



Divyam Agarwal

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Practice Areas

Disputes

Sectors

Construction and Engineering

Real Estate

Capital Markets & Securities

Manufacturing

Banking & Financial Services

Hospitality, Tourism & Retail

Education

Technology, Media & Sports

Life Sciences, Healthcare and Pharma

Services

Energy

Fintech

Transportation & Logistics

Telecommunication

About

Divyam is a dual-qualified Indian Advocate and English Solicitor Advocate (having Higher Rights of Audience – Civil Law). Divyam is a specialist in international commercial arbitration and has a broad practice advising and representing corporates and financial institutions in disputes under commercial contracts. Divyam has significant experience of complex, large-scale contentious mandates. He has a wide-ranging practice based on managing both arbitration and commercial litigation.

Divyam is a registered foreign lawyer at the Singapore International Commercial Court (SICC) and Dubai International Financial Centre Courts (DIFC Courts).

Divyam has extensive experience in adhoc and institutional arbitrations. He represents clients in National & International Commercial Arbitrations concerning construction & engineering, energy, real estate and infrastructure, financial services, securities, retail & services, media & telecommunication, knowledge-based industries, etc.

Divyam is a qualified Advocate on Record at the Supreme Court of India. He regularly represents clients in high profile litigations and cases involving important questions of law before Supreme Court. Many of these cases have culminated in reported cases and landmark judgments.

Divyam regularly represents clients before High Courts of various States, National Company Law Tribunals, National Company Law Appellate Tribunal, National Consumer Disputes Redressal Commission, etc.

In addition, he has extensive experience in representing and advising clients with respect to shareholders and joint venture disputes, creditors disputes, insolvency & bankruptcy issues, contractual breaches, government policy challenges, mergers & acquisitions, bid and tender challenges, employees disputes, etc.

He has been practicing law since 2007. Since beginning he has been part of JSA.

Experience

Some of the key assignments in these areas handled and being handled by Divyam amongst others, cover the following: -

- Representing a global real estate giant in a billion-dollar dispute with its Indian partner in an International Commercial Arbitration seated in London, UK (ICC Arbitration).
- Represented promoters of a rice manufacturing company in their multi-million-dollar dispute with the investment arm of the Qatar Investment Authority in an international commercial arbitration (LCIA Arbitration).
- Representing client in an MCIA Arbitration relating to a dispute arising out of Business Transfer Agreement between two listed entities.
- Represented a global real estate major before Supreme Court in a ground-breaking decision on the status of allottees of real estate project under IBC.
- Represented a leading real estate developer before Supreme Court in a landmark judgment on the constitutional validity of an amendment to IBC, providing for a numerical threshold requirement for homebuyers.

- Represented a leading global professional services company against an NBFC/small finance bank in arbitral proceedings arising out of a Business Process Outsourcing Agreement.
- Represented an Indian multinational crude oil and gas corporation in an arbitration arising out of contract for setting up communication system.
- Represented one of the world's largest brewing company in its disputes arising out of Customer Information and Service Provider Agreement.
- Represented client before Supreme Court in a matter pertaining to validity of synchronized/ reversal trades in Futures & Options segment of the stock exchange. This has resulted in a landmark judgment.
- Representing a global technology giant in a Public Interest Litigation before the Supreme Court. The Court has taken cognizance of the widespread misuse of online dissemination of media depicting sexual abuse. This Petition has assumed particular significance as the Court must weight competing rights of privacy, free speech and the State's obligation to protect bodily autonomy of its citizens.
- Represented client before National Company Law Tribunal, Delhi in a composite amalgamation and demerger involving 14 companies, including listed companies.
- Represented leading investment manager (located in UAE) in its enforcement action against Indian partner – Delhi High Court and Supreme Court.
- Represented State Power Corporation in insolvency proceedings initiated against Corporate Debtor for non-adherence to the Power Purchase Agreement.
- Represented global multinational investment bank (Financial Creditor) in various disputes with corporate debtor before NCLT, NCLAT and Supreme Court.

Awards and Recognition

Legal 500 Recommended Lawyer

IBLJ Future Legal Leaders

Thomson Reuters Stand-out Lawyers

BW Legal 40 Under 40

Forbes Legal Powerlist

Lex Falcon

ADR Lawyer of the Year

Best Young Achiever - Law Firm (India Legal Awards)

Memberships

Solicitors Regulation Authority, UK (SRA number: 666684)

Supreme Court Advocate on Record Association (A-679)

Bar Council of Delhi (D-499/2007)

YSIAC

Delhi High Court Bar Association

Supreme Court Bar Association

National Company Law Tribunal and Appellate Tribunal Association

English Solicitor Advocate (having higher rights of audience in civil law)

Registered Foreign Lawyer Singapore International Commercial Court

Registered Foreign Lawyer Dubai International Financial Centre Courts (6033B)

Publications

Can a party raise fresh grounds for setting aside an award in proceedings under Section 37 of Arbitration Act? – Bar and Bench

Arbitral bias in India – BW Legal World

COVID-19 and reforms in the arbitration process – CNBCTV18

India: Towards A New Cost Regime – The Statesman

Education

LLM, London School of Economics & Political Science, London, UK

LLB (Hons), Amity Law School, Delhi

Languages Spoken

English

Hindi