



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
Commercial Bar Association
(COMBAR)
International Council for
Commercial Arbitration (ICCA)

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 acts for and advises clients in a variety of commercial, corporate and contractual disputes. He has represented clients in disputes arising out of M&A transactions, shareholders' agreements, international joint ventures, foreign private investments, recovery of debts, insurance claims, maritime claims, construction contracts and real estate transactions.

Kingshuk primarily focusses on arbitrations and related proceedings in Indian and foreign courts. He regularly appears before domestic and international arbitration tribunals. He has led and appeared in arbitrations administered under the rules of SIAC, ICC, LCIA, SCMA, WIPO as well as ad-hoc arbitrations.

Kingshuk is recognized as a leading arbitration practitioner. He has received the Lexology Client Choice Award for his arbitration practice in 2021 and 2022. He is also ranked and recommended by Chambers & Partners, Legal 500 and Benchmark Litigation.

Representative Matters

In his area of practice expertise, Kingshuk has represented and advised several prominent clients which include:

International Arbitrations

- A Singapore seated international arbitration administered by and under the rules of SIAC: The clients were founders and promoters of India's leading manufacturer of industrial packaging tapes. The dispute arose out of a share purchase agreement under which the business was sold to a competing entity 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 concluded successfully with a favourable award for the clients which is pending enforcement;
- 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

Recognitions & Accomplishments:

- Winner of the 2021 and 2022 Lexology Client Choice Awards for Arbitration and ADR in India - October 2021 and 2022
- Ranked in two consecutive years by Chambers & Partners for arbitration and dispute resolution (2021 and 2022)
- Ranked "Future Star" by Benchmark Litigation - May 2021 and 2022
- Recommended lawyer by Legal 500 for arbitration and dispute resolution (2021)

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 concluded successfully with a favourable award for the clients;

- 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;
- 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;
- An **India seated ad-hoc international arbitration:** The client is one of the leading shipping companies in Singapore. The dispute relates to a joint venture agreement between the client and an Indian entity, also well known in the shipping industry; and
- An **India seated ad-hoc international arbitration:** The client is a French luxury fashion house who is defending a claim in arbitration on the ground of the Tribunal's lack of jurisdiction.

Arbitration related Court litigations

- An **NBFC** of India's leading motor vehicles manufacturer who are primarily lend to dealers and lenders of motor vehicles;
- 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;
- A **Spanish pharma company** in disputes against an Indian distributor. Applications for interim reliefs were successfully opposed;
- A **French fashion house** in disputes arising out of a franchisee agreement; and
- A **Singaporean shipping company** in disputes arising out of a joint venture.

Domestic arbitrations

- 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;
- A Baroda based manufacturer of cryogenic tanks in an arbitration against a Public Sector Undertaking;
- 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.

Other litigations

- Representing two DeBeers Group entities in an ongoing litigation in Surat;
- Successfully represented Invesco Developing Markets Fund in a litigation against Zee Entertainment Enterprises Limited before the Bombay High Court. The litigation concluded with Bombay High Court's landmark decision settling vexed questions of Indian company law;
- Representing D-vois group in a shareholder dispute before the National Company Law Tribunal;
- The owner of a leading chain of multiplexes in India in a writ petition before the Bombay High Court concerning an insurance matter. The petition was disposed of at the first hearing with the counter party agreeing to comply with the reliefs sought;
- A leading real estate developer in a writ petition filed before the Bombay High Court against a local municipal water supplying authority. interim reliefs were secured on the first day of hearing. The dispute was ultimately amicably resolved;
- A client in a writ petition filed against the Collector and Administrator of Daman impugning actions taken under the Daman Land Revenue Code. interim reliefs were secured on the first day of hearing. The petition was subsequently disposed of with the key impugned notices and orders set aside unopposed;
- 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; and
- 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;

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 Clauses and MAC clauses and 'outs' from commercial contracts"** Co-authors: Nikhil Narayanan and Zacarias Joseph - [http://114.143.193.164/ergo/ImpactofCovid19oncontractsOutsunderIndiancontactlaw.pdf_\(July 2020\)](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);
- **"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);
- **"Force majeure - simplified"** published in the journal of Chambers of Tax Consultants - India (September 2020);
- **"Reconsidering the Arbitrability of Tenancy Disputes in India"** - Co-author - Ritvik Kulkarni published by Bar & Bench (April 2019);
- **"Insufficiently stamped agreements: can parties still seek interim relief in support of India-seated arbitrations?"** Co-author - Ritvik Kulkarni published by Lexology (February 2020);