



Vivek Kapoor



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“Vivek Kapoor ... is an excellent litigator, is always well prepared and has an excellent grasp of facts and law.”

The Legal 500

Vivek Kapoor is a dual qualified barrister and advocate. He acts as counsel in large scale, complex and high value commercial disputes and investor-state disputes. He regularly advises on complex cross-jurisdictional disputes.

Vivek has a wide-ranging practice in the field of arbitration and has appeared as counsel in international arbitrations in various countries. He has particular expertise in disputes arising from energy, natural resources, infrastructure and construction, and financial services sectors.

Vivek has acted in arbitrations under a wide variety of international arbitration rules, including ICSID, ICC, LCIA, SIAC, UNCITRAL, and ad-hoc arrangements. He has vast experience of arbitration-related applications before the court, particularly anti-suit injunctions and applications for recognition and enforcement under the New York Convention. He also advises on a full spectrum of post-award remedies, jurisdictional challenges and conflict of laws issues.

Vivek featured in the inaugural Legal 500 International Arbitration Powerlist, which listed 200 of the UK's leading arbitration practitioners working in law firms and at the Bar. He is consistently recognised by independent legal directories for his work in International Arbitration and Public International Law. He also sits as arbitrator in international arbitrations and is presently appointed in arbitrations under the LCIA Rules. He is on the Panel of International Arbitrators of ICADR (Government of India).

He has extensive experience of advising and representing private and state-owned entities from India, south-east Asia, Africa, Middle East, and Russia and CIS, in disputes governed by a variety of common and civil law regimes, and public international law.

Vivek also advises foreign investors, particularly those investing in the emerging economies of Asia and Africa, on issues pertaining to investment protection notably under bilateral investment treaties and investor-state contracts, and the interaction between international law and domestic law in relation to international projects.

In addition to his mainstream international arbitration practice involving both court and arbitration hearings, Vivek has experience of fraud and asset tracing claims, claims relating to banking and finance products, and a substantial international litigation practice involving commercial and regulatory disputes. He has full rights of audience in India, and has successfully represented private parties, both Indian and Fortune 500 multinational corporations, before the Supreme Court of India and the High Courts of various states in India.

Vivek regularly speaks at various forums on diverse issues of international law and international arbitration, and has published widely on this area of law. He also serves on the editorial advisory board of LexisNexis Arbitration.

Prior to joining 39 Essex Chambers, Vivek spent a number of years in private practice with leading international law firms, before which he practised at the Bar. He has lived and worked in UK, US, Singapore, and India.

Recent cases

International Arbitration

Acted for a leading infrastructure company in a dispute under a Bilateral Investment Treaty against a South Asian State arising from the establishment of two power projects.

Acted for an investor in a dispute under a Bilateral Investment Treaty against a CIS State arising from the direct expropriation of a mining project.

UNCITRAL Arbitration – Acted for an investor in a dispute against a CIS State under the State's Foreign Investment Law arising from the breach of the fair and equitable standard and indirect expropriation of a mining project.

ICC Arbitration: Acted for a Central Asian government on disputes relating to the construction of new international airports and regional airports in the country, under various forms of FIDIC contract.

ICC Arbitration: Acted for a contractor in a dispute against an Asian State relating to the construction of the main airport in the State.

UNCITRAL Arbitration: Acted for a major oil company in a dispute with a contractor relating to the construction of offshore oil and gas facilities in Indonesia.

SIAC Arbitration – Acting for a defence contractor against a South Asian State in a dispute arising out of the establishment of a major defence project in the State.

LCIA Arbitration – Acted for the former head of FX trading of a prominent multinational bank in an insurance coverage dispute relating to DOJ, SEC and FCA investigations.

SIAC Arbitration – Acted for a real-estate conglomerate in a joint venture dispute related to a major real estate project in east India.

LCIA Arbitration – Acted for a metals conglomerate in dispute against a Middle-Eastern state-owned entity over non-performance of agreement for the supply of coal.

LCIA Arbitration – Acted for a metals conglomerate in dispute against a mining company arising from a mining project in Brazil.

LCIA Arbitration – Sole Arbitrator in a telecom-related services dispute.

SIAC Arbitration – Acted for a mining company in a dispute against a prominent commodity trader over the impact of regulatory changes in Indonesia's mining sector on parties' obligations under long-term agreements for the supply of coal.

SIAC Arbitration – Acted for a sub-contractor in a dispute with the main contractor in relation to civil works at a gas exploration site in South Asia.

ICC Arbitration – Acted for a fund manager in a dispute over management of a telecom asset-focussed fund with assets in Eastern Africa.

ICC Arbitration – Acted for an engineering subcontractor against the contractor in a dispute pertaining to the design and engineering works forming part of the development of an oil field in West Asia.

SIAC Arbitration – Acted for a prominent metals company in a dispute against a South East Asian state-owned transport corporation arising from a transport agreement.

International Litigation

Acted for Indonesian state-controlled natural gas corporation PT Perusahaan Gas Negara (Persero) in the much controvertible setting aside proceedings in Singapore before the Court of Appeal and High Court, arising out of an ICC arbitration regarding a major gas pipeline project in

Indonesia. Seminal case in the interpretation of the dispute resolution process under the FIDIC Red Book (1999), and prompted the FIDIC Guidance Memorandum.

Acted for a group of major FMCG companies and trade bodies before the Supreme Court of India in a petition seeking judicial review of a new environmental regulation with a possible multi-billion-dollar exposure to the entire FMCG industry in India.

Acted for PepsiCo in proceedings against the Indian state of Punjab before the Punjab & Haryana High Court in a matter pertaining to arbitrary withdrawal of tax concessions awarded to the corporation for the setting up of three manufacturing units in the state.

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