



Vivek Kapoor

Year of call: 2018 (2008 (India) 2018 (England & Wales) 2022 (DIFC))

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Vivek is an experienced barrister, advocate and arbitrator specialising in complex commercial, construction, and investor-state disputes. He is recognised for his expertise in multi-jurisdictional disputes arising from energy, natural resources, infrastructure and construction, banking and financial services, and technology sectors.

Vivek is described in leading legal directories as “an excellent litigator”, “an expert in law”, “an excellent advocate” and “a great strategic decision maker”. Clients note that “his ability to find novel legal solutions to some of the most difficult situations is remarkable” and that he “thinks of every scenario for a case and prepares for each one, including complex and difficult ones”. His “ability to make simple arguments explaining complex legal points in both law and fact” is described as “a case winner”. In a leading judgment in the English High Court, the Judge described Vivek’s submissions as “able and persuasive”. 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.

Vivek acts for Sovereign states, leading Fortune 500 corporations, multinational and regional corporations, and state-entities from a wide range of geographies.

Vivek has a wide-ranging practice in the field of international arbitration. He acts as counsel in arbitrations under a wide variety of international arbitration rules including ICSID, ICC, LCIA, SIAC, UNCITRAL, and ad-hoc arrangements. He also regularly acts as arbitrator in arbitrations under ICC, LCIA and SIAC rules.

Vivek has an established practice as counsel before the English and Indian courts. He also acts in DIFC and ADGM courts, and has in the past acted in matters before the highest courts of Singapore and Hong Kong. His broad litigation practice extends across the full range of commercial disputes, covering energy, natural resources, infrastructure and construction, banking and finance, civil fraud, injunctions and challenges to awards and enforcement under the New York Convention. He has experience of arbitration applications before various international courts.

Most of Vivek’s work is as lead counsel or sole counsel, though he regularly acts as part of large counsel teams.

Vivek is also instructed by States and private entities on both contentious and non-contentious public international law related issues. He is regularly advises on matters related to policy and protection of international investment under bilateral investment treaties, free trade agreements, investor-state and concession contracts, and sanctions.

Areas of expertise

International Arbitration (as Counsel)
International Arbitration (as Arbitrator)
International Litigation
Public International Law
Energy and Natural Resources
Infrastructure and Construction
Banking and Financial Services

International Arbitration (as Counsel)

Cases of note

UNCITRAL Arbitration – Acted for a leading infrastructure company in a dispute under a bilateral investment treaty against an Asian State arising from the indirect expropriation of two power projects.

UNCITRAL Arbitration – Acted for European investors 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 a British 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.

UNCITRAL Arbitration - Acted for a Mauritian investor in a dispute pursuant to a bilateral investment treaty against an Asian State arising from the breach of the fair and equitable standard and indirect expropriation of an information technology venture.

UNCITRAL Arbitration – Acted for a Turkish contractor in a dispute pursuant to a bilateral investment treaty against an African State arising from the expropriation of an EPC contract to build a power plant.

UNCITRAL Arbitration - Acting for a European defence contractor in a dispute pursuant to a bilateral investment treaty against a South American State arising from the expropriation of a defence services contract.

UNCITRAL Arbitration – Acted for a Turkish contractor in a dispute pursuant to a bilateral investment treaty against an African State arising from the expropriation of an EPC contract to build a new airport.

ICSID Arbitration – Advising a Central Asian State on a dispute pursuant to a bilateral investment treaty commenced by an investor alleging expropriation of a bank.

UNCITRAL Arbitration – Advising an African State on setting aside of the Final Award obtained by Chinese investors.

LCIA Arbitration – Acted for a one of the largest metals conglomerates in a dispute against a Canadian mining company in dispute arising from an offtake agreement in connection with a mine in Brazil.

UNCITRAL Arbitration – Acted for an African national oil company in a dispute against an international oil company arising from a production sharing contract.

UNCITRAL Arbitration – Acted for an African state-owned company in a dispute against a consortium arising from a joint operating agreement in relation to a production block in Africa.

UNCITRAL Arbitration – Advised an international oil company in a dispute against an Asian state concerning rights under a gas concession agreement.

UNCITRAL Arbitration – Advised the owner and operator of a major gas pipeline in Africa in a dispute regarding the participating interest and rights of two sovereign shareholders.

ICC Arbitration - Acting for an international oil company in a dispute to enforce the payment of cash-calls by a defaulting joint venture partner under a joint operating agreement.

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

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

Singapore-seated ad-hoc Arbitration – Acted for a prominent metals conglomerate in a dispute against a south-east Asian state-owned company regarding allegations of misrepresentation and breach of contract in relation to a high-value transaction involving the Chinese-arm of a London-based investment bank.

SIAC Arbitration - Acting for an Indian mining company in a dispute against a Singaporean company specializing in the trade of minerals arising from a contract for the production and sale of iron pellets.

ICC Arbitration – Acted for one of the world’s leading manufacturer of connectors and sensors in a dispute against one of the world’s largest power generation companies in relation to energy production and distribution at a solar park in the Middle East.

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 Russian private equity firm in a dispute against a prominent US real estate developer in relation to investment into a real estate project in Moscow.

SIAC Arbitration – Acted for leading South Asian sports entertainment media companies in a joint venture dispute with one of the largest media conglomerates over the ownership and broadcast of leading sports channels in South Asia.

SIAC Arbitration – Acted for an Indonesian 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.

London-seated ad-hoc Arbitration - Acted for the Brazilian subsidiary of a leading metals multinational company in a dispute against a Dutch company regarding its contractual performance in relation to a transaction with a Middle- eastern state-owned company.

London-seated ad-hoc Arbitration - Acted for an Indian mining company in a dispute against a British maritime company regarding the application and scope of force majeure under a charterparty.

ICC 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 the fund focussed on telecom asset in West 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.

Admissions

- England & Wales India
- Dubai International Financial Centre (DIFC)
- Abu Dhabi Global Market (ADGM)

Memberships

- LCIA European Users’ Council
- International Council for Commercial Arbitration (ICCA) Chartered Institute of Arbitrators (CIArb)
- Energy Arbitration Club Scottish Arbitration Centre
- International Centre for Alternative Dispute Resolution (ICADR)
- Editorial Advisory Board, LexisNexis Arbitration

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