

## PRATYUSH PANJWANI

### PROFESSIONAL EXPERIENCE (NON-EXHAUSTIVE LIST):

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#### Hanotiau & van den Berg, Brussels

*Senior Associate* [September 2021 – Present];

*Associate* [August 2017 – August 2021];

*Intern* [September 2016 - February 2017]

- Tasks:

Acting as counsel in international arbitrations as well as in annulment and enforcement proceedings; acting as Arbitral Secretary to tribunals chaired by Prof. Albert Jan van den Berg or Ms. Niuscha Bassiri in international commercial and investment arbitrations.

- Selected Representative Work (As Counsel):

- (i) **Hulley/Veteran/Yukos v. The Russian Federation:** Counsel for the Russian Federation in, *inter alia*, annulment proceedings before the Courts of Appeal in The Hague and Amsterdam and the Supreme Court of The Netherlands; part of the team drafting pleadings and working with expert witnesses on Russian (investment and arbitration) law and international law.
- (ii) **CC/Devas (Mauritius) Ltd. and others v. The Republic of India:** Counsel for the Republic of India in annulment and revocation proceedings before The Hague District Court and the Court of Appeal in The Hague; part of the team drafting pleadings and working with expert witnesses on Indian (constitutional and company) law and international law.
- (iii) **Cairn Energy PLC and CUHL v. The Republic of India:** Counsel for the Republic of India in annulment proceedings before the Court of Appeal in The Hague; part of the team drafting pleadings and working with expert witnesses on Indian (constitutional and taxation) law and international law.

- Selected Representative Work (As Arbitral Secretary):

- (iv) **SunReserve Luxco v. Italy:** Arbitral Secretary in this renewable energy investment arbitration under the Energy Charter Treaty administered by the SCC; seated in Stockholm.
- (v) Arbitral Secretary in an ICC arbitration between a consortium and a hydropower plant operator concerning the construction of the plant in Panama under New York law; seated in Miami.
- (vi) Arbitral Secretary in a SAC arbitration between a luxury food corporation and a hospitality service provider concerning breach of a licensing agreement under Swiss law; seated in Geneva.

#### Agarwal Law Associates, Delhi

*Associate* [July 2014 - July 2015]

- Selected Representative Work:

- (i) **Sasan Power v. NACC** [Madhya Pradesh High Court, First Appeal No. 310 of 2015]: Counsel for plaintiff in proceedings seeking an anti-arbitration injunction against the Indian subsidiary of an American coal mining company in relation to an ICC arbitration.
- (ii) **Ashapura Minechem v. GMDC** [Supreme Court, Civil Appeal No. 3702 of 2015]: Counsel for claimant in proceedings relating to appointment of an arbitrator under Section 11, Indian Arbitration and Conciliation Act 1996 for an *ad hoc* domestic arbitration.

## BAR QUALIFICATIONS:

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Bar Council of Delhi, India [Admitted, 2014]; Brussels Bar [Registered, 2017].

## EDUCATION:

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- LL.M. – Geneva LL.M. in International Dispute Settlement (‘MIDS’). [2015-2016]
  - **Thesis Title:** ‘Parallel Proceedings arising out of the Same Dispute in International Commercial Arbitration – A Model Treaty Provision to Deal with the Jurisdictional Conundrum’ – Supervised by Prof. Gabrielle Kaufmann-Kohler; **Awarded the Special Jury Mention as part of the CEPANI Academic Prize 2018.**
- B.A., LL.B. (Hons.) – National Law University, Delhi (‘NLU, Delhi’). [2009-2014]

## PUBLICATIONS (NON-EXHAUSTIVE LIST):

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- ‘Fiscal Sovereignty and Investor-State Dispute Settlement’ – Upcoming Book Chapter in **International Challenges in Investment Law and Arbitration** (Routledge, 2023); **Awarded the Best Paper** of the 2<sup>nd</sup> Bucerius Conference on Investment Law and Arbitration (April 2022).
- ‘The Impact of the Covid-19 Pandemic on International Arbitration Practices: Greener Arbitrations with Reduced Due Process Paranoia?’ – Book Chapter in Shaheez Lalani and Steven Shapiro, **The Impact of Covid on International Disputes** (Brill, 2022).
- ‘Mediating Investor-State Disputes and the Indian ISDS Regime’ – Book Chapter in Gracious Timothy Dunna (ed.), **Mediation and Conciliation in India** (Kluwer Law International, 2021).
- ‘The Arbitrability Doctrine and Tribulations of Tribunalisation’ – Published in the **Indian Journal of Arbitration Law** (2021), ISSN Print 2320-2815.
- ‘*Dallah* Encore: The Need for an Adaptive Understanding of Consent in International Arbitration’ – Published in **Investment & Commercial Arbitration Review** (2020).
- ‘Role of *travaux* in interpreting BIT Provisions: Are Tribunals over-prepared to resort to Preparatory Works?’ – Published in **The Journal of World Investment and Trade**, Vol. 20 (Issue 4) (2019), ISSN Print 2211-9000.
- Researcher for the **IBA Arbitration Subcommittee on Investment Treaty Arbitration** report: ‘Consistency, efficiency and transparency in investment treaty arbitration’, November 2018.
- ‘Mandatory Rules and the Dwindling Restraint of Arbitrability’ – Published in **NLUD Journal of Legal Studies**, Vol. 5 (2018).
- ‘Parallel Proceedings in Indian Arbitration Law: Invoking Lis Pendens’ – Published in the **Journal of International Arbitration**, Vol. 34, Issue 3 (2017), ISSN Print 0255-8106.
- ‘Effect of Bribery on International Commercial Arbitration’ – Published in the **International Journal of Public Law and Policy**, Vol. 4, Issue 2 (2014), ISSN Print 2044-7663.
- ‘Assimilating the Negative Effect of *kompetenz-kompetenz* in India: Need to Revisit the Question of Judicial Intervention’ – Published in the **Indian Journal of Arbitration Law**, Vol. 2, Issue 2 (2013), ISSN Print 2320-2815.

## **SPEAKING AND OTHER ACADEMIC ENGAGEMENTS (NON-EXHAUSTIVE LIST):**

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- **Guest Lecturer** at the Utrecht University School of Law (April 2022) – Course on ‘Taxation Measures and Investor-State Dispute Settlement’.
- **Guest Lecturer** at the Erasmus School of Law (November 2021 and upcoming in November 2022) – Course on ‘Selection, Challenge and Replacement of Arbitrators’.
- **Panelist** at a Conference organized by the Université de Lausanne and the American University, Washington College of Law (October 2021) – ‘The Impact of the COVID-19 Pandemic on International Arbitration Practices’.
- **Guest Lecturer** at NLU, Delhi’s Centre for Alternative Dispute Resolution – Diploma Course on ‘Law and Practice of Arbitration’.
- **Panelist** at EODID and ICDR (Young & International) Athens Vis Pre-Moot Conference (February 2020) – ‘Asymmetric Arbitration Agreements: A Common Law Perspective’
- **Panelist** at ICC Young Arbitration Forum, YoungICCA and MIDS Conference (September 2018) – ‘Effect of Technology on the Presentation and Use of Evidence’.
- **Faculty Member** at the Association for International Arbitration, Brussels Arbitration School (October 2017) – ‘Defective Arbitration Clauses’.
- **Coach** of the participating teams in the following **Moot Court competitions**:
  - (i) *12<sup>th</sup> Foreign Direct Investment International Arbitration Moot, 2019*, NLU, Delhi – **Awarded Best Written Memoranda (Respondent) in South Asia Regionals.**
  - (ii) *26<sup>th</sup> Willem C. Vis International Commercial Arbitration Moot, 2019* and *16<sup>th</sup> Willem C. Vis (East) International Commercial Arbitration Moot, 2019*, NLU, Delhi – **Octa-Finalist; Awarded 2 Hon’ble Mentions for Best Oralist.**
  - (iii) *25<sup>th</sup> Willem C. Vis International Commercial Arbitration Moot, 2018* and *15<sup>th</sup> Willem C. Vis (East) International Commercial Arbitration Moot, 2018*, NLU, Delhi – **Octa-Finalist; Awarded 3 Hon’ble Mentions for Best Oralist and Written Memoranda.**

## **MEMBERSHIPS:**

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ICC Young Arbitrators Forum; LCIA Young International Arbitration Group; YoungICCA; Young Indian Arbitration Practitioners Group; AIAC Young Practitioners Group; YoungMCIA.

## **NATIONALITY:**

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Indian.

## **LANGUAGES:**

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English; Hindi.