

## SURJENDU SANKAR DAS

*Advocate-on-Record, Supreme Court of India*

- *Standing Counsel for the State of Goa*
- *Standing Counsel for Andaman & Nicobar Administration*
- *Panel Advocate for GAIL (India) Ltd.*
- *Panel Advocate for CGEWHO*
- *Panel Advocate for Central Warehousing Corporation*
- *Panel Advocate for Goa Shipyard Ltd.*
- *Counsel for BHEL*

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**Qualification:** B.Sc. LLB (Hons.), National University of Juridical Sciences, Kolkata (NUJS, 2008)

**Practice Area:** Litigation; Domestic and International Commercial Arbitrations; Conciliation and Mediation

**Industry/Sector:** Oil & Gas; Construction/Engineering; Corporate (joint venture, shareholder, partnership disputes); Power projects disputes; Telecom project disputes; Mining

**Membership:**

- Bar Council of Delhi (D/889/2008)
- Supreme Court Bar Association
- Delhi High Court Bar Association
- Supreme Court Advocate-on-Record Association
- Bar Association of India
- Core Member of YMG, Chartered Institute of Arbitrators (CIArb)
- Member of Steering Committee of Young MCIA, Mumbai

### *Experience:*

Surjendu practices law in Delhi as Advocate-on-Record (AOR) of the Supreme Court of India. He successfully handled numerous cases before the Supreme Court, various High Courts, Trial Courts and Tribunals. He successfully handled several complex international, domestic arbitrations and challenge / enforcement proceedings. He has represented wide range of Indian and foreign clients both in litigation and arbitration.

Surjendu is a former Dispute Resolution Partner of Shardul Amarchand Mangaldas & Co., New Delhi.

### *Specialisation:*

**Litigation:** Successfully handled cases before the Supreme Court of India; High Court of Delhi, Punjab & Haryana, Allahabad, Ahmedabad, Bombay, Nagpur Bench, Goa Bench, Kerala, Andhra Pradesh, Calcutta; High Court of Singapore; Trial Courts in India, NCLT/NCLAT, NCDRC, Appellate Tribunal for Electricity, Central Information Commission.

**Arbitration:** Successfully handled several international and domestic arbitrations in relation to shareholders' disputes, power projects disputes, telecom project disputes, supply contract disputes in *ad hoc* arbitrations and institutional arbitrations before International Chamber of Commerce (ICC), Singapore International Arbitration Centre (SIAC), International Centre for Alternative Dispute Resolution (ICADR).

### *Notable matters:*

#### INTERNATIONAL COMMERCIAL ARBITRATION AND RELATED LITIGATION:

- Represented Partnership Firm (India) in Singapore seated SIAC Arbitration against global pipe manufacturer (Germany)
- Represented Maharatna CPSE in a London seated ICC Arbitration and High Courts and District Court in relation to disputes on Power Project in Kurdistan against Company based in Jordan.
- Represented Maharatna CPSE in International Commercial Arbitration in India against Oman based company in relation to disputes on Power Project in Oman.
- Represented Navratna CPSE under Ministry of Mines in *ad hoc* arbitration and Delhi High Court proceedings against US based Company.
- Represented Navratna CPSE under Ministry of Mines in *ad hoc* arbitration against UK based Company.
- Represented Maharatna CPSE in ICADR arbitration and related High Court proceedings against US based Company in relation to supply contract disputes.
- Represented State PSE in Singapore seated SIAC Arbitration against foreign company.
- Represented UK based company in ICC Arbitration and High Court proceedings in dispute with its Indian joint venture partner relating to construction of an exhibition center in India.
- Represented a Defence Engineering Company in India in SIAC arbitration and Singapore High Court and related proceedings before the High Court and District Courts under supply contracts for ships.
- Represented Telecom Company based in USA in ICADR arbitration and High Court against telecom PSU in relation to disputes under turnkey contract for planning, installation, commissioning of telecom network in Delhi.

- Represented Mauritius based PE Company in enforcement of award proceedings before the High Courts.
- Represented Mauritius based Company in enforcement of foreign arbitral award in India.

#### DOMESTIC ARBITRATION AND RELATED LITIGATION:

- Represented Maharatna CPSE in *ad hoc* arbitration in relation to supply/purchase contract disputes against contractor. Successfully defended the claims over Rs. 88 crores.
- Represented MNC before the Delhi High Court and in ICC arbitration in relation to disputes on railway construction project.
- Represented Telecom MNC in *ad hoc* arbitration in India against telecom PSU in relation to disputes under turnkey contract for planning, installation, commissioning of telecom network in Southern Circles.
- Represented MNC before the Delhi High Court and District Court in proceedings on challenge to an arbitral award.
- Represented Shipping Company (CPSE) under the Ministry of Defence before the Bombay High Court, Goa Bench in Appeals pursuant to several arbitral awards.
- Represented Oil & Gas Company against Government of India in an *ad hoc* arbitration.
- Represented a Private Company before District Court and Ahmedabad High Court in enforcement of arbitral award proceedings against State PSE.

#### COMMERCIAL LITIGATION:

- Represented Maharatna CPSE before the Delhi High Court in relation to disputes in tender for HDVC Bipole link between Western and Southern region.
- Represented MNC before the Delhi High Court in disputes under supply and construction contract.
- Advised Company in sugar industry in relation to disputes under derivate contracts before the Supreme Court, High Courts, DRT.
- Represented Italian Multinational Oil and Gas Company on litigation before the Supreme Court on Securities laws especially SEBI Takeover Regulations.
- Represented Receiver appointed in US Courts before the Trial Court and High Court in civil action.
- Represented Korean Company before the Civil Court in India in relation to supply contract disputes.
- Represented real estate Company before the High Court of Punjab & Haryana in relation to property tax and municipal law disputes.
- Represented power generating State PSE before the APTEL in relation to disputes on electricity tariff disputes.
- Represented a Private University before the Supreme Court in relation to land acquisition disputes.
- Representing a Mining Company before the Supreme Court and Orissa High Court.

### *Publications and Training:*

- Authored Chapter on “*The journey of section 11 of the Arbitration and Conciliation Act, 1996*” in the book “Commercial Arbitration – International Trends and Practices” Thomson Reuters, 2021
- Article on “*An Analytical Approach on raison d’être for Allowing Enforcement of a Foreign Award by the Supreme Court of India in Vijay Karia and Others vs. Prysmain Cavi E Sistemi SRL & Others, 2020 SCC Online SC 177*” in The Paris Journal of International Arbitration”, 2020
- “*Supreme Court holds that stamp duty is not necessary for enforcement of foreign awards in India*”, 21 September 2018, Mondaq ([www.mondaq.com](http://www.mondaq.com))
- “*Delhi High Court holds that limitation period for filing application for appointment of arbitrator under Section 11 cannot be extended by issuing a second/fresh notice invoking arbitration*”, 14 August 2018, Mondaq ([www.mondaq.com](http://www.mondaq.com))
- “*Supreme Court states that there is no bar to plea of jurisdiction being raised in objection under Section 34 of the Arbitration Act even if the same was not raised under Section 16*”, 12 April 2018, Mondaq ([www.mondaq.com](http://www.mondaq.com)).
- “*Analysis of the Arbitration and Conciliation (Amendment) Bill, 2018*”, 13 March 2018 Mondaq ([www.mondaq.com](http://www.mondaq.com)).
- “*Supreme Court holds that enforcement of an Award through its execution can be filed anywhere in the country where such decree can be executed*”, 22 February 2018, Mondaq ([www.mondaq.com](http://www.mondaq.com)).
- “*Delhi High Court reiterates the scope of judicial interference and challenge under Sections 34 and 37 of the Arbitration Act*”, 2 February 2018, Mondaq ([www.mondaq.com](http://www.mondaq.com)).
- “*National Company Law Tribunal: A Paradigm Change in Corporate Law*”, Consolidated Commercial Digest, Vol. 15, Part 3, 1 Oct 2006.
- “*Medical Services and Consumer Protection*”, Consolidated Commercial Digest, Vol. 15, Part 2, 15 Sep 2006.
- Recognised as national contributor from India in Article titled “*Protecting Property Rights versus Enhancing Reliance on Contract: The case of the Good Faith Purchaser*” published by Amsterdam Law School Legal Studies Research Paper No. 2010-70 in Social Science Research Network.

- Speaker at training programs on Handling of Court Cases organized by National Academy of HRD in Mussoorie on 2-3 March 2022
- Speaker at training programs on Dispute Resolution in Contract Management organized by National Academy of HRD in Goa on 16-18 September 2021
- Panel speaker in the conference on “*National Seminar on Challenges & Management of Arbitration*” organized by SCOPE on 20-21 December 2019 in Delhi.
- Speaker at Arbitration and Mediation Advocacy training programs organized by GAADR and PACT in Delhi on 14 December 2019.
- Speaker at two day conference organized by National Arbitration Council in Kumarakom, Kerala in November 2019 on “*Effectiveness of Commercial Arbitration in India*”.
- Speaker at 1<sup>st</sup> National Conference organized by Young Bar Association of India on 15 November 2019 in Delhi on “*The Constitution of India: The Past, Present and Future*”.
- Speaker at two day conference organized by National Arbitration Council in Ooty in June 2019 on “*The Future of Arbitration – Challenges & Expectations*”.
- Panel speaker in the conference on “*ADR in India: Mapping the way forward*” organized by Jindal Global Law School and SAMCO on 2 March 2019.
- Speaker at two day conference organized by National Arbitration Council in Goa in September 2018 on “*Emerging Trends in Domestic and International Arbitration*”.
- Speaker at two day conference organized by National Arbitration Council in Kerala in May 2018 on “*Arbitration in India: Current Issues and Trends*”.
- Speaker in a Panel Discussions on “*Arbitration in IPR Disputes*” organised by CII and ICADR in Hyderabad on 28 April 2018.
- Conducted Training Programme on Arbitration at Military Engineering Services (MES) on 17-18 March 2018 organized by Society of Construction Law (SCL).
- Conducted training session on Arbitration at Dedicated Freight Corridor Corporation of India, Engineers India Limited, India Tourism Development Corporation of India, GAIL (India) Limited in September and November 2017.
- Speaker at two day conference organized by National Arbitration Council in Puri in November 2017 on “*Challenges in Domestic and International Arbitration*”.
- Panel speaker at 7<sup>th</sup> International Conference organized by the Society of Construction Law in Delhi in November 2017.

- Conducted training session on Arbitration for Chief Vigilance Officers of National Capital Region at Vigilance Study Circle Meet in September 2017.
  - Speaker at “*The Arbitration Weekend*” at the Centre for Advanced Research on Dispute Resolution Settlement (CARDS), NDSNLU, Visakhapatnam in September 2017.
  - Speaker at two day conference organized by National Arbitration Council in Goa in July 2017 on “*Arbitration: Past, Present and Future*”.
  - Guest Lecturer at Delhi University, KIIT Law School (Bhubaneshwar), Symbiosis Law School (Noida), National University of Juridical Sciences (Kolkata).
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