



Kingshuk Banerjee

Partner

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Practices:

Dispute Resolution

Education:

BLS., LL.B., Government Law College,
Mumbai (2009)

Professional Affiliations:

Bar Council of Maharashtra & Goa
Bombay Incorporated Law Society
Bombay Bar Association
International Bar Association (IBA)
Commercial Bar Association
(COMBAR)
Association of International
Petroleum Negotiators (AIPN)

Sectors:

Construction
Energy
Financial Services
Food, Beverages & Drugs
Gaming
Information technology
International Trade
Insurance
Retail
Real Estate
Shipping
Travel & Tourism

Kingshuk is a Partner in the Dispute Resolution practice group in the Mumbai office. He is a qualified Solicitor registered with the Bombay Incorporated Law Society. With over a decade in the profession, Kingshuk specializes in a variety of commercial and contractual disputes. He has led and appeared in arbitrations administered under the rules of SIAC, ICC, LCIA, SCMA, WIPO as well as ad-hoc arbitrations. Kingshuk also regularly appears in various courts and tribunals in India.

Kingshuk has represented clients in disputes arising out of M&A transactions, international/ domestic joint ventures, investor-promoter agreements, expert determinations, maritime disputes, construction contracts, recovery of debts, intellectual property rights, insurance claims and real estate development and transactions.

Representative Matters:

In his areas of expertise, Kingshuk has advised and represented clients in:

International Arbitrations:

- **A Singapore seated international arbitration administered by and under the rules of SIAC:** The client is a Singapore based group in the financial services sector. The dispute arose out of an investment agreement entered with a Hong Kong registered entity promoted by two Indian residents. The main hearing, which was conducted remotely, concluded recently and an award is awaited.
- **A Singapore seated international arbitration administered by SIAC under the LCIA Rules:** The client is an Indian entity known for hydro mechanical equipment and turnkey solutions for hydropower and irrigation projects. The dispute related to an irrigation project in Rwanda. The substance of the dispute was governed by Rwandan law. Though LCIA Rules applied, SIAC administered the arbitration based on the parties' agreement. The main hearing, which was conducted remotely, concluded recently and an award is awaited.



- **A Singapore seated international arbitration administered by and under the rules of SIAC:** The client is the Insolvency Administrator of a German company in the financial services sector which is defending a claim filed by an Indian joint venture partner. The arbitration is currently pending.
- **A London seated international arbitration administered by and under the rules of LCIA:** The client is one of India's leading retail and fashion conglomerates and the counter party, a leading footwear manufacturer based out of North America. The dispute arose out of a Joint Venture Agreement between the parties and related to a contested expert determination process. The dispute was amicably settled in the course of the arbitration;
- **A Singapore seated international arbitration administered by and under the rules of SIAC:** The clients were founders and promoters of a manufacturer of packaging tapes. The dispute arose out of a share purchase agreement with the joint venture partner based in North America. The dispute related to the interpretation of "price adjustment" and "earn-out" clauses the agreement. The dispute was amicably resolved with the help of a mutually agreed expert determination process.
- **A Singapore seated international arbitration administered by and under the rules ICC:** The client was a high networth Indian Industrialist who was defending a claim filed by a SEBI registered foreign venture capital investor based out of Mauritius. The claim was successfully defended and ultimately dismissed by the Tribunal.

Proceedings under section 9 of the Arbitration & Conciliation before the Bombay High Court and other Indian courts:

- Representing a Malaysian entity active in the waste management sector. Reliefs sought and successfully obtained were in aid of an international arbitration seated in Singapore.
- Represented a leading Indian steel manufacturer in connection with disputes arising out of multiple cross border sales contract.
- Represented the owners of leading Shipping Company in disputes relating to recovery of debt from a Singapore based maritime contractor.
- Represented a Spanish pharma company in disputes against an Indian distributor. Applications for interim reliefs were successfully opposed.

Domestic arbitrations and related court litigations:

- **Currently representing a leading real estate developer in India**



in an arbitration against a joint venture partner, also a Mumbai based developer.

- **Representing a leading Mumbai based beverage manufacture** in arbitrations against franchisee partners and sub-contractors.
- **Representing the owner of leading chain of multiplexes** in an arbitration against a government owned insurance company. The dispute stems from a loss of revenue claim.
- **Proceedings under section 9 of the Arbitration & Conciliation Act 1996 before the Bombay High Court;** Represented a NBFC in proceedings which related to recovery of debt from a large Indian conglomerate. The dispute was successfully resolved pending the proceedings.
- **Acted for several Indian NBFCs**, both in arbitrations as well as interim proceedings before various Indian courts in aid of debt recovery and attachment of securities.

Others:

- Representing the owner of a leading chain of multiplexes in India in a writ petition before the Bombay High Court concerning an insurance matter.
- Representing corporates in the financial and real estate sector in writ petitions before various Indian courts relating to regulatory disputes.
- Representing a UK based multinational bank in recovery proceedings against an Indian Public Sector Undertaking and an insurance company.
- Several banks, financial institutions and debenture holders in debt recovery and enforcement proceedings;
- Several corporates in disputes arising out of construction contracts, pertaining to step-in rights, cost over-run claims, invocation of bank guarantees, quantification of liquidated damages and time extensions;
- Various large corporates and creditors before the National Company Law Tribunals in insolvency proceedings under the provisions of the Insolvency and Bankruptcy Code 2016;
- Advising various clients on claims arising out of force majeure clauses in commercial contracts.



Publications:

- 1. Does a Right to a Physical Hearing Exist in International Arbitration? The Indian position**
Co author: Ritvik Kulkarni
[Does a Right to a Physical Hearing Exist in International Arbitration? | ICCA \(arbitration-icca.org\)](https://www.icca-arbitration.org/)
- 2. Force Majeure Clauses and MAC clauses and 'outs' from commercial contracts**
Co-authors: Nikhil Narayanan and Zacarias Joseph
<http://114.143.193.164/ergo/ImpactofCovid19oncontractsOutsunderIndiancontactlaw.pdf>
- 3. No second go around for the same arbitration**
Co-author: Zacarias Joseph
<https://www.mondaq.com/india/Litigation-Mediation-Arbitration/902968/No-Second-Go-Around-For-The-Same-Arbitration-Bombay-High-Court>
- 4. Plea of Adverse Possession- A shield as well as a sword, clarifies Supreme Court of India**
Co-author: Radhika Gupta
<https://www.mondaq.com/india/trials-appeals-compensation/844224/plea-of-adverse-possession-a-shield-as-well-as-a-sword-clarifies-supreme-court>
- 5. Supreme Court Strikes Down Clause Mandating Payment of Deposit As Pre-Condition To Invoking Arbitration**
Co authors: Radhika Gupta and Preeti Sahai
<https://www.mondaq.com/india/Litigation-Mediation-Arbitration/796380/Supreme-Court-Strikes-Down-Clause-Mandating-Payment-Of-Deposit-As-Pre-Condition-To-Invoking-Arbitration>
- 6. Force majeure – simplified**
Published in the journal of Chambers of Tax Consultants – India
- 7. Reconsidering the Arbitrability of Tenancy Disputes in India**
Co-author – Ritvik Kulkarni
<https://www.barandbench.com/news/reconsidering-the-arbitrability-of-tenancy-disputes-in-india>
- 8. Insufficiently stamped agreements: can parties still seek interim relief in support of India-seated arbitrations?**
Co-author – Ritvik Kulkarni
<https://www.internationallawoffice.com/Newsletters/Arbitration-ADR/India/Khaitan-Co/Insufficiently-stamped-agreements-Can-parties-still-seek-interim-relief-in-support-of-India-seated-arbitrations>



Webinars:

1. What Indian Companies need to know about International arbitration?
[Link](#)
2. Managing Cost and Time in International Arbitration
[Link](#)
3. Top 10 issues in domestic arbitrations
[Link](#)
4. Virtual Courts in the Wake of COVID-19 – Practitioners' Perspectives
[Link](#)