



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 LCIA, SIAC, ICC, SCMA, WIPO as well as ad-hoc arbitrations.

Kingshuk has represented clients in disputes arising out of M&A transactions, international/ domestic joint ventures, investor-promoter agreements, expert valuations, 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:

- **One of India's leading retail and fashion conglomerates** on an LCIA administered arbitration in London pertaining to a dispute with the joint venture partners based in Europe and North America. The dispute was recently resolved;
- **The founders and promoters of a manufacturer of BOPP packaging tapes** on a SIAC administered arbitration in Singapore pertaining to a dispute arising out of a share purchase agreement with the joint venture partner based in North America, on the interpretation of "price adjustment" and "earn-out" clauses the agreement. The dispute was recently resolved;
- **A Singapore based group engaged in the business of trading, import and export**, on a dispute arising out of an investment agreement entered with a Hong Kong registered entity promoted by an Indian resident;
- **A leading Indian steel manufacturer** in a cross-border dispute with entities based on Russia, Hong Kong and Switzerland.



- **A leading Indian corporate house in the textile sector** on a dispute pertaining to the enforcement of pre-emption rights arising out of a shareholders' agreement with a German joint venture partner. The legal proceedings included commencement of an anti-arbitration action at the Bombay High Court and the dispute was ultimately resolved in the early stages of the arbitration in Dubai (ICC administered arbitration);
- **A high networth Indian Industrialist** on an ICC administered arbitration arising out of a dispute pertaining to the enforcement of an exit clause (put option), with a SEBI registered foreign venture capital investor based out of Mauritius; and
- **One of India's leading provider of diving and bulk carrier services** on an SCMA administered arbitration pertaining to a dispute with a Singapore based group rendering services in the offshore oil and gas sector.

Others:

- **One of India's largest conglomerates** in an arbitration arising out of a real estate transaction with a Mumbai based developer.
- Several Indian corporates in disputes arising out of **Insurance claims including business continuity and loss of profit claims in the wake of Covid-19.**
- **A Singapore headquartered multinational bank** on the enforcement of foreign awards in India against an Indian counter party;
- **The founders and promoters of India's leading online poker gaming portal** on a domain name dispute leading to an arbitration under the aegis of WIPO;
- **Several corporates** on 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;
- **Several banks, financial institutions and debenture holders** in debt recovery and enforcement proceedings;
- **Various large corporates** before the National Company Law Tribunals on insolvency actions under the provisions of the Insolvency and Bankruptcy Code 2016;
- **Various Indian corporates/ multinationals** on proceedings to enforce and/or defend intellectual property rights, including trademark, copyright and patents; and
- **Various Mumbai based real estate developers** on commercial and other regulatory disputes.



Publications:

1. **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>
2. **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>
3. **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>
4. **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>
5. **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>
6. **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>
7. **Force majeure – simplified**
Published in the journal of Chambers of Tax Consultants - India