



## Brief Profile

Shashank Garg is a seasoned dispute resolution practitioner with diverse experience in arbitration, and civil and commercial litigation with over seventeen years of experience. He is presently the Chair of ICC India Arbitration Group and Secretary of Arbitration Bar of India. He regularly sits as an Arbitrator in institutional and ad hoc arbitrations involving disputes on variety of areas including infrastructure, constructions, media and technology, commodities, energy, sports, etc. He has acted in numerous arbitration cases before the Supreme Court of India, High Courts and arbitral tribunals, as a counsel defending the interest of private and state-owned entities.

## Education & Qualifications

- LL.M. in International Commercial Laws, **University of Nottingham, U.K**
- B.A., LL.B. (H), **University School of Laws & Legal Studies, GGSIPU, New Delhi**
- Post Graduate Diploma in International Trade and Business Law, **The Indian Academy of International Law & Diplomacy, New Delhi**
- Certified Civil and Commercial Mediator, **ADR Group London**
- Certificate Course on Negotiation and Leadership, **Harvard Law School, U.S.A.**
- Certificate course in Private International Law, **Hague Academy of International Law, Netherlands**
- Certificate Course on Sports Arbitration, **Asian International Arbitration Centre, Kuala Lumpur**

## Positions of Responsibility

- Chair, **ICC India Arbitration Group**
- Secretary, **Arbitration Bar of India**
- **CGSC – Central Government Standing Counsel (Delhi High Court)**
- Nominated Counsel for **High Court of Delhi**
- Nominated Counsel for High Court of Gujarat in the **Supreme Court of India**
- Standing Counsel for the State of Goa in the **Supreme Court of India**
- Standing Counsel for the **University of Allahabad**
- Standing Counsel for Rajasthan Public Service Commission in the **Supreme Court of India**
- Special Counsel for the **Delhi Development Authority**
- Special Counsel for the **Gas Authority of India Limited (GAIL)**
- Co-Chair, **Society for Construction Law (SCL) India's Young Leaders Group (YLG)**
- Director, **Indian Arbitration Forum (IAF)**
- Nominated Member from India, **ICC Commission on Arbitration and ADR**
- Committee Member, **Beihai Asia International Arbitration Centre (BAIAC)**
- Member, Arbitration Committee, **Delhi International Arbitration Centre (DIAC)**
- Member, Editorial Board, **Indian Review of International Arbitration (IRI Arb), MNLU Mumbai**
- Member, Editorial Board, **Delhi International Arbitration Centre (DIAC) Journal**
- Regional Coordinator for India, **ICC Young Arbitrators Forum (2017-19)**



- Rapporteur for India, Arbitration Sub-Committee, **International Bar Association** (2017)

### **Notable Arbitrator Appointments**

- Sole Arbitrator in international arbitration under the SIAC Rules for a service agreement between a German company and a Singaporean company applying laws of Singapore.
- Sole Arbitrator in international arbitration under the aegis of DIAC concerning supply contract between Indian and Canadian parties applying English Law.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to a construction dispute of a housing project.
- Sole Arbitrator in domestic arbitration under DIAC Rules concerning consultancy agreement of construction and renovation involving Ministry of Housing & Urban Affairs, Government of India.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to master services agreement of consultancy services.
- Party nominated arbitrator in a domestic ad hoc arbitration pertaining to telecom sector.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to financing agreement of a group of investors in a residential dwelling project.
- Sole Arbitrator in domestic arbitration under DIAC Rules concerning commercial lease agreement.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to telecom sector.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to mining dispute between mine owner and investor.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to commercial lease agreement.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to operation and management of vending services in Indian Railways.
- Sole Arbitrator in domestic arbitration under DIAC Rules concerning construction of a hospital.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to a service agreement concerning deployment of human resources.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to commercial lease agreement of parcel space in trains.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to hospitality industry including management and technical consultancy.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to a software purchase agreement.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to a housing construction dispute.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to a service agreement for music application.



- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to e-commerce service agreement.

### ***Ongoing arbitrations***

- Co-arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to a railway construction dispute.
- Sole Arbitrator in domestic arbitration under DIAC Rules concerning civil and construction dispute involving an EPC contractor and Government of Delhi.
- Sole Arbitrator appointed by the Delhi High Court in a domestic ad hoc arbitration pertaining to service agreement of recycling waste at landfills.
- Sole Arbitrator in domestic arbitration under DIAC Rules concerning loan agreement and availing of credit facility.
- Sole Arbitrator in domestic arbitration under DIAC Rules concerning construction of a school and other facilities to be provided under the agreement.

### **Notable Counsel Engagements**

#### ***Before Arbitral Tribunal***

- International arbitration under ICC Rules seated in New Delhi pertaining to construction of a steel plant for an Indian state-owned entity.
- International arbitration under LCIA Rules seated in London involving a dispute between an Indian buyer and a German supplier of automobile parts.
- International arbitration under ICC Rules seated in New Delhi concerning supply of raw material by a Russian Entity to an Indian steel manufacturer.
- International arbitration under SIAC Rules seated in Singapore pertaining to a franchisee dispute between a Thai hotel brand and an Indian five-star hotel owner.
- International ad-hoc arbitration seated in New Delhi concerning EPC contract of an Italian cement company with an Indian EPC contractor.
- International arbitration under SIAC Rules seated in Singapore for a supply agreement between a Japanese electronics manufacturer and a Chinese supplier.
- International arbitration under SIAC Rules seated in Singapore between an Indian petroleum company and a Malaysian EPC Contractor.
- 18 domestic ad-hoc arbitration representing Delhi Development Authority pertaining to construction disputes.
- Domestic arbitration under DIAC Rules pertaining to telecast rights of a production house.
- Domestic ad-hoc arbitration pertaining to EPC Contract and O&M Contract of wind power plant.
- Domestic ad-hoc arbitration for a state-owned entity pertaining to production and supply of natural gas.
- Domestic ad-hoc arbitration pertaining to coal supply agreement.
- Domestic arbitration under DIAC Rules pertaining to EPC contract of thermal power station.
- Domestic ad-hoc arbitration pertaining to construction of pipelines and supply of petroleum.



- Domestic arbitration under DIAC Rules pertaining to contract for domain name registration services.
- Domestic ad-hoc arbitration pertaining to electric power generation, transmission and distribution through hydro power projects.
- Domestic arbitration under DIAC Rules pertaining to transport service contract.
- Domestic ad-hoc arbitration pertaining to a joint venture agreement for construction of a commercial project.
- Domestic ad-hoc arbitration pertaining to generation of electricity through renewable source.
- Domestic arbitration under DIAC Rules involving a MSME pertaining to installation and running of RO plant at refinery.
- Domestic ad-hoc arbitration concerning a project management contract against National Highways Authority of India.
- Domestic arbitration under DIAC Rules involving EPC contract of demineralization water treatment plant and Condensate Polishing Unit for a refinery.
- Domestic arbitration under DIAC Rules involving a Plant Water System Turnkey Package for a thermal power project.
- Domestic ad-hoc arbitration pertaining to Civil Works Contract and Plumbing Works Contract of a housing society.
- Domestic ad-hoc arbitration concerning a Master Franchise Agreement of Adidas in India.
- Domestic ad-hoc arbitration pertaining to mega housing project under the Mega Housing Policy of Government of Punjab, India.
- Domestic ad-hoc arbitration pertaining to one of the South India's conglomerate with its sub-contractor for an EPC project.
- Domestic ad-hoc arbitration involving joint venture agreement for residential and commercial housing project between India's leading real estate companies.

### **Before Courts**

- *Gayatri Balasamy vs M/S ISG Novasoft Technologies Limited, SLP(C) Nos. 15336-15337/2021*: Represented Government of India in a Constitutional Bench matter before the Supreme Court of India pertaining to power of courts to modify arbitral awards in setting-aside proceedings (*Judgement is awaited*)
- *CORE v. ECI SPIC SMO MCML (JV) (2024 SCC OnLine SC 3219)*: Represented the Government of India in a Constitutional Bench matter before the Supreme Court of India pertaining to validity of appointment process which mandates a party to select an arbitrator from the panel curated by the other party.
- *Tomorrow Sales Agency Pvt. Ltd. v. SBS Holdings, Inc. & Ors. (2023 SCC OnLine Del 3191)*: Successfully represented the third-party funder in the landmark case pertaining to enforcement of SIAC Award against third party funder wherein the court held that an adverse award/costs cannot be enforced against a third party funder who is neither a party to the arbitration agreement nor a party in the arbitral proceedings.
- *Splendor Landbase Ltd. v. Aparna Ashram Society and Another read with Spacio Interspace v. TE Hospitality and Estates Ltd. (2023 SCC OnLine Del 5148)*: Assisted the Delhi High Court as an amicus curiae in an arbitration matter involving *inter alia*



the issue of filing of a stamped arbitration agreement in an application for appointment of arbitrator and the procedure to do the same.

- *Ruia Exports & Anr. v. Moneywise Financial Services Pvt. Ltd. & Ors. [O.M.P. (COMM.) 16/2020]*: Assisted the Delhi High Court as an amicus curiae in an arbitration matter involving the issue as to whether the proviso to Section 12(5) of the Arbitration and Conciliation Act, 1996 allows for the waiver of the applicability of Section 12(5) by the conduct of a party, even when there is no express agreement in writing to that effect.
- *In Re: Interplay between Arbitration Agreements under the Arbitration and Conciliation Act, 1996 and the Indian Stamp Act, 1899 (2023 SCC OnLine SC 1666)*: Supreme Court case deciding that an instrument which is unstamped or insufficiently stamped would be inadmissible in evidence, however, the same is a curable defect and that in itself does not make the arbitration agreement void or unenforceable.
- *Sai Guru Mega Solar Park Pvt. Ltd. & Anr. V. Union Of India, Through The Ministry of New and Renewable Energy & Anr. (2020 SCC OnLine Bom 7627)*: Successfully represented the Applicant before Bombay High Court case involving development of solar power projects wherein the court held that where it is clear that the civil dispute involves question of fraud and misrepresentation, the mere fact that criminal proceedings can or have been instituted would not lead to the conclusion that a dispute that is otherwise arbitrable ceases to be so.
- *M/s. Shriram EPC Ltd. v. Rioglass Solar SA (2018) 18 SCC 313*: Successfully represented the Respondent in the Supreme Court case pertaining to enforcement of an ICC award (delivered in London) in India whereby the court held that there is no legal requirement of stamping of a foreign award for enforcing the same in India under Sections 48 and 49 of the Arbitration and Conciliation Act, 1996 on the basis that the Indian Stamp Act does not specifically include foreign award in its definition of award.
- *M/s Ramky Infrastructure Pvt. Ltd. v. Micro and Small Enterprises Facilitation Council & Anr. (2018 SCC OnLine Del 9671)*: Successfully represented the Respondent before the Delhi High Court case pertaining to a reference to arbitration by Facilitation Council under the Micro Small and Medium Enterprises Development Act, 2006 (“**MSMED Act**”) wherein the court held that for a supplier to be governed under the MSMED Act, it is not mandatory to file the Memorandum under Section 8(1) of the MSMED Act.
- *Bharat Aluminium Company v. Kaiser Aluminium Technical Services Inc. (2012) 9 SCC 552*: Successfully represented one of the respondents before the Supreme Court. The court held that the scheme of the Arbitration and Conciliation Act, 1996 makes a clear distinction on the applicability of Part I (Arbitration) and Part II (Enforcement of Certain Foreign Awards) of the said Act, i.e., Part I of the Act does not apply to foreign-seated arbitrations.

### Fellowships, Memberships, and Honours

- Fellow, The Chartered Institute of Arbitrators (CI Arb).
- Fellow, Asian Institute of Alternative Disputes Resolution, Kuala Lumpur, Malaysia.





- Fellow, Australian Centre for International Commercial Arbitration, Sydney, Australia.
- Empanelled arbitrator at IIAC, DIAC, BAIAC, AIAC and AIAC (Asian Sports Tribunal).
- Chair, Executive Committee, Delhi Arbitration Weekend 2024.
- Convenor, Organizing Committee, Delhi Arbitration Weekend 2023.
- Indian Ambassador, ICCA, Sydney, 2018.

## **Publications**

### ***Books***

- SHASHANK GARG (ED.), *ARBITRATOR'S HANDBOOK*, LexisNexis (2022).
- MARTIN HUNTER & SHASHANK GARG, *CONDUCT OF ARBITRAL PROCEEDINGS IN INDIA* in Fali Nariman, Martin Hunter, Marike Paulsson and Dushyant Dave (Eds.), *Handbook on International Arbitration*, Wolters Kluwer (2021).
- SHASHANK GARG & DIVYA BEHL, *AN ARBITRATOR'S DUTY TO RAISE PUBLIC POLICY ISSUES IN INTERNATIONAL ARBITRATION EX OFFICIO* in Chirag Balyan and Yashraj Samant (Eds.), *Commercial Arbitration: International Trends and Practices*, Thomson Reuters (2021).
- TEJAS KARIA & SHASHANK GARG, *INSTITUTIONAL MEDIATION* in Gracious Timothy (Ed.), *Conciliation and Mediation in India: Principles and Procedure* as part of *Global Trends in Dispute Resolution Series*, Kluwer Law International (2021).
- SHASHANK GARG (ED.), [Notes on Dispute Resolution Practice \(Lockdown Edition\) \(2020\)](#).
- SHASHANK GARG (ED.), *ALTERNATIVE DISPUTE RESOLUTION: THE INDIAN PERSPECTIVE*, Oxford University Press (2018).
- SHASHANK GARG, *CONFLICT OF INTEREST UNDER INDIAN ARBITRATION LAW* in NITI Aayog (Government of India), *Resource Book on Arbitration*, LexisNexis (2017).

### ***Articles***

- SHASHANK GARG, [In Memoriam Fali S. Nariman \(1929-2024\)](#), ICC Dispute Resolution Bulletin, 2024 (Issue 1).
- SHASHANK GARG & SHANIA ELIAS, [Diversity in Indian arbitration: Roadmap for justice through inclusion](#), BarandBench (2024).
- SHASHANK GARG, [Arbitration and the conundrum of Rule of Law](#), Quarterly Bar Review (March 2023) (Delhi High Court).
- SHASHANK GARG & AMAN GUPTA, [Generators v. Discoms: How the Supreme Court balanced the power scales](#), BarandBench (2022).
- SHASHANK GARG, [Book Review - Commercial Arbitration in Australia under the Model Law](#), Doug Jones AO & Janet Walker CM, Lawbook Co.: Thomson Reuters (Professional) Australia Limited (2022).
- SHASHANK GARG, *Arbitration and Conciliation Act, 1996: An Overview*, SCC Curated Topics (2022).
- SHASHANK GARG & AAKANKSHA KAUL, [The Subtle Art of Interfering: Amazon – Future Retail “Anti – Arbitration” Injunction Saga](#), SCC Blog (2022).



- SHASHANK GARG, [\*'Arbitrators' under Distress: The Fate of Unilateral Appointments\*](#), BarandBench (2020).
- SHASHANK GARG, [\*Interim relief by courts in an arbitration: The battle of Section 9\*](#), BarandBench (2020).
- SHASHANK GARG, [\*The Indian Idea of Arbitration: Recent rulings that set the ball rolling\*](#), BarandBench (2020).
- SHASHANK GARG, [\*Future of foreign arbitrators in India: Perception v. Reality\*](#), BarandBench (2019).
- OMAR AHMAD, SHASHANK GARG & VIKRAM SHAH, [\*Enforcement of Foreign Arbitral Awards in India: Past, Present and Future\*](#), JOURNAL OF ENFORCEMENT OF ARBITRATION AWARDS, Vol. 2(1), 2019.

### **Voluntary Commitments**

- Arbitrator, Willem C. Vis International Commercial Arbitration Moot, Vienna.
- Visiting faculty for arbitration at National Law University, Delhi and Maharashtra National Law University.
- Coached various teams participating in international moot court competitions.