



Abhisar Bairagi

Partner

DELHI NCR

Max Towers 7th & 8th Floors Sector 16B, Noida, Delhi NCR

M: + 91 88260 60996

E: Abhisar.bairagi@khaitanco.com

Practice/s

Arbitration & Dispute Resolution
Infrastructure, Construction, Transportation, Logistics, Freight & Warehousing, Mining, Energy & Natural Resources, E-Commerce & Consumer Protection

Education

B.A.LL.B (Hons), The WB National University of Juridical Sciences, Kolkata (2011)

Professional Affiliation/s

Bar Council of Delhi

Abhisar is a Partner in the Dispute Resolution Practice Group with the Firm's Delhi office. Abhisar practices corporate and commercial litigation and arbitration across a wide range of sectors with special focus on Infrastructure, Construction, Logistics, Freight & Warehousing, Mining, Energy & Natural Resources, Transportation and E-commerce & Consumer Protection. She regularly represents both Indian and international clients on complex domestic and cross-border disputes across various forums, including the Indian Supreme Court, various High Courts and tribunals, as well as in ad hoc and institutional arbitrations under the aegis of institutions such as the ICC, SIAC, DIAC, HKIAC, and MCIA. Besides oral advocacy, Abhisar also routinely engages in pre-dispute advisory and represents her Clients in mediations and conciliations. She also serves as an expert member on various Internal Complaints Committees (IC) under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

REPRESENTATIVE MATTERS

In her areas of expertise, Abhisar has advised and represented several prominent clients including:

- **GAIL (India) Limited** before the Supreme Court of India in an Arbitration matter where the court held in favour of the client and laid down the principles of law relating to Sections 12, 13 and 14 read with the 5th and 7th Schedule of the Arbitration and Conciliation Act, 1996 post amendment in 2015;
- **Macquarie Group** in a SIAC arbitration against an international road toll operator company;
- **Siemens Gamesa** in five connected ICC arbitration proceedings on disputes emanating from EPC contracts for setting up of solar wind parks;
- **Ashoka Concessions** in a SIAC arbitration to resolve disputes in relation to indemnity claims under a Share Purchase Agreement;
- **Samsung Heavy Industries (India) Limited** in a dispute with an MSME entity in relation to charter hiring of vessels;

- **Gateway Distriparks Limited** in arbitration proceeding arising out of an agreement to operate & maintain a Container Freight Station Facility;
- **Ashoka Buildcon** in a dispute with a Bangladesh entity arising out of a road construction concession;
- **Phillips India Limited** in multiple arbitration proceedings against the State Government arising out of agreements for sale of medical equipment;
- **Swiss Singapore Limited** in an arbitration proceeding arising out of an agreement to import and transfer coal;
- **Essel Infraprojects** in a Public Interest Litigation before the Supreme Court of India in relation to a road concession projects;
- **Container Corporation India Limited** before the National Green Tribunal in various matters concerning government policies on curbing pollution in Delhi;
- **Adani Mining Private Limited** and its subsidiaries/group companies in various disputes arising out of coal mining and development agreements;
- **Inox Wind Limited** on various disputes arising out of engineering procurement and construction contracts for setting up of wind farms; and
- **GE T&D India Limited** in various contractual disputes related to setting up/functioning of electrical substations.

PUBLICATIONS AND PRESENTATIONS

Abhisar has authored the following contributions:

- **Panel Paradox: A Closer Look at Arbitrator Appointments from Interested Party Panels.** [SCC Online] [August 2024];
- **Procedural Flexibility vs Substantive Rigidity: Insights on Derogable Provisions in International Commercial Arbitration** [Published by Bar and Bench] [March 2025];
- **Future of Arbitration in India: Decoding the Draft Arbitration and Conciliation (Amendment) Bill, 2024.** [SSC Online] [December 2024];
- **The Supreme Court Holds That A Person Who Has An Interest In The Outcome Of The Dispute To Not Have The Power To Appoint A Sole Arbitrator** [Mondaq] [December, 2019];
- **Resolving Jurisdictional Debate: Supreme Court's Ruling on Section 29A of the Arbitration and Conciliation Act, 1996.** [Lexology] [September 2024];

- **Navigating Section 29A:** Supreme Court Clarifies Timing for Extension Applications, Yet Post-Award Uncertainty Remains [Lexology] [November 2024];
- **The Appointment Tug-of-War:** Exploring the Overlap Between MSMED Act 2006 and Arbitration & Conciliation Act 1996 [Lexology] [April 2025];
- **Avoiding A Non-est Filing:** A Look At Common Filing Pitfalls Under Section 34 Of The Arbitration & Conciliation Act [Mondaq] [April 2025];
- **Navigating MSME Law in 2024:** Key Judicial Pronouncements. [SCC Online] [January 2025];
- **Supreme Court Clarifies Scope Of Challenge To The Arbitral Tribunal Under The Arbitration And Conciliation Act, 1996 Post 2015 Amendment** [Mondaq] [September 2017];
- **Judicial Developments under the MSMED Act:** A Quarterly Digest (January-March 2025) [SCC Online] [April 2025];
- **MSME Arbitrations and the Seat of Arbitration:** A Contest between Party Autonomy and Legislative Prescription [SCC Online] [June 2025];
- **MSME Quarterly Digest:** April-June 2025 [SCC Online] [August 2025];
- **Key Verdicts Shaping India's Arbitration Law** [KCO Compass] [May 2025];
- **Supreme Court** upholds the levy of transit fee on forest produce under Indian forest act, 1927- minerals also [Lexology] [October 2017];
- **Supreme Court** upholds the constitutionality of Aadhaar albeit conditionally [Lexology] [October 2018];
- **The Supreme Court** holds that an Employee cannot be Denied the Right to Receive better of the available Benefit [Lexology] [May 2020]; and
- **The Evolution of Laws Around the Practice of Surrogacy and Assisted Reproductive Technology** [Lexology] [December 2022].