

News

Khaitan & Co and Society of Construction Law India present a whitepaper to strengthen Construction Dispute Resolution



This first-of-its-kind publication suggests a clear, unified and globally benchmarked framework for analysing delay and disruption claims in India.

Khaitan & Co, in collaboration with the Society of Construction Law (SCL) India, has released a whitepaper titled “Delay and Disruption under the Global Frameworks: A Framework for Structured Construction Dispute Resolution in India”.

This book suggests a clear, unified and globally benchmarked framework for analysing delay and disruption claims in India. It pushes for adoption of widely recognised standards, including the SCL Protocol, AACE RP 29R-03 and FIDIC frameworks to Indian contractual conditions, and claim assessment.

Key suggestions of the whitepaper include:

Adoption of widely aligned principles for delay attribution, concurrency analysis, and disruption evaluation

Strengthening of project management through contemporaneous records, regular schedule updates, and early-warning mechanisms

Integration of SCL and AACE methodologies within FIDIC-style contract management for consistent EoT and cost assessments

Establishment of institutional rules to promote methodological consistency among courts and experts

Increased use of technology-driven evidence—BIM, P6 data, 4D modelling, photogrammetry—to improve objectivity in arbitral decision-making

Speaking on the launch, Sanjeev Kapoor, Senior Partner, Khaitan & Co added,

“Dispute resolution must keep pace with the scale and complexity of India’s infrastructure ambitions. A structured and transparent methodology for claims assessment strengthens trust, reduces friction, and improves efficiency across the entire project lifecycle.”

Gaurav Juneja, Partner, Khaitan & Co added,

“Indian construction arbitrations are often affected by a lack of uniform methodology for delay and disruption analysis. This whitepaper presents a coherent, internationally aligned structure that brings much-needed clarity, discipline, and predictability to the sector.”

Ratan K Singh, Senior Advocate and Chairman, The Society of Construction Law – India

said,

“This collaboration brings to light global best practices in the Indian context. Having a structured delay and disruption analysis framework can dramatically reduce the time, cost, and uncertainty involved with construction disputes.”

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