DRAFTING AND NEGOTIATION OF COMMERCIAL CONTRACTS

How to read, interpret and troubleshoot contracts

Bengaluru
23rd
June

Delhi
4th
August

2017
BENEFITS OF ATTENDING

- Equipped with the right tools, planning and know-how to draft comprehensive commercial contracts.
- Understand the new trends of procurement fraud and other risks and how best to mitigate them.
- Drafting effective Dispute Resolution & Arbitration clauses
- Mastering innovative negotiation skills
- Avoid common contractual pitfalls

WHO SHOULD ATTEND

- CEOs
- Managing Director
- Directors/CFOs
- Head Legal / General Counsel
- Procurement/Purchase Department
- In-house Counsel
- Company Secretary
- Compliance Officer
- Corporate Lawyers
- Chartered Accountants,
- Cost Accountants
- Advocates & Attorneys
- Business Development
- Contract Managers
AGENDA

Constituents of Commercial Contract - Domestic & International

- Formation of Contracts – Techniques in drafting contracts
- Difference between letter of Intent, an Agreement and a contract
- Converting MoU, Letter of Intent into a formal Contract
- Force Majeure, indemnity, warranty, Limitation of liability, Damages, Procurement Contract
- Governing Laws

Hands-on Workshop on Negotiation and Drafting

- Understanding the needs of negotiating parties
- Planning and conducting Negotiation
- Determining the rights and obligation of parties
- Plain & Direct Communication
- Techniques in Drafting Domestic Contract
- Technique of Drafting International Contract
  - Analyzing the key elements in cross border agreement
  - Addressing Various jurisdiction issue: Complying with overseas jurisdiction & coinciding with the rule
- Overview of recent case

Dispute Resolution

- Understanding & identifying dispute prone areas
- Possible consequences and the medium of dispute resolution mechanisms
- Remedies for disputes emerging from contracts
- Considering fairness in dismissal disputes
- Transfers and insolvency
Satwinder Singh, (New Delhi)
Partner
Vaish Associates Advocates

He is currently the member of the Central Council of the Institute of Company Secretaries of India (ICSI) for the term 2015-2018 and is a member of various committees of various chambers of commerce. He was the Past Chairman of Northern Indian Regional Council (NIRC) of ICSI. During his term, NIRC of ICSI was adjudged as best regional council of ICSI. He is actively involved in various professional and industry associations. He is a frequent speaker at several conferences and seminars organized by leading professional bodies and chambers of commerce on subjects like M&A, Corporate Restructuring, Takeover Code, Foreign Direct Investment, Structuring of Joint Ventures and other similar/related issues.

Mr. Satwinder Singh (along with his team) has recently authored the book titled “Companies Act 2013- Impact Assessment”, which was released through the hands of Hon’ble Justice A.K. Sikri, Judge Supreme Court of India and Mr. M Damodaran, Former Chairman, SEBI, who were also kind enough to write a foreword for the book. Earlier Mr. Singh had authored the book “Companies Act 2013: Knowing the changes”. He has co-authored a book on “International Business Acquisitions: Major Legal Issues and Due Diligence (India Chapter)” published by the World Law Group and has (i) contributed the chapter “Securities Laws in India” in the “International Securities Laws Book” published by the World Law Group; and (ii) authored an article on India Chapter for PLC Cross Border Restructuring and Insolvency Handbook; and has been a speaker at various forums on diverse subjects.

Martand P. Singh, (Bengaluru)
Partner
Vaish Associates Advocates

Martand Singh is a senior member of the Corporate practice of the Firm and focuses on domestic and cross-border mergers and acquisitions, joint ventures, inbound foreign investments and outbound investments by residents, private equity investments, divestment of business and business assets, media and entertainment transactions as well as offers general corporate and commercial counseling and advisory on an ongoing basis to his clients. In addition to his corporate practice, Martand leads the projects, energy, natural resources and infrastructure practice at the Firm and has substantial experience in advising clients on energy projects, ports, transport and other infrastructure transactions and related project finance transactions.

Kavita Jha, *(New Delhi)*  
Partner  
Vaish Associates Advocates

She Heads the Supreme Court and High Court Litigation at Vaish Associates.

She is a lawyer by profession, as well as an Advocate on Record for the Supreme Court of India.

She Joined the firm in 2013 and has 15 years of experience in the field of tax and other commercial litigation.

She Appears regularly before the Supreme Court and the Delhi High Court, independently as well and has briefed various leading Senior Counsels.

Gaurav Varma, *(Bengaluru)*  
Principal Associate  
Vaish Associates Advocates

Mr. Gaurav Varma is a Principal Associate with the dispute resolution practice team at Delhi Office of Vaish Associates. He has experience of 9 years in the field of civil, corporate and criminal litigation and arbitrations (domestic and international). He represents clients on regular basis before Supreme Court of India, different High Courts, Trial Courts, Debt Recovery Tribunals, National Company Law Tribunal, Securities Appellate Tribunal and Arbitral Tribunals. He also has experience in regulatory practice, particularly, telecommunications, broadcasting and electricity sector and has been involved closely in various prominent litigations including trial proceedings in 2G Spectrum case, priority in allocation of spectrum and cancellation of UAS Licenses. In his experience of 9 years, he has handled litigations involving commercial contracts, government tenders, property related disputes, service matters, winding up petitions, shareholders' disputes, banking laws, land acquisition laws and departmental proceedings involving money laundering, export-import obligations, securities laws, prosecutions i/u Companies Act, criminal proceedings etc. and has also represented various state authorities, including Union of India, Government of Delhi, Delhi Transco Limited, Delhi Jal Board, Delhi Transport Corporation, Delhi Electricity Regulatory Commission.
Mr. NPS Chawla is a Associate Partner with Vaish Associates Advocates, Delhi. He has been associated with the Firm since July, 2008 and has an overall experience of 10 years. Apart from holding a law degree, he is also a fellow member of the Institute of Company Secretaries of India (“ICSI”) and holds masters degree in law and master degree in management as well. He is also an elected member of the Northern India Regional Council (NIRC) of the ICSI and was also elected as the Chairman, NIRC-ICSI in the year 2015. He has taken number of sessions / lectures on different subjects in ICAI, ICSI, ICWAI, BVP and various other Management and Law Colleges.

He specializes in handling restructuring matters including mergers, demergers, compromise, arrangements etc. on turn-key basis i.e. from conceptualization of the structure to implementation by appearance before the court. Apart from restructuring, he has expanded his forte by handling corporate litigation matters before various courts and quasi-judicial authorities. Detailed knowledge and experience of Corporate Laws gives him a cutting edge in strategizing the matters.

Siddharth is a senior associate with the corporate team of Vaish Associates. He has been associated with the Firm since June, 2011. Primarily a corporate transactional lawyer, he specializes in documenting and negotiating commercial transactions, more particularly those relating to mergers and acquisitions, joint ventures, inbound foreign investments, private equity investments and divestment of business and business assets. He also has substantial experience in advising clients on renewable energy projects and other infrastructure transactions.

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