



## PRATEEK BAGARIA

### PARTNER

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## EXPERIENCE

Prateek is a partner at Singularity Legal. He holds an LL.M in International Disputes Settlement from MIDS, a course jointly organised by University of Geneva and Graduate Institute. He is licensed to plead before courts in India and Dubai International Financial Centre (DIFC).

He specialises in advising energy & resources, construction & infrastructure, shipping & trade companies and institutional investors in shareholder and joint venture disputes, operational disputes and sovereign disputes.

His range of experience includes advising clients in international arbitrations under various rules like ICC, SIAC, LCIA, DIAC, DIFC-LCIA, ICDR, FCC, LMAA, PCA, JAMS, CAS and UNCITRAL and in cross-border disputes before courts in Cayman Islands, India, Indonesia, Israel, Singapore, Switzerland, Turkey, Mauritius, United Arab Emirates, United Kingdom and United States of America; and in investment and tax treaty disputes.

He also acts as a strategic counsel in cross-border investments, joint venture and trade deals. He has a passion for advising on law governing radical technologies and businesses.

## COMMERCIAL DISPUTES

### Energy, Resources & Infrastructure

#### Arbitration

- Representing a Singaporean and an Indian company in an arbitration concerning breach of a consortium agreement for a rig conversion project against an Abu Dhabi shipyard (SIAC Rules, Singapore seated, Singapore law)
- Representing two Singaporean companies in an arbitration against their ex-managing director of the oil and gas division and his companies for breach of fiduciary duties and non-compete agreement (SIAC Rules, Singapore seated, Singapore law)
- Representing two Indian companies in an arbitration under a joint-venture agreement for construction of a thermal power plant against a Korean sovereign company (SIAC Rules, Singapore seated, Indian law)
- Representing an Indian company in an arbitration concerning the termination of a contract for the construction of an ethanol and power plant in Philippines against an Australian employer and a Filipino co-contractor (SIAC Rules, Singapore seated, English law)
- Advising an Indian company for its dispute against a Turkish employer relating to the construction of a circulating fluidized bed combustion boiler in Istanbul, Turkey (ICC Rules, Turkey seated, Turkish law)
- Advising a Singaporean company in its dispute with a Dubai-based company, arising out of non-payment of dues under a coal trading contract (SIAC Rules, Singapore seated, Singapore law)
- Advising a Turkish company in an arbitration concerning termination of a contract for renovation of highways in Kazakhstan against a Kazakh state-owned enterprise (SIAC Rules, Singapore seated, Kazakh law)
- Representing a Singaporean and an Indian company in an ad-hoc arbitration concerning termination of a contract for conversion of a mobile offshore drilling unit to a mobile offshore production unit, against an Indian state-owned enterprise (India seated, Indian law)
- Representing an Indian company against its project manager in an ad-hoc arbitration for refund of advances under a profit-sharing agreement (India seated, Indian law)
- Advising an Indian company in two ad-hoc arbitrations concerning termination of two contracts for construction of oil tankage platforms against an Indian state-owned enterprise (India seated, Indian law)

- Advising a global litigation funder for its investment in a dispute concerning the construction of an oil- & gas project in Saudi Arabia (ICC Rules, London seated, Saudi law)
- Assisting a South Korean petrochemical company in conducting an investigation with regards to its ongoing arbitration against an Indian oil and gas joint venture of three public sector undertakings (India seated, Indian law)
- Advising an Indian company in its dispute against an Indian state-owned oil & gas entity under an EPC contract for civil construction in Lucknow (India seated, Indian law)
- Advising an Indian company and its Italian subsidiary in their dispute against a Chinese and a Singaporean company under an agreement for the procurement of photo-voltaic modules (CIETAC Rules, China seated, Chinese law)
- Representing a global technology and innovations company in their dispute under a service agreement with a leading supplier of structural steel buildings in the Middle East (DIAC Rules, UAE seated, UAE law)
- Advising a South-Korean sovereign bank against an Indian oil and gas public sector undertaking in its dispute with respect to the wrongful invocation of a performance bank guarantee (Gujarat High Court, India)
- Representing an Indian company in an application for the appointment of an arbitrator in a dispute concerning termination of a contract for construction of an office space in Lucknow, against an Indian state-owned enterprise (Bombay High Court)
- Advising an Indian engineering company in a bank guarantee injunction litigation against a Turkish employer (Commercial Court, Istanbul Court)
- Advising an Indian oil and gas engineering company in its construction dispute and guarantee enforcement litigation against an Abu Dhabi shipyard (Abu Dhabi Courts)
- Advising two Singapore mining resource companies in a series of loan default litigations against Indian bank's Singapore and DIFC branch (Singapore High Court)

## Litigation

- Representing a Singaporean and an Indian company against an Indian oil and gas public sector undertaking in proceedings connected to an arbitration under a contract for conversion of a mobile offshore drilling unit to a mobile offshore production unit (Bombay High Court)
- Representing an insolvent Indian company in defending proceedings by an Indian oil and gas public sector undertaking seeking continuation of an ongoing arbitration and initiation of fresh proceedings (National Company Law Tribunal, Mumbai)
- Advising Singaporean companies in several civil and criminal disputes against local partners and coal mining and logistics company concerning fraud and diversion of business (Singapore High Court and Indonesian courts)
- Advising an Indian oil & gas company in its dispute against a Singaporean services company under an MWD services' agreement for non-payment of monies (Indian National Company Law Tribunal)
- Representing a Qatari HNI in an arbitration under a settlement agreement for relinquishing his shares in a multinational oil and gas enterprise against his Indian joint venture partner and a Cayman Islands group company (DIAC Rules, London seated, English law)
- Advising a UK-based risk capital fund in relation to its DIAC arbitration against Afghan borrowers for breach of a term loan agreement (DIAC Rules, DIFC seated, English law)
- Representing a private equity-backed master franchisee in 7 arbitrations against former franchisees of a multinational quick service restaurant chain (UNCITRAL Rules administered by ICDR, New York seated, Indian law, Liechtenstein law)
- Representing an Indian jewellery conglomerate in liquidation in an arbitration against an Australian jewellery conglomerate (SIAC Rules, Victoria seated, Australian law)
- Representing a Hong Kong-based private equity in an arbitration against an Indian conglomerate and its promoter, for securing exit in terms of the investment agreement (ICC Rules, Singapore seated, Indian law)
- Representing an Indian media company in an arbitration against a Hong Kong bank's private equity arm, for alleged misrepresentations and fraud under the investment agreement. (SIAC Rules, Singapore seated, Indian law)

## Private Equity and Finance

### Arbitration

- Representing a Finnish sovereign bank in an ad-hoc arbitration against an Indian real estate developer borrower, for default in re-payment of loans (FCC Rules, Helsinki seated, Finnish law)
- Representing an American private equity in an ad-hoc arbitration against an Indian real-estate developer, for breach of the condition subsequent in the investment agreement (India seated, Indian law)
- Representing an American private equity in an ad-hoc arbitration against an Indian publishing house, for securing exit in terms of the investment agreement (India seated, Indian law)
- Representing a Kuwaiti private equity in an ad-hoc arbitration against an Indian logistics company, for securing exit in terms of the investment agreement (India seated, Indian law)
- Representing a Mauritian private equity in an ad-hoc arbitration against an Indian retail conglomerate for violation of non-compete and exclusivity covenants under the investment agreement (India seated, Indian law)
- Representing a minority shareholder in a dispute against an Indian real estate developer and a private equity company involved in the development of a technology park, in an investigation for fraud and oppression (India seated, Indian law)
- Advising two Singaporean companies in a debt recovery proceeding by an Indian bank under a facility agreement (Singapore High Court)
- Representing a Mauritian fund in a litigation against LPs in a mismanagement action and other regulatory enquires (Supreme Court of Mauritius)
- Representing an American private equity and its American subsidiary in a litigation against bond holders of an Indian company, arising out of sale of assets by the Indian company to the US subsidiary (Bombay High Court, India)
- Advising an Indian investor in his dispute against the English joint venture partner with respect to his investment in an English bespoke jewellery designing software company (UK High Court, Queen's Bench Commercial Division)
- Advising an Indian bank in a bank guarantee recovery litigation against an Abu Dhabi bank (DIFC Courts)

## Shipping & Insurance

### Arbitration

- Advising a Singaporean shipping company in a charter party arbitration against an American company (LMAA Rules, London seated, English Law)
- Advising a Singaporean company in a charter party dispute against a Bahamian shipping company (LMAA Rules, London seated, English Law)
- Advising a Hong Kong company in its shipping dispute against a Singaporean company under an agreement for sale and purchase of nickel (London seated, English Law)

### Litigation

- Advising an Indian company in an insurance litigation against an Indian underwriter under a hull and machinery insurance policy (UK High Court, Queen's Bench Division)
- Advising a Singaporean company in charter party dispute against an Italian company (Singapore High Court)
- Advising a Hong Kong company in its dispute against an Indian company under an agreement for the provision of shipping services (Singapore High Court)
- Representing three promoters of an Indian and a UAE shipping technology company in a dispute concerning the wrongful revocation of their shareholding (Dubai law, Dubai courts)

### Litigation

- Advising an Indian businessman in his dispute against a financial institution for the breach of DIFC regulations relating to suitability and misclassification (DIFC Courts)
- Representing a Qatari HNI in disclosure applications and tracing claims in proceedings connected with an ongoing arbitration against three DIFC-based venture capital firms (DIFC Courts)
- Representing two HNIs and one Indian company in connected court proceedings arising out of an arbitration with a financial institution under contracts of guarantees relating to repayment by the principal borrower (Bombay High Court)
- Advising a Qatari HNI in disclosure applications and tracing claims in proceedings connected with an ongoing arbitration against a Singapore-based venture capital firm (Singapore High Court)

## Sports and Entertainment

### Arbitration

- Advising Indian and Singaporean promoters of a sports broadcasting company in their dispute against an American-headquartered multinational media company (SIAC Rules, India seated, Indian Law)

### Litigation

- Advising an Olympic boxer to defend doping charges a few months before the Tokyo Olympics (Indian National Anti-Doping Appeal Panel)
- Conducting a public interest litigation challenging the constitutional validity of India's National Anti-Doping Code (Delhi High Court)
- Representing 4 powerlifting athletes that were tested positive for doping at the 44th National Games, India (Delhi High Court)
- Representing an Indian company in a copyright dispute with a film writer over copyrights over the remake of a Bollywood movie (Bombay High Court)
- Representing an Indian subsidiary of a global advertising company in the challenge to the enforcement of their arbitral award by Indian local civic body (Bombay High Court)
- Advising an Indian, two Mauritian and one UAE-based entities of a multinational advertising company in relation to proceedings against them by UAE-based bank for recovery of loans (India, Mauritius and UAE courts)

## Pharmaceutical & Medical Devices

### Arbitration

- Representing a Singapore-based pharmaceutical company in an arbitration under a shareholders' agreement against their Indian joint venture partners (India seated, Indian law)
- Representing Indian shareholders in an arbitration against an American company for anti-dilution in breach of a joint venture agreement and oppression (SIAC Rules, Singapore seated, Indian law)
- Representing an Indian company in an ad-hoc arbitration against a Canadian seller for pre-acquisition fraud and misrepresentation of share title and intellectual properties (India seated, Indian law)

- Advising an Indian MSME in its dispute against an American pharmaceutical company under a contract for the supply of manufacturing equipment (India seated, Pennsylvania law)

### Litigation

- Representing an Indian company in their dispute with an American law firm for non-payment of legal fees (US District Court, Massachusetts)

## IT & ITES

### Arbitration

- Representing an American company in an arbitration against an Indian gaming company for non-payment of contractual dues under a software development contract (ICDR Rules, New York seated, New York law)
- Representing an American corporation in an ad-hoc arbitration against an Indian company arising from an alleged wrongful termination of a business process outsourcing contract (India seated, Indian law)
- Representing a Canadian national in his dispute against a leading cryptocurrency exchange (JAMS Rules, New York seated, New York law)

### Litigation

- Advising an Indian travel agency in its dispute with a Singapore technology company under a contract for the provision of computerised travel and related reservation services (Singapore law, Singapore courts)
- Advising a UAE-based HNI in his dispute with a State agency regarding seizure of his cryptocurrency investments (US courts)

## Others

### Arbitration

- Representing an Indian company in an ad-hoc arbitration against a Belgium-based distributor, for wrongful termination of an electric car distribution agreement (India seated, Indian law)
- Advising an Indian multi-national company in its dispute against its partner under several memoranda of understanding for the joint performance of visa processing services (DIAC Rules, DIFC-seated, DIFC law)
- Representing a Turkish company in its disputes against an Indian company under an agreement for the sale of agricultural raw materials (ICC Rules, Geneva seated, Indian law)

## Litigation

- Representing two UAE companies and their promoter in a dispute for the non-payment of rent and the encashment of rental cheques under a shareholders' agreement and a tenancy agreement (DIFC Courts)
- Representing a former senior vice president of a DIFC-based private equity entity for wrongful termination and breach of a Private Equity Carried Interest Incentive Agreement (DIFC Law, DIFC Small Claims Tribunal)
- Advising an Indian exporter in its dispute with a leading Singaporean supplier under a purchase agreement for cotton fibres (Singapore High Court)
- Representing an Israeli company in an insolvency proceeding against an Indian creditor for non-payment of dues (Indian National Company Law Tribunal)
- Representing a German company and its Chinese and Indian subsidiaries in their dispute with an Indian company for alleged deficiency in supply of solar pumps (Jalgaon District Court, India)
- Representing a German company in their dispute with an Indian subsidiary of a German distillery for non-payment of contractual dues (Madras High Court, India)
- Representing one of the world's largest financial consulting firms in its dispute with an Indian company for non-payment of fees.

## ENFORCEMENT AND DEBT RECOVERY

- Representing a Qatari HNI in proceedings relating to the enforcement of a provisional arbitral award (DIFC Courts)
- Advising a Qatari HNI in proceedings relating to the enforcement of a provisional arbitral award (Cayman, Singapore and Swiss courts)
- Representing an Indian company in proceedings against a Liberian company relating to the enforcement of an MCIA award (DIFC Courts)
- Advising a Rwandan company in proceedings against an African state relating to the enforcement of KIAC award.
- Advising a Hong Kong steel company and its Qatari subsidiary on the enforcement of its ICC awards against a multinational Indian EPC company and its Qatari subsidiary
- Representing a UAE aircraft services company in enforcement proceedings of a SIAC award against an Indian helicopter services company.
- Advising a global litigation funder on recovery against an Indian state-owned entity in various jurisdictions including India, USA, France and Singapore, for its purchase of an arbitral award.
- Advising an Indian multinational bank on recovery against an American software company and its personal guarantor.
- Advising an Indian multinational bank on recovery against a Mauritius media and broadcasting company.
- Advising a Dutch power generation and coal resources company on the enforcement of a SIAC award against a Seychelles company and its Indonesian director.
- Advising an Indian public bank on overseas debt recovery from a global group of companies and its promoters.
- Advising an Indian public bank on overseas debt recovery from a UAE and an Indian company and its guarantors.

## TREATY DISPUTES

### Investment Treaties

- Representing a multinational telecom company in its dispute under India-Netherlands BIPPA.
- Representing a private equity in its dispute under India-Mauritius BIPPA.
- Representing a State in defending the enforcement of an annulled award before the Delhi High Court.
- Advising an Australian HNI investor in his investment treaty dispute against a state entity.
- Advising a Singapore-based payment service provider on its claims against a sovereign state under bilateral and multilateral investment treaties.
- Advising a multinational advertising company on litigation finance for its claims against a state entity under bilateral investment treaties



## Tax Treaties

- Representing a Cypriot investment company in challenging the constitutional validity of actions of the Republic of India in contravention of the India- Cyprus DTAA and VCLT.
- Representing an American pension fund in seeking an advance ruling on violation of non-discrimination provisions of the India-US DTAA by India.
- Representing a British institutional investors in challenging the constitutional validity of application of minimum alternate tax in violation of the India-UK DTAA.
- Representing an American asset management company in an advance ruling on taxability of a certain sums in terms of the India-US DTAA.
- Representing an American multinational in an advance ruling on taxability of gains arising from transfer of certain foreign assets under the India-Netherlands DTAA.
- Representing an American private equity in an advance ruling on taxability of certain sums in terms of India-Mauritius DTAA.

## WHITE COLLAR DISPUTES

- Advising an American company, one of the largest trading houses in the world, in a cross-border white collar and regulatory dispute relating to the Rotomac scam in India.
- Advising an Indian fibre company in its criminal dispute against an Egyptian buyer for fraud and non-payment of dues.
- Advising a Mauritian private equity in relation to the Jagan Mohan Reddy scam in India.
- Advising a private equity firm in an investigation in connection with the 2G spectrum scam in India.
- Advising a whole-time director accused in the Satyam scam in India and related class-action proceedings in USA and UK.
- Advising an Indian national accused to be an accomplice in the Raj Rajaratnam scam in USA.

## CROSS-BORDER DEALS

- Advising Turkey's largest power distributor in setting up a 500 MW LNG power plant in Aceh, Indonesia.
- Advising a Singaporean and an Indonesian company on a coal mining and infrastructure joint venture with local partners in Indonesia.
- Advising an Israeli defence company in a joint venture with an Indian partner.
- Advising an Israeli travel company in a joint venture with an Indian company.
- Advising an Israeli satellite company in tenders for an Indian state-owned telecom company.
- Advising an Indian company on a dredging joint venture with a Malaysian company.
- Advising an Israeli governmental company in a joint venture with an Indian company to bid for a lumpsum turnkey project to develop a sea water reverse osmosis plant.
- Advising a litigation funder on entry strategies into and structures for the Indian market.
- Advising a Singaporean company on its agreement for the design and construction of five hospital buildings and the supply of medical and non-medical equipment in Cote d'Ivoire .

## SPEAKING ENGAGEMENTS & PUBLICATIONS

### Speaking Engagement

- Mergers & Acquisition Disputes (World Litigation Forum Europe 2022)
- Arbitration in the Midst of the Global Energy Crisis (Istanbul Arbitration Week 2022)
- Life Cycle of a Construction Project: Resolving Disputes (Istanbul Arbitration Week)
- Does India need to aspire to become an arbitration hub? (TL4D's India Dispute Resolution Forum, London)
- Claims Management for Multi-Jurisdictional EPC Projects (Amsterdam Energy Summit 2022)
- Arbitration reforms: a comparative review from India and elsewhere (GAR Connect: India 2022)
- Hydropower Development in Africa – Risks & Financing Opportunities, Investment Trends & Challenges, and Claims Management (Power Line Magazine, Global Transmission Report, REGlobal)

- Funding Infrastructure Disputes: Using Litigation Finance as a Strategic Tool (SCL India- Young Leaders Group)
- Frauds and Dishonest Conduct: Investigation, Adjudication and Quantification of Loss (ALB India Summit)
- Investment Arbitration (Annual Conference on International Arbitration, MNLU Centre for Arbitration and Research)
- The growth of international arbitration in Asia is just a phase, in due course, it will be just a haze (ICC YAF, Goa)
- Disputes involving Indian parties or Indian law (Expert talk, Singapore)
- Is mediation going to be a legitimate alternative to arbitration from 2018 under Singapore's leadership? (Kluwer arbitration conference, Istanbul)
- Understanding Construction and Energy Projects in India, Malaysia and Indonesia & Resolving Disputes (Expert Talk, Ankara)
- Doing Cross-Border Business and Resolving Disputes in South & East Asia (Expert Talk, Tel Aviv)
- Training on Emergency Arbitration Procedure (YSIAC, New Delhi)
- Role of Institutions and Experts in Assessing and Managing Claim Assets (MCIA, Mumbai)
- Third Party Funding (Corporate Counsel Association of India, Mumbai)
- International Tax Disputes: Improving MAP and Mandatory Dispute Settlement (University of Vienna)
- Whether India Should Sign the Washington Convention? (Government Law College, Mumbai)
- International commercial arbitration: law and recent development in India. (The Journal of BRICS Legal Studies, and East China University of Political Science and Law)
- Litigation Finance in India: Industry, Adjudicators, Practitioners and Experts' Perspective (Indian Association of Litigation Finance)

- Funding Infrastructure Disputes: Using Litigation Finance as a Strategic Tool (Society for Construction Law – India Young Leaders Group)
- Infrastructure Finance in India: Current Scenario and Future Strategies (Indian Infrastructure)

### Papers Published

- "Sports Arbitration in India" co-authored with Sanchit Suri & Rohit Shankar, published in 'Specialized Arbitrations – Emerging International Trends & Practices' (Thomson Reuters, 2022)
- Litigation Finance in India: An overview. (Forbes India, 2021)
- Enforcement of awards annulled at the seat of arbitration. (IBA Committee's 'Arbitration News' in June 2017)
- Why India should adopt a foreign investment law and what it should contain. (TDM India Special Report in 2017)
- Affixing state liability for corruption in infrastructure sector. (Work-in progress conference: Issues in International Dispute Resolution, University of Missouri School of Law, 2017).
- BIT Arbitration – What tax treaties can learn from past mistakes. (The 4th Meeting of the Vienna multi-stakeholder group on Improving Cross-border Dispute Resolution, 2017)

### RECOGNITION

- Most Active in the Enforcement & Annulment of Commercial Arbitration Awards, UAE – Jus Connect (2023)
- Recognised for arbitration practice – Chambers & Partners (2023)
- Leading individual – Legal 500 (2023)
- Managing Partner of the Year – Asian Legal Business (2023)
- Future Leader in Commercial Litigation – Who's Who Legal (2022)
- Future Star, International Arbitration – Benchmark Litigation, Asia Pacific (2022)
- India's Rising Stars – Asian Legal Business (2022)
- Future Leader in Commercial Litigation – Who's Who Legal (2021)

- Future Star – Benchmark Litigation, Asia Pacific (2021)
- Young Achiever of the Year – Legal Era's 40 under 40 Rising Star of the year (2021)
- Top Managing Partner in India – Forbes India Legal Powerlist (2020)
- India's Top Disputes Lawyers – Asian Legal Business (2020)
- Future Leader, International Arbitration and Dispute Resolution - Benchmark Litigation, Asia Pacific (2020)
- Winner - Legal Era's 40 under 40 Rising Star of the year (2018)