



Vivek Kapoor

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

Email: Vivek.Kapoor@39essex.com

Phone: +44 (0)20 7832 1111

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 Litigation

Cases of note

England & Wales Acted for Liverpool City before the High Court (Technology and Commercial Court) in proceedings to resist an adjudicator's decision regarding a highways project. Leading case on the approach to a number of important issues related to jurisdiction, dispute under two contracts, service and appointment of an adjudicator, the question referred to an adjudicator, and natural justice. [2022] EWHC 1235 (TCC).

England & Wales Acted for Brazilian restaurant chain Rodizio Rico before the High Court (Technology and Commercial Court) in a claim for loss and damages under contract and tort.

England & Wales Acted for Country Land Conservation before the High Court (Chancery Division) in a claim for damages arising from the breach of a statute.

England & Wales Acted for The Purchasers before the High Court (Chancery Division) in a claim related to the insolvency of the historic Caer Rhun Hall Hotel in Wales.

England & Wales and **India** Acted for Punjab National Bank International in simultaneous enforcement proceedings before the High Court (Queen's Bench Division) in London and the Bombay High Court in Mumbai against 8 defendants arising from a multi-million-pound judgment of the English High Court.

England & Wales Acted for the Royal Bank of Scotland in numerous claims arising from allegations of mis-selling of payment protection insurance.

England & Wales Acted for National Westminster Bank in numerous claims arising from allegations of mis-selling of payment protection insurance.

Singapore Acted for Indonesian state-controlled natural gas corporation PT Perusahaan Gas Negara (Persero) in the much controvertible setting aside proceedings in Singapore before the Court of Appeal and High Court, arising from an ICC arbitration regarding a major gas pipeline project in Indonesia. Seminal case in the interpretation of the dispute resolution process under the FIDIC Red Book (1999), and prompted FIDIC Guidance Memorandum.

India Acted for PepsiCo India in proceedings against the state of Punjab before the Punjab & Haryana High Court in a matter pertaining to arbitrary withdrawal of tax concessions awarded for the setting up of three manufacturing units in Punjab.

Hong Kong Acted for PT First Media TBK in enforcement proceedings in Hong Kong before the Court of Appeal in the long running Astro/Lippo dispute related to the enforcement of five arbitration awards.

India Acted for Punjab National Bank International before the Bombay High Court in enforcement proceedings against an IT company and its promoters arising from a multi-million-pound judgment of the English High Court.

India Acted for a trade body representing FMCG companies before the Supreme Court of India in a petition seeking judicial review of a new environmental regulation with a possible multi-million exposure to the entire FMCG industry.

India Acted for PepsiCo India before the Punjab & Haryana High Court in a series of litigations arising out of a dispute with the Indian state of Punjab over the imposition of market fee on agricultural procurement in the state.

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

London

81 Chancery Lane,
London
WC2A 1DD
Tel: +44 (0)20 7832 1111
DX: London/Chancery Lane 298
Fax: +44 (0)20 7353 3978

MANCHESTER

82 King Street,
Manchester
M2 4WQ
Tel: +44 (0)16 1870 0333
Fax: +44 (0)20 7353 3978

SINGAPORE

Maxwell Chambers,
28 Maxwell Road,
WC2A 1DD
04-03 & 04-04, Maxwell Chamber
Suites
Singapore 069120
Tel: +65 6320 9272

KUALA LUMPUR

#02-9, Bangunan Sulaiman
Jalan Sultan Hishamuddin,
50000 Kuala Lumpur,
Malaysia
Tel: +60 32 271 1085

BARRISTERS • ARBITRATORS • MEDIATORS

clerks@39essex.com • DX: 298 London/Chancery Lane • 39essex.com