



Farhad Sorabjee

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Practice Areas

Disputes

Sectors

Manufacturing

Construction & Engineering

Transport & Logistics

About

Farhad acts and appears in diverse complex multi-jurisdictional national and international commercial arbitrations and disputes involving tortious and contractual aspects of civil law. He acts and advises investors in Investor-State bilateral treaty disputes, and was the lead advisor in simultaneous litigation & arbitration proceedings in Sri Lanka and the U.K. for a global port operator, for which the Firm was awarded the 'Asian Counsel-Deal of the Year' for Dispute Resolution.

Farhad has advised & acted in numerous arbitration and court proceedings involving the construction and maintenance of industrial assets, including plant and machinery, and has acted in several complex engineering and plant performance disputes. He has acted in several administrative law and constitutional challenges relating, amongst others, to international trade, customs and excise duties and tariffs, and import and export laws. He has acted and appeared in several landmark decisions of the Supreme Court of India on diverse issues relating to arbitration disputes and proceedings, complex customs and excise tax issues. Farhad has advised and appeared in numerous multi-pronged international trade defence investigations and proceedings involving anti-dumping and safeguard duties.

Farhad acted in India's first cartel activity investigation before the Competition Commission of India and also the first substantive abuse of dominance proceeding before the commission. He advises

extensively on merger control issues and filings in both global and Indian acquisitions and mergers, as well as on internal Competition Law corporate compliance.

Recent work includes successful arbitration, appeal and Supreme Court proceedings for a global port operator against a major port trust's demands for land lease charges, acting in arbitration proceedings for an European manufacturer of amusement park rides opposing claims for damages for alleged equipment defects and failure, advising and acting for an European investor in a Bilateral Investor Treaty arbitration, and representing a global ERP software company in arbitration and court proceedings concerning the group companies doctrine in arbitration.

Experience

Farhad is a senior partner at the Firm who has been in practice for over thirty years, and has chaired the Firm's Disputes practice. Before joining the firm as a partner in 2005, Farhad practiced as counsel in leading chambers in Mumbai for over 15 years.

Some of the key assignments handled and being handled by Farhad include:

- Representing a purchaser of heavy industrial plant machinery in ICC arbitration proceedings against an European supplier for deficiency in plant performance.
- Acting for a global container terminal operator in multi-jurisdictional proceedings regarding the termination of concessions and sub-concessions to operate a major port in India.
- Representing the major selling shareholder in High Court proceedings adopted by an international cola company challenging the sale of controlling shares in a major Indian bottler to a rival international cola company.
- Representing a leading international shipping company in arbitration proceedings, umpire proceedings and High Court and Supreme Court proceedings relating to claims for damages in tort, contract, and economic tort for alleged wrongful termination of a shipping agency.
- Acting and appearing for an European investor in UNCITRAL Bilateral Investment Treaty arbitration proceedings.
- Advising and appearing for a German exporter in the first ever substantive anti-dumping proceeding in India before the anti-dumping authority in an investigation initiated into imports of Acrylonitrile Butadiene Rubber from Germany.
- Acting on behalf of a major Bollywood film production company in the first cartel investigation (filed by cinema multiplex owners) before the Competition Commission of India.
- Advising and appearing for the complainant in a complaint before the National Consumer Redressal Commission, New Delhi against Indian Airlines and the AAI arising out of the crash of an Indian Airlines aircraft at Aurangabad.
- Representing the official liquidator of the Bank of Credit and Commerce International (BCCI), in Indian proceedings related to the global liquidation of the bank.
- Advising and appearing in departmental, tribunal, and Supreme Court proceedings resisting demands for excise duty on goods fabricated during the erecting of plant and machinery at site, and the constitutional validity of the levy of excise duty on immovable property.

- Advising a global container terminal operator in multi-pronged proceedings in Sri Lanka and the handling of London arbitration processes. The eventual composite closing of the matter also involved the refusal of the United States to permit a sovereign middle-eastern company to operate terminals at U.S. ports due to security concerns.
- Advising and appearing in Supreme Court, tribunal and departmental proceedings opposing the levy of customs duty on the value of Software Reproduction Licence Fees provided for under an international contract.
- Representing several multinational oil-exploration companies in departmental, tribunal, and High Court proceedings relating to the demands for payment of customs duty on offshore rigs and spares for rigs.
- Advising and acting in High Court proceedings before the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992 relating to, *inter alia*, the broker's liability for physical delivery, the status of Bank Receipts and Delivery Notes and the point of passing of the property.

Memberships

American Bar Association

Bar Council of Maharashtra & Goa

Bombay Bar Association

International Bar Association

Publications

India Chapter for the European Lawyer Reference series on 'merger control jurisdictional comparisons' 2011, 2014, 2017

India chapter of Leniency Regimes published by Thompson Reuters, 2012, 2015

Best practices for compliance programmes, Concurrences Review N° 2-2015

Indian Competition Law: Entry into force of the 2007 reform

India chapter for 'Dominance, 2008' on 'The regulation of dominant firm conduct in 36 jurisdictions worldwide'

India chapter on Vertical Agreements, 2014 pub. - Getting the Deal Through.

Education

B.A.(Econ. Hons), LLB (Bombay University)

Languages Spoken

English

Gujarati

Hindi
