



Kingshuk Banerjee

Partner

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Practice:

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, Media and Entertainment
Information technology
International Trade
Insurance
Retail
Real Estate
Shipping
Technology
Travel & Tourism

Kingshuk Banerjee is a Partner in the Dispute Resolution practice group in the Mumbai office. Kingshuk specialises in a variety of commercial and contractual disputes. He 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.

Kingshuk regularly appears in various Courts and Tribunals, including in domestic and international arbitrations. He has led and appeared in arbitrations administered under the rules of SIAC, ICC, LCIA, SCMA, WIPO as well as ad-hoc arbitrations.

Representative Matters:

In his area of expertise, Kingshuk has represented and advised the following clients:

International Arbitrations

- **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 relates to the alleged breach of certain representations and warranties and indemnity claims. The arbitration is currently pending;
- **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 arbitration is over. The arbitral award upholds all our clients' claims have been upheld;
- **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 arbitration is over. The arbitral award upholds most of our



clients' defenses and to that extent rejects substantial monetary claims made by the counter party;

- A **Singapore seated international arbitration administered by and under the rules of SIAC:** The clients is the Insolvency Administrator of two European entities in the financial services sector which are defending claims filed by an Indian joint venture partner. The arbitration is currently pending but based on jurisdictional objections raised on behalf of one of the entities, claims against that entity has been dismissed by SIAC;
- 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; and
- A **Singapore seated international arbitration administered by and under the rules ICC:** The client was a high-net-worth 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

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

Domestic Arbitrations and Court Litigations

- **Currently representing a leading real estate developer in India in an arbitration against** a joint venture partner, also a Mumbai based developer;
- A **leading Mumbai based beverage manufacture** in arbitrations against franchisee partners and sub-contractors;
- 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;
- An NBFC in proceedings which related to recovery of debt from a large Indian conglomerate. The dispute was successfully resolved pending the proceedings; and



- Several Indian NBFCs in arbitrations as well as interim proceedings before various Indian courts in aid of debt recovery and attachment of securities.

Others

- The **owner of a leading chain of multiplexes** in India in a writ petition before the Bombay High Court concerning an insurance matter;
- A **leading real estate developer** in a writ petition filed before the Bombay High Court against a local municipal water supplying authority;
- A **client** in a writ petition filed against the Collector and Administrator of Daman impugning actions taken under the Daman Land Revenue Code;
- **Several Corporates** in the financial and real estate sector in writ petitions before various Indian courts relating to regulatory disputes;
- A **UK based multinational bank** in recovery proceedings against an Indian Public Sector Undertaking and an insurance company;
- Various **financial creditors and resolution applicants** before the National Company Law Tribunals in insolvency proceedings under the provisions of the Insolvency and Bankruptcy Code 2016; and
- Various **clients** on claims arising out of force majeure clauses in commercial contracts.

Publications and Presentations:

Kingshuk has authored the following contributions:

- **"Non-arbitrable disputes - the Law in India"** - <https://www.ibanet.org/nonarbdisputesindia> (May 2021 year);
- **"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) (January 2021);
- **"Force majeure - simplified"** published in the journal of Chambers of Tax Consultants - India (September 2020);
- **"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> (July 2020);
- **"No second go around for the same arbitration"** Co-author: Zacarias Joseph published by Mondaq (March 2020);
- **"Insufficiently stamped agreements: can parties still seek interim relief in support of India-seated arbitrations?"** Co-author - Ritvik Kulkarni published by Lexology (February 2020);



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Advocates since 1911

- **"Plea of Adverse Possession- A shield as well as a sword, clarifies Supreme Court of India"** Co-author: Radhika Gupta published by Mondaq (September 2019);
- **"Supreme Court Strikes Down Clause Mandating Payment of Deposit As Pre-Condition To Invoking Arbitration"** Co authors: Radhika Gupta and Preeti Sahai published by Mondaq (April 2019); and
- **"Reconsidering the Arbitrability of Tenancy Disputes in India"** - Co-author - Ritvik Kulkarni published by Bar & Bench (April 2019).