



## Farhad Sorabjee

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### Practice Areas

Disputes

Corporate – Competition Law Merger Control

### Sectors

Manufacturing

Construction & Engineering

Transport & Logistics

### About

Farhad is a senior partner at JSA. He 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.

Farhad acts and appears in diverse complex multi-jurisdictional national and international commercial arbitrations and court disputes involving tortious and contractual aspects of civil law, as well as advising and acting in investor-state bilateral treaty disputes. He was the lead advisor in simultaneous litigation and arbitration proceedings in Sri Lanka and the U.K. for a global port operator in a shareholder dispute for which the Firm was awarded the 'Asian Counsel-Deal of the Year' for Dispute Resolution, and acted for the lead respondent in the recent Supreme Court Constitution Bench decision in *Cox and Kings Ltd. v. SAP India Pvt. Ltd.* concerning the impleading of non-signatories to an agreement in arbitration proceedings.

Farhad has vast and varied experience in advising and acting in innumerable local and international arbitrations and tribunal and court proceedings involving diverse industry sectors, and on infrastructure projects and the construction and maintenance of industrial assets. He has acted in several complex engineering and plant performance disputes, corporate commercial disputes, as well constitutional, regulatory and international trade assignments. He has acted for clients in both ad hoc arbitrations and institutional arbitrations under various rules. He has acted and appeared in several

landmark decisions of the Supreme Court of India, on issues relating to Indian administrative and arbitration law. Farhad has advised and appeared in numerous multi-pronged international trade defence investigations and proceedings involving anti-dumping and safeguard duties.

Farhad steered the Firm's competition law practice at inception and has acted in India's first cartel activity investigation by the Competition Commission of India and also its first substantive abuse of dominance proceeding. He advises on merger control issues and clearances 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 an alleged equipment failure and accident, advising and acting for an European investor in an UNCITRAL Bilateral Investor Treaty arbitration and set aside proceedings in the English court, and representing a global ERP software company in arbitration and diverse Indian court proceedings concerning the group of companies/non-signatory impleadment doctrine in arbitration.

Farhad is an Accredited Mediator, CEDR (Centre for Effective Dispute Resolution), the pre-eminent international body for mediator training and accreditation.

Farhad has written variously in several legal publications and is a frequent speaker at legal seminars and events.

## Indicative Experience

- Representing a purchaser of heavy industrial plant machinery in ICC arbitration proceedings against an European supplier for deficiency in a heavy engineering 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 a international container terminal operator in multi-pronged proceedings in Sri Lankan courts and London arbitration. The eventual composite global settlement of the matter also factored in the refusal by the United States to permit a middle-eastern sovereign company to operate terminals at U.S. ports.
- Advising and acting in arbitration, appeal and Supreme Court proceedings for a global port operator against a major Indian port trust's demands for land lease charges under a concession agreement.

- Acting for a leading European automobile manufacturer in arbitration proceedings concerning disputes with local authorised dealers and agencies.
- Advising and appearing on behalf of a global ERP software company in arbitration proceedings arising out of a software services agreement with an Indian travel company.
- Advising and appearing on behalf of a global port operator in arbitration and ancillary court proceedings arising out of a contract with an Indian Inland Container Depot(ICD) terminal owner.
- Advising and appearing on behalf of an Indian equipment and electricals manufacturer in arbitration proceedings against a multinational electrical engineering company arising out of a contract for a solar power plant.
- Advising and appearing on behalf of a South Korean manufacturer of heavy industrial equipment in arbitration proceedings against an Indian contractor regarding supply of equipment for a thermal power project.
- Advising and appearing in arbitration proceedings on behalf of a dry bulk cargo terminal operator against the port trust in respect of a cargo handling concession agreement in India.
- Advising and appearing on behalf of a pharmaceutical company in arbitration proceedings initiated by the owner of industrial land seeking specific performance of an MoU for purchase of the land.
- Advising and acting in arbitration proceedings for an European manufacturer of amusement park rides opposing claims for damages by a park operator for alleged equipment defect/failure.
- Advising and appearing on behalf of a rigid plastic PET manufacturer in trademark infringement proceedings against a competitor before the Bombay High Court.
- Advising and acting for an Indo-European joint venture company in arbitration proceedings concerning the lease of industrial machinery at a port.
- Acting for a leading UK automobile company in consumer complaints before consumer protection courts and commissions across the country.
- 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 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.
- Advising and appearing in departmental, tribunal and Supreme Court proceedings resisting the levy of customs duty on the value of Software Reproduction Licence Fees paid to an European supplier under an international contract.
- 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.

- 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 aircraft at Aurangabad.
- 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.
- Acting on behalf of a major travel agency before the Competition Commission of India in a proceeding for alleged monopsonistic abuse of dominant position by a government agency.
- Advising and appearing for the Official Liquidator in Indian proceedings related to the global liquidation of the Bank of Credit and Commerce International (BCCI).
- Advising and appearing in High Court proceedings before the Special Court (Trial of Offences Relating to Transactions in Securities) Act, 1992 relating to, *inter alia*, broker's liability for physical delivery, the status of Bank Receipts and Delivery Notes and the point of passing of the property.
- Advising and acting for the directors of a leading European company in contempt of court proceedings before the Hon'ble Bombay High Court.
- Representing several multinational oil exploration companies in departmental, tribunal, and High Court proceedings relating to demands for payment of customs duty on offshore rigs and spares for rigs.

## Qualifications and Admissions

B.A. (Econ. Hons) 1983

Bachelor of Laws (LLB) 1986

Enrolled Bar Council of Maharashtra & Goa 1986

Bombay Bar Association 1987

Accredited Mediator, CEDR

## Member

American Bar Association

International Bar Association

## Languages

English

Hindi

Gujarati – spoken