



# Kartikey Mahajan

## Partner

Singapore

M: +65-9853 7464; +91-98186 44424

E: kartikey.mahajan@khaitanco.com

### Practices:

International Arbitration  
(Investment Treaty and  
Commercial)  
Commercial litigation  
White Collar Crime  
Enforcement and Global  
Asset Recovery

### Education:

National Law University  
Jodhpur (B.Sc. LLB. (Hons.)  
Harvard Law School (LLM)

### Professional Affiliations:

Solicitor Advocate (with  
Higher Rights of Audience)  
State of New York  
Bar Council of Delhi  
SIAC Reserve Panel of  
Arbitrators  
Society of Construction Law –  
Joint Secretary  
IBA Commercial Arbitration  
Committee

Kartikey Mahajan is a Partner in the Dispute Resolution practice group in the Singapore office. Kartikey is qualified to practice law in India, England & Wales (where he has rights of audience for all courts) and the State of New York.

His practice focuses on international arbitration (both commercial and investment treaty) and white-collar crime issues. He appears as an advocate in his arbitrations and has also sat as arbitrator in a variety of matters. Kartikey advises clients on white collar, fraud, anti-money laundering (AML), anti-bribery and anti-corruption (ABAC), and sanction related issues. He has acted on several internal and regulatory investigations (ED, CBI, DOJ, MAS, SFO, and FINMA).

He has also represented commercial litigation with a cross-border element in various jurisdictions like India, London, New York, DIFC, Singapore, Hong-Kong, Cyprus, and Iraq. He also advises on global enforcement matters with a particular emphasis on enforcement before India, English and Singapore courts.

Prior to joining the Firm, Kartikey has worked with Magic Circle and White Shoe American law firms in London and Singapore.

## Representative Matters

In his areas of expertise, Kartikey has advised and represented the following clients:

### Commercial Arbitration

- Acting as a co-counsel for GoAir airlines in a SIAC arbitration against Pratt & Whitney concerning supply of defective engines by the later.
- Acting for a UK based entity in a LCIA arbitration relating to breaches of its franchising agreement by its Czech partner. The dispute also involved obtaining temporary injunctions before the Prague courts. Seat – London. English law applied.
- Acted for a solar energy platform in a SIAC arbitration against the Chinese supplier of solar modules. Seat – London. English law applied.

- Acted for an **oil and gas major** in a Delhi International Arbitration Centre arbitration against its downstream purchaser relating to non-supply of gas because of force majeure related issues. Seat – New Delhi. Indian law applied.
- Acted for a **manufacturer of speciality chemicals** against a US based entity in a SIAC arbitration relating to issues concerned the quality of the products. Seat – London. English law applied.
- Acted for an **Australian venture capital accelerator company** in a SIAC arbitration against an Indian entity. Seat – Singapore. Indian law applied.
- Advised a **private equity investor** in a potential SIAC dispute with the founders concerning breaches of the non-compete, non-solicit and brand infringement related issues. Seat – Singapore. Indian law applied.
- Represented **Reliance Industries Limited** against the Government of India in a UNCITRAL arbitration relating to cost recovery of explorations costs. Seat – India. Indian law applied.
- Represented **InterGlobe Enterprises** in a LCIA India arbitration relating to the ownership and management of IndiGo, India's largest airline. Seat – New Delhi. Indian law applied.
- Represented **Agility Public Warehousing Company K.S.C.** in three parallel ICC arbitrations, multiple mediations, and a Beirut Chamber of Commerce arbitration (governed by Lebanese law) in relation to breaches concerning shareholders agreement and other transaction documents. Seat – DIFC. English law applied.
- Acted for a **developer of renewable energy projects** in a LCIA arbitration relating to the construction of a solar photovoltaic power plant in Mongolia. Seat – London. Mongolian law applied.
- Represented a **U.S. engineering and construction firm** in an ICC arbitration relating to force majeure and delay claims from construction of an oil processing plant in Iraq. Seat – London. English law applied.
- Represented a **major Italian contractor** in two related ICC arbitrations against a Thai entity in relation to a Lao hydro-power plant project. Seat – Singapore. Singapore Law applied.
- Representing a **Middle Eastern State** in relation to sovereign immunity issues under Indian law and related proceedings before Indian courts.
- Represented **Revlon Inc** in a post M&A dispute involving warranty claims against its Italian joint venture partner before the English High Court.
- Represented a **global logistics company** in two DIFC Court proceedings for breach of the director duties relating to the DIFC arbitration commenced by the client.

### **White Collar Crime**

- Advising **several financial sponsors, sovereign wealth funds, pension funds and global MNCs** with respect to issues relating to Indian AML and ABAC laws such as the Prevention of Corruption Act, the Foreign Contributions Regulation Act, the Indian Penal Code as well as the Indian law implications of foreign enactments such as the Foreign Corrupt Practices Act and the UK Bribery Act.
- Acting for **several distributor firms related to Vivo** in their defence in an Enforcement Directorate trial relating to alleged Indian foreign exchange and money laundering violations.
- Kartikey has also advised **financial sponsors and their portfolio companies** on pre and post M&A diligence with respect to such AML and ABAC related issues, and also oversee post-acquisition compliance integration and compliance-driven restructuring of business.
- Advising a **large Indian conglomerate** with respect to money laundering and benami investigation by the Enforcement Directorate (ED) and the Central Bureau of Investigation (CBI).
- Advising and working on an internal investigation of employees and distributors of a **global extractives major** for bribery allegations.
- Advised a **global MNC** with respect to investigation relating to outward remittances and tax evasion initiated by the ED and Indian tax authorities.
- Represented a **global extractives company** in respect of internal and governmental investigations into alleged bribery and corruption conducted by the SFO, the U.S. Department of Justice (DOJ), the U.S. Securities & Exchange Commission (SEC), the Australian Securities and Investments Commission and the Australian Federal Police.
- Represented a **leading Swiss bank** in a high-profile multijurisdictional (DOJ, Monetary Authority of Singapore and FINMA) investigation in relation to the bribery and corruption concerning the 1MDB Scandal.
- Represented a **major international bank** in a regulatory investigation into derivatives trading by the (Indian) Central Bureau of Investigation (CBI).
- Assisted in an internal investigation for **one of the largest private equity funds** concerning possible violations of the UK Bribery Act.
- Advised a **Dubai based company** on Indian anti-money laundering, anti-bribery and corruption laws.

### **Investment Treaty Arbitration and Public International Law**

- Representing **Panthera Resources** in its claim concerning its investment in a gold mine against Republic of India under the India-Australia BIT.
- Advising an **Indian investor** in a potential investment treaty claim against a Middle Eastern State and a related commercial arbitration proceeding against a State Owned Entity concerning investment in the transport sector.
- Advised **Agility Public Warehousing Company K.S.C.** in an ICSID

claim for expropriation of its investment in the Iraqi telecommunications sector.

- Represented a **group of Mexican investors** in their investment treaty claim against Kingdom of Spain in relation to the resolution of a European bank.
- Represented a **European investor** in UNCITRAL arbitration against a South American state in relation to a government-supervised customs inspection and audit programme.
- Advised a **South Asian investor** on a BIT claim involving expropriation and FET against Republic of India in the power sector and initiating a parallel commercial arbitration.

### ***Enforcement Actions and Other Cross-Border Litigation***

- Acting on **enforcement related issues** for an award against an Asian State (in excess of USD 1 billion) before the Indian courts.
- Acting as a co-counsel for **Term Loan Lenders** in relation to enforcement related issues concerning their USD 1.2 billion credit in Byjus, including commencing insolvency proceedings in India and assisting in the New York, Florida and Delaware court proceedings.
- Acting for a **European pension fund** in relation to enforcement of its shareholder rights in Indian SPVs and Singapore Holding company where it has almost equal ownership and control rights as its JV partner.
- Acting for an **European major** in the transport space concerning enforcement and sanctions related issues with respect to a Russian judgment before the Indian courts.
- Acting for an **Indian infrastructure company** with respect to enforcement of an arbitral award against a Rwanda state entity.
- Representing a **UAE based sovereign wealth fund** in relation to exiting its investment in an Indian joint venture in the infrastructure space and the ensuing litigation before the Indian courts.
- Represented **ArcelorMittal Nippon Steel India Limited** in relation to various enforcement matters before courts of India, UK, onshore Dubai and Cyprus.
- Acting for an **Australian company** in VC space in relation to enforcement of a SIAC award against an Indian entity and its promoter before the Indian courts.
- Acted for a **Mexican commodities conglomerate** in relation to enforcement of a ICDR award against an Indian entity before the Indian courts.
- Acted for an **Indian conglomerate** in recovering amounts due under the arbitral awards by commencing enforcement proceedings in Cayman Islands and Jersey.

- Acted for an **Indian battery manufacturing company** in relation to its dispute with its promoter director. This led to civil as well as criminal proceedings.
- Acting for an **alternate asset management company** in relation to enforcement related aspects of a dispute between Singapore based entities to sanction its working capital needs.

## **Publications and Presentations:**

Kartikey has authored the following contributions:

- Co-edited a Thomson Reuters book on **"Principles of Damages, Expert Evidence and Valuation in Commercial Disputes in India"**, December 2023.
- GAR Know – How on Investment Treaty Arbitration 2023 – contributed the India chapter.
- "What the SGCA's Ruling in Republic of India v. Deutsche Telekom means for Confidentiality of Arbitration Proceedings" in Young ITA Newsletter, Volume 4, Issue 4, Fall 2023.
- "Dissecting the Singapore High Court's Ruling Classifying Cryptocurrency as Debt" in Oxford Business Law Blog, January 2024.
- "Enforcing Unstamped Arbitration Agreements: Invoking Principles of Judicial Noninterference and Separability" in Lexology, December 2023
- "The Implication Of Tomorrow Sales On The Liability Of Third-Party Funders In India" in Mondaq, July 2023.
- "How bond and debenture trust related India disputes may now be resolved by arbitration?" in the Times of India, March 2023.
- "What The Singapore Court of Appeals Ruling in Westbridge Means for Transactions with Indian Parties?" in Mondaq, January 2023.
- "Recovering Foreign Award Debts in Insolvency Proceedings" in 2022 SCC OnLine Blog Exp 87.
- GAR Know – How on Investment Treaty Arbitration 2022 – contributed the India chapter.
- "Clarity on Enforceability of Foreign Emergency Awards in Singapore – What it means for Indian Parties?" in Mondaq, December 2022.
- "What Russia related economic sanctions mean for international arbitrations involving Indian parties?" in Lexology, August 2022.
- "How To Resolve Business Contract Disputes in India" in Mondaq,

July 2022.

- “International Outreach v Protectionism” at the IBA Webinar on Fundamentals of international business legal practice, February 2022.
- “Relevance and Role of Experts in Determination of Construction Disputes” at the SCL India Conference, December 2021.
- “ESG Disputes” at the YSIAC Conference, October 2021.
- “Emergency Arbitration” at Latham & Watkins and AFIA’s webinar, April 2021.
- “Diversity in International Arbitration” at CiArb’s Annual Manila Conference, November 2020.