



## **Sumeet Kachwaha**

### **Lawyer Arbitrator**

#### **Overview**

Sumeet Kachwaha has more than 30 years experience practicing as a lawyer specialising in corporate and commercial law, arbitration and dispute resolution. He is Vice President of the Asia Pacific Regional Arbitration Group (APRAG), a Former Chair of the Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association (IPBA), a Member of the Advisory Board of the Kuala Lumpur Regional Centre for Arbitration (KLRCA) and a Member of the IBA Arbitration Sub Committee on the implementation and application of the New York Convention by National Courts and Legislatures.

Sumeet is highly regarded in relation to litigation, arbitration and dispute resolution. Landmark cases include the Union Carbide Bhopal gas leak case which at the time was the largest damages action in the world.

Sumeet is a panel Arbitrator at the Singapore International Arbitration Centre, the Hong Kong International Arbitration Centre, the Kuala Lumpur Regional Centre for Arbitration and the Indian Council of Arbitration.

#### **Languages**

English & Hindi

#### **Testimonials :**

Summeet Kachwaha figures as a Band One lawyer in the Litigation and Arbitration Sections of the ***Chambers Asia 2009, 2010, 2011 & 2012.***

'Senior partner Sumeet Kachwaha is a standout name in both litigation and arbitration, and one interviewee reveals that 'he is my first port of call for Indian legal issues'

***Chambers Asia 2012 - Dispute Resolution Section***

'Sumeet Kachwaha is a prominent figure who is well known as counsel for both litigation and arbitration matters'

***Chambers Asia 2011- Dispute Resolution Section***

'Sumeet Kachwaha enjoys an excellent reputation for his arbitration skills.'

***Chambers Asia 2011- Dispute Resolution Section***

Sumeet Kachwaha figures in the Who's Who Legal in two Sections viz; Construction and Arbitration.

The 2010 & 2011 Editorial Section of **Who's Who Legal** (Construction) states: "In India, Sumeet Kachwaha of Kachwaha & Partners is 'very personable' and 'gives very clear advice'. He specialises in issues related to infrastructure projects'

Sumeet Kachwaha is renowned for his broad expertise in commercial litigation and arbitration

***Asia Pacific Legal 500, 2010 Edition - Dispute Resolution Section***

Sumeet Kachwaha figures as a "Leading Individual" in ***Asia Pacific Legal 500 for Dispute Resolution***

Sumeet Kachwaha is recommended for his command of the law and utmost integrity ...One can trust him with anything.

***Chambers Global 2008 - Dispute Resolution Section***

**Professional Experience:**

**1. Corporate Commercial Experience :**

- Handling work for the Ford Foundation for the past many years in relation to several multi-million dollar loan agreements with Indian parties (micro financing).
- Advised Siemens AG, Germany in relation to two procurement projects viz Delhi Airport Express Metro Link Project and Electric Locomotive Factory at Madhepura and currently advising a major US company on procurement laws and policies of India.

- Advised and drafted contracts for two solar power companies for small solar power projects in the State of Gujarat and Maharashtra (2010).
- Handled the entire telecom work for the RPG Group upon the privatisation of the sector (1994 to 2000). This included all legal documentation relating to basic licence, cellular licence, paging licence and other telecom ventures.
- Involved in all documentation work for the Dabhol Power Project Phase II and LNG Project of Enron. Also advised Bechtel (the largest construction company in the world) as part of this project.
- Handled entire legal work in relation to the Venkatesh Coke and Power Project Plant near Chennai and drafted all agreements in relation to the project.
- Advised and drafted EPC Contracts, JV Agreements, Technology Transfer Agreements, contracts and commercial arrangements.
- Recently closed a JV Agreement between an Austrian Company and a large Indian Business Group for setting up a plant in Maharashtra. Involved with complete documentation on behalf of the 50% Indian JV Partners.

## **2. Arbitration Experience :**

- Represented an Indian major against a US multinational in an action for damages on the ground of fundamental failure of technology in a steel plant supplied. This was ultimately settled.
- Arbitration claim of USD 1.1 billion filed by an Indian power company against a US company. Represented the US company and the matter was settled within two years.
- Handled arbitration on behalf of Bechtel of USA in the Dabhol Power Project (arising out of a sub-contract). Published award rendered.

- Represented a US major fertilizer company (Con Agra) in three arbitrations against Indian Government Companies (trade disputes) Published award rendered.
- Handled over 18 arbitrations on behalf of an Engineering company established by the Government of India relating to housing construction projects in Kuwait (disputes settled).
- Handled several arbitrations in London including under the GAFTA Rules, ICC Rules and LCIA Rules for various clients.
- Handled arbitration arising out of the first BOT road construction project in India, before a tribunal comprising of 3 former Chief Justices of India (claim 4 Million USD).
- Currently handling enforcement of a foreign award rendered by the London Court of International Arbitration on behalf of a French Telecom Company (Alcatel) for an amount of over USD 25 million.
- Currently handling an arbitration on behalf of a Malaysian Construction Company arising out of a road construction project where claim amounts exceed USD 40 Million.
- Currently handling an arbitration before a former Chief Justice of India on behalf of the State of Madhya Pradesh arising out of computerization of State Agricultural Marketing Board operations where claim amount is in excess of USD 20 Million.
- Currently handling an ICC arbitration on behalf of a Korean Company arising out of an oil refinery project where claim amount is in excess of USD 2 Million.
- Currently handling an international arbitration before a three member international tribunal concerning a dispute between a Korean and an Indian corporation (breach of contract). Dispute amount, over Rs. 200 crore).
- Currently handling an over US\$ 78 million ICC arbitration against a Government PSU (non-supply of goods).

- Sumeet has been appointed as Sole Arbitrator not only by nominating parties but by the High Court of Delhi.

### **3. Litigation Experience :**

- Union Carbide Case - this was one of the largest damages case ever in the world. The case was litigated for about 2 years in the United States - right from the District Court to the Supreme Court of the USA and thereafter in India for many years. Worked directly under the team leader, Mr. F.S. Nariman.
- Represented DLF (land development company) in several important matters including successfully resisting cancellation of licence for DLF Phase I (a housing colony spread over approximately 2000 acres). Also represented DLF in relation to its Bangalore Project (400 acre land development project). Represented them in the Supreme Court in Raghbir Singh Case (Constitution Bench Land Acquisition Compensation case).
- Oleum Gas Leak Case of Delhi (in 1985) on behalf of the Sri Ram Group of Companies. This involved over 5000 individual suits arising out of an industrial accident, which were ultimately settled by the Supreme Court of India. This was again a landmark case where the Supreme Court laid down very significant principles of environmental law and liability.
- Handled dispute on behalf of Haldor Topsoe (Denmark) before the Competition Commission against a German Manufacturer (predatory pricing action).
- Handled a cross-border dispute on behalf of a major oil company (Exxon Mobil) in the Indian and Singapore Courts. Gave expert opinion in the Singapore Court of Appeal (highest Court of Singapore) on Indian law.
- Represented three successful licensees of telecom mobile licenses in a challenge to allotment. This is a leading case argued before the High Court as well as Supreme Court of India.
- Represented a Municipal Authority in a Procurement dispute in the Supreme Court of India pertaining to construction railway over bridges.

- Currently representing a leading Korean Engineering & Construction Company in a matter arising out of collapse of a Cable Stayed Bridge, in which 48 persons lost their lives.

**Publications:**

- "Airport Projects in India: Cleared for take-off"; published by Construction Law International Journal, Volume 3 Number 1 (March 2008).
- Enforcement of Arbitration Awards in India; published by Asian International Arbitration Journal, (2008) Volume 4, Number 1, [Pages 64-82].
- The Indian Arbitration Law: Towards a New Jurisprudence; published by Sweet & Maxwell: The International Arbitration Law Review, (2007) Int A.L.R. 13.
- Risk Allocation - Green Field Airports in India - published by The Big Project - (Dubai) (2007).
- Arbitration Law of India - A Critical Analysis; published by Kluwer: Asia International Arbitration Journal, Volume 1, Number 2, [Pages 105-126] 2005.
- Contributing to Annual India Country Reports on Legal Rights of Borrowers & Lenders for the World Bank since 2005.

**Memberships:**

- Fellow of the Singapore Institute of Arbitrators
- Member of the London Court of International Arbitration
- Member of the Swiss Arbitration Association
- Member of the International Arbitration Club (U.K)
- Member of the Supreme Court Bar Association
- Member of the International Bar Association
- Member of the Inter Pacific Bar Association

## List of Recent Conferences

- **2012:** Panelist, IBA Annual Conference in Dublin on 'Airport capacity and the modern infrastructure changes'.
- **2012:** Speaker, Kuala Lumpur Regional Centre for Arbitration on 'Effective Dispute Resolution: A Malaysian & Indian Perspective'.
- **2012:** Speaker, Centre for International Legal Studies Symposium on International Arbitration, Salzburg.
- **2011:** Panelist, IBA Annual Conference in Dubai on 'Anti-corruption Measures in Infrastructure Projects : Moving from Preaching to Practice.'
- **2011:** Speaker, Institute of Chartered Accountants of India; Certificate Course on Arbitration Act New Delhi.
- **2011:** Speaker, APRAG Conference in Kuala Lumpur on 'The Supervisory Jurisdiction of Courts in the Asia Pacific Region.'
- **2011:** Speaker ICC fraudnet conference in Hong Kong on 'Fraud and malpractice- A South East Asian Perspective'.
- **2010:** Panelist AIJA seminar in Mumbai on 'Enforcement of foreign arbitral awards in India; what is the situation today?'
- **2010:** Speaker International, Dispute Resolution Conference in Kuala Lumpur on 'Pitfalls & Remedies in International Arbitration: Country Perspective'.
- **2010:** Panelist IPBA Annual Conference in Singapore on Cross Border Multinational Liability for Mass Torts.
- **2010:** Panelist IPBA Annual Conference in Singapore in Joint Session with SIAC on arbitrations in East Asia.
- **2010:** Speaker CPR Annual Conference in New York on Arbitrations in India.

- **2009:** Speaker IBA Annual Conference, in Madrid on Nuclear Power Projects – ('Indian Experience on Nuclear Commerce and Liability Issues').
- **2008:** Speaker; IPBA Annual Conference in Los Angeles on Expediting Dispute Resolution in the Construction Industry.
- **2007:** Speaker; Asia Maritime Law Conference organized by the Maritime Law Association of Singapore on "Duty of Good Faith" in marine insurance.
- **2007:** Speaker; IPBA Annual Conference in Beijing on Airport Privatisation in India
- **2007:** Moderator; IPBA Annual Conference in Beijing – Panel Discussion on Dispute Resolution in Beijing & London Olympics.

**Contact E:** [resolve@resolveuk.co.uk](mailto:resolve@resolveuk.co.uk) **M:** 07986 550969 **W:** [www.resolveuk.co.uk](http://www.resolveuk.co.uk)