulous provisions within our current framework, ensuring the
33 arbitration process is seamless with minimal external interference. For specific dispute
34 categories, the introduction of a well-defined fast track procedure is crucial waving them for
35 timely resolutions. A parallel focus should be on infrastructure development, investing in the
36 state of art facilities for hosting arbitration positioning India as a coveted Arbitration
37 Destination. In conclusion, the path ahead for Indian Arbitration is crystalline, robust



1 institutional backing sees their Skill enhancement, Legislative precision, technological
2 integration and a globalized perspective. By implementing these strategies, India stands
3 poised to revolutionize it's arbitration sphere, consequently enriching its commercial fabric
4 and amplifying its international stature. As we reflect on the Myriad teams discussed during
5 the India ADR Week. One thing stands clear. The future of Arbitration in India is bright and
6 promising. From technological advancement to the push for diversity, from the rise of third-
7 party funding to the emphasis on specialized institutions, India is at the cusp of an arbitration
8 renaissance. The way forward requires collaboration, institutions, practitioners, academicians
9 and the judiciary must come together, learn from each other and shape a robust, inclusive, and
10 efficient arbitration ecosystem. India has to be... India has the potential to be not just a major
11 player, but a leader in the global arbitration arena. Let's harness the insights and learnings
12 from this week and propel Indian Arbitration to new heights. Let us remind ourselves of the
13 insight offered by Abraham Lincoln, who aptly encapsulated the essence of our discourse
14 today, he said, "discourage litigation. Persuade your neighbours to compromise whenever you
15 can, point out to them how the nominal winner is often a real loser in fees, expenses, and waste
16 of time." As we forge ahead in promoting and upholding the principles of ADR, let's carry this
17 wisdom with us recognizing the true value of peaceful resolutions over contentious battles.
18 The journey has just begun, and together, we will chalk out a path filled with promise, progress
19 and unparalleled success. Thank you. Thank you very much.

20

21 **HOST:** Thank you, sir. I would now like to invite Ms. Neeti Sachdeva, Secretary General of
22 the MCIA, to give the Vote of thanks.

23

24 **NEETI SACHDEVA:** Honourable Justice Nath, Mr. Tushar Meha, friends, Ladies and
25 gentlemen, let me begin by saying this... "there are certain causes in our life which are so close
26 to our hearts that it becomes a part of our DNA." And I can clearly say that one cause very close
27 to my heart has been promoting Institutional Arbitration in India. And to say that India has
28 to be the place for arbitration. To that effect, IAW as Madhukeshwar said, was something that
29 we decided got on the table, thought will work, will not work. And I'm so glad to see that we
30 have finally be able to manage to have six days, not even week. Five days is what happens
31 internationally, but six days of discussion deliberation going around the three cities and finally
32 culminating it here, and having the privilege to actually close the proceedings on the IAW
33 today. Mr. Mehta spoke about two things, sir. And I would like to tell you what we are doing
34 on that one. He mentioned that these conferences should not conclude here with all of his just
35 enjoying our company and then forgetting about what happened. In fact, sir, what we have
36 done is that we have a reporters, two reporters, in fact, Rithika Bansal and Matthew Brown,
37 who have travelled with us for all these 35 events, sat down for this and are preparing a report



1 to summarizing what were the discussions, what came out of it, what needs to be done from
2 there. And we will share a copy with you. And we would love to have your comments on it as
3 when you have time. Of course, along with those reporters, we also have the live transcript. So,
4 all the transcripts are going to be there as well. And I welcome each one of you to have not
5 been able to travel with us to the three cities Triathlon and have attended only few of them.
6 But if you get an opportunity, would like to comment on something. MCIA Secretariat is always
7 happy to have your comments and to take it forward from there. The second thing we, sir, talk
8 about is that that MCIA Rules and MCIA should think about having the India's best practices
9 as well. Though I agree with you on that, sir, that India should be leading the effort on it. But
10 I can tell you that with MCIA, we have tried to bring in the international best practices, but not
11 westernize the concept. We have kept the Indian culture, ethos into the practice of arbitration
12 as well and very distinguishing feature in our rules, which no other institution rules has it is
13 that, a presiding arbitrator in an MCIA arbitration is always appointed by the Institution,
14 which is to bring in the neutrality and the independence of the arbitral process itself. Justice
15 Nath, talked about Emergency Arbitration. Sir, we're happy to tell you that we have done two
16 Emergency Arbitration orders already in a short span of seven years and none of them have
17 been challenged, but actually voluntarily been agreed upon to the either parties. In terms of
18 technology, MCIA has always been in the forerunner, not only COVID, but I can tell you even
19 pre COVID we used to do all our procedural hearings virtually. Of course, people have taken it
20 up now even more post COVID and MCIA arbitrations are all done virtually, except when the
21 parties and the tribunal all want to do it physically, which, of course, we discourage, to the
22 extent possible. The third thing that Sir spoke about was, of course, the case management
23 tools. And, sir, but I'm very happy to tell you that we have a dedicated case manager, Charvi,
24 who looks into it on a day-to-day basis. And of course, we use our tech tools like the Tribunal
25 Secretary course that we just concluded whereby we will make it more efficient for the
26 arbitrators to use the Tribunal secretaries, have the case management done and make sure
27 that we continue to have a record of finishing our awards in less than 18 months. I will not
28 take much of your time, but I will just conclude by saying this, that "this has been one of the
29 most satisfying weeks for me." 35 events, 3 cities, 600 participants, 120 Speakers, more than
30 15 countries represented here in this room today. And this all would not have happened
31 without the support of each one of you here, but also the support of our sponsors and
32 supporters. We have almost 25 different organizations supporting it on more than 25 foreign
33 and domestic firms supporting the India ADR Week. We will be back with you in 2024, bigger,
34 larger as Mr. Madhukeshwar said about it. And that will not happen without the support of
35 each one of you. So once again, thank you very much for sparing your time to be here and to
36 celebrate India as the ADR jurisdiction. Thank you very much.

37



- 1
- 2
- 3
- 4
- 5

~~~END OF SESSION 5~~~