

# THREE CROWNS



## Manish Aggarwal

Partner, London

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Manish is a dual-qualified English solicitor and Indian advocate, and partner in the London office of Three Crowns. He has extensive experience of representing clients in both commercial and investment treaty arbitrations across a broad range of sectors (including energy, infrastructure, life sciences, telecommunications, and technology) and in arbitration-related court litigation. He also has experience as arbitrator, recently serving as a sole arbitrator in a Singapore-seated SIAC arbitration and a party-appointed arbitrator in a London-seated ICC arbitration.

Manish is a co-chair of the LCIA's Young International Arbitration Group, serves as a faculty member of Delos Dispute Resolution's Remote Oral Advocacy Programme, and regularly teaches commercial and investment arbitration at law schools across the globe, including Queen Mary University's School of International Arbitration, King's College Dickson Poon School of Law, and European Public Law Organization's Academy of International Economic Law and Policy.

Manish is consistently ranked as a leading practitioner in arbitration and public international law by major directories such as *Who's Who Legal* and *The Legal 500*, with clients describing him as "the total package" who "has excellent legal skills, is a great advocate and a great manager". He has also been recognised in the *India Business Law Journal's* list of top international lawyers for India-related matters, in which peers describe him as a "highly skilled advocate with a staggering depth of investment law insight".

### Selected Experience

#### Investment Treaty Arbitration

- Representing ConocoPhillips in an ICSID arbitration (ICSID Case No. ARB/07/30) against Venezuela arising from the expropriation of hydrocarbon assets and securing a historic \$8 billion award.
- Representing a private equity fund in an ICSID arbitration (ICSID Case No. ARB/15/42) against Spain under the Energy Charter Treaty arising from regulatory measures adversely affecting renewables and securing a multi-million-dollar award.
- Representing a PETRONAS group company in an ICSID arbitration (ICSID Case No. ARB/21/47) against the Republic of Sudan arising from State's takeover of investor shares in a Sudanese company.
- Representing the Puma Energy group in an ICSID arbitration (ICSID Case No. ARB/17/26) against the Independent State of Papua New Guinea arising from the imposition of taxes on imports of crude oil and securing a favourable settlement.
- Representing Russian and Cypriot investors in an UNCITRAL treaty arbitration (PCA Case No. 2013-23) against the Republic of India arising from measures affecting investments in the telecommunications sector.
- Defending the Republic of Poland in an UNCITRAL treaty arbitration involving claims by a French pharmaceutical group in excess of \$250 million arising from revocation of marketing authorisations for certain pharmaceutical products.
- Advising a financial institution on potential investment treaty claims against an Asian State arising from certain regulatory and judicial measures.

## Commercial Arbitration

- Representing three oil and gas companies in an LCIA arbitration against the Kurdistan Regional Government and securing awards worth approximately \$2 billion and dismissal of counterclaims worth several billion dollars.
- Securing an award in excess of \$150 million for a multinational commodity trading company in an UNCITRAL arbitration against the government of Ghana arising from a power purchase agreement.
- Successfully defending an Asian energy company in an ICC arbitration under a production sharing contract in Central Asia, securing a full dismissal of claims worth half a billion dollars.
- Successfully defending a multinational commodity trading company in an LCIA arbitration arising from an intermediary agreement, securing an early dismissal of all of claimant's claims.
- Representing a publicly-listed power generation company in an UNCITRAL arbitration against a State-owned power company arising from a power purchase agreement.
- Representing one of the world's largest energy companies in a WIPO arbitration against a leading European telecoms operator concerning the use and registration of intellectual property and securing a favourable settlement.
- Representing an Asian energy company in a multibillion-dollar price review-related arbitration under an LNG sale and purchase agreement.
- Representing an Asian energy company in an ICC arbitration under a production sharing contract arising from claims for reimbursement of certain taxes and abandonment fund contributions in excess of \$300 million.
- Representing an Asian energy company in an ICC arbitration arising from a force majeure declaration regarding a gas transportation agreement, with claims exceeding \$400 million.
- Successfully representing a leading Spanish company and its Indian subsidiary in a London-seated ICC arbitration against their Indian joint venture partner relating to a metro line construction project in India.
- Acting in a multibillion-dollar ICC arbitration on behalf of a real estate development company pertaining to disputes arising from a suite of Indian law governed agreements relating to a terminated joint venture in India.
- Representing a major global investment company in an LCIA arbitration arising from post-acquisition claims for breaches of warranties and indemnities under an English law governed share purchase agreement.
- Representing an energy major in an LCIA arbitration arising from termination of a sale and purchase agreement regarding transfer of participating interests in a gas condensate field and securing a favourable settlement.

## Arbitration-related Litigation

- Counsel for the claimant before the UK Supreme Court in *AES Ust-Kamenogorsk Hydropower Plant LLP v Ust-Kamenogorsk Hydropower Plant JSC* [2013] UKSC 35.
- Acting for an interested party in the landmark arbitration case before the Constitutional

Bench of the Indian Supreme Court in *Bharat Aluminium Company v Kaiser Aluminium Technical Service* (2012) 9 SCC 552.

- Counsel for the ICC (intervener) before the UK Supreme Court in *Jivraj v Hashwani* [2010] UKSC 40.
- Obtaining an anti-suit injunction for a European bank from the English High Court against an Indian derivative counterparty under the ISDA master agreement.
- Successfully resisting attempts by an African State to challenge a multimillion-dollar award rendered in a London-seated UNCITRAL arbitration before the English High Court.

### Admissions

- England & Wales (October 2010)
- India (August 2008)

### Languages

- English
- Hindi
- Punjabi

### Education

- Postgraduate Diploma in International Dispute Resolution (Arbitration), Queen Mary University of London (2013-2014)
- B.A., LL.B. (Hons.), National Academy of Legal Studies and Research (NALSAR) University of Law, India (2003-2008), including a semester at University of New South Wales, Sydney (2007)

### Professional Affiliations

- Co-chair, Young International Arbitration Group, London Court of International Arbitration (November 2021 to date)
- Member, Steering Committee, Young Group, Mumbai Centre for International Arbitration (2018 to date)
- Member, Steering Committee, Digital Transformation Committee, International Institute for Conflict Prevention and Resolution (2020 to date)
- Member, IBA Subcommittee on Investment Treaty Arbitration (2014-2016)

### Selected Publications and Speaking Engagements

#### Publications

- Book Chapter, “The Impact of Brexit on Investment Treaty Protection in the European Union” in *State of Arbitration – Essays in Honour of Professor George Bermann* (Juris, 2022) (co-author)
- Book Chapter, “Jurisdiction of the Arbitral Tribunal” in *Arbitration in India* (Kluwer Law International, 2021) (co-author).
- Article, “Strategies to maximise the efficiency of complex international arbitrations” in *Corporate Disputes Magazine*, 2021 (co-author).
- Book Chapter, “Investor-State Dispute Settlement and Protection of Intellectual Property

Rights and other Business Interests of the Technology Sector”, in *Investment Treaty Arbitration and International Law* (Juris, 2018).

- Article, “Investment Treaty Arbitration Post-Abaclat – Towards a Taxonomy of ‘Mass’ Claims”, *Cambridge Journal of International and Comparative Law* (December 2014) (co-author).
- Article, “Should parties specify the law applicable to their arbitration agreements?”, *Practical Law* (January 2014) (co-author).

### Speaking Engagements

- Panellist, “First time arbitrator and expert witness appointments”, Who’s Who Legal and GAR Live: Future Leaders Arbitration 2022 (April 2022)
- Moderator, “Innovation and promoting efficiency in international arbitration”, IBA’s Young Practitioner’s Symposium: diversity and efficiency in international arbitration (March 2022)
- Panellist, “India Climate Change and Environmental Disputes Day”, MCIA and Three Crowns (December 2021)
- Panellist, “Dispute Resolution in OBOR Projects – International Investment Dispute Resolution”, High-level Dialogue on International Commercial Arbitration among B&R Countries (November 2021)
- Faculty, “Investment Arbitration Series”, YMCIA and FTI knowledge series (October 2021)
- Panellist, Delos Dispute Resolution’s India Launch Event (October 2021)
- Panellist, “The Art of Taking Evidence in Arbitration”, Vietnam International Arbitration Centre webinar (October 2021)
- Panellist, “Extending the Roots of Arbitration: Environment, Animal Conservation, and Climate Crisis”, AIAC Asia ADR Week (August 2021)
- Faculty, “International Arbitration Skills Masterclass”, American Bar Association’s International Law Section Event (May 2021)
- Faculty, “Remote Online Advocacy Programme”, Delos Dispute Resolution Training (2020 and 2021)
- Panellist, “Emergency Arbitration in India: The Present and the Future”, ICC YAF webinar (April 2021)
- Faculty, “Workshop on Drafting and Handling an Application for Early Dismissal”, SIAC Middle East Academy (April 2021)
- Panellist, “India as a seat for arbitration – have the recent reforms worked and what does the future look like?”, GAR India Conference (March 2021)
- Panellist, “Vodafone Holdings B.V. v. the Republic of India”, ICDR and ABA webinar (November 2020)
- Faculty, “Workshop on Drafting of an Award”, SIAC South Asia Academy (November 2020)
- Moderator, “Substantive Protections: Fair and Equitable Treatment and Expropriation”, MCIA and FTI webinar (October 2020)

- Panellist, “The right to regulate as interpreted in recent investor-state and commercial awards”, British Institute of International and Comparative Law’s 34th Investment Treaty Forum Public Conference (September 2020)
- Panellist, “Investor State Dispute Settlement Reforms”, UNCITRAL and ICCA webinar (July 2020)
- Panellist, “Recent Developments and Key Arbitration Trends in Asia”, Paris Arbitration Week, YSIAC webinar (July 2020)
- Panellist, “International Commercial Arbitration and Assessment of Damages in the Midst of COVID-19”, Nishith Desai Associates client webinar (May 2020)
- Faculty, “Masterclass on International Investment Arbitration”, MCIA and Centre for Trade and Investment Law Training, New Delhi (January 2020)
- Panellist, “Remedies in Investment Treaty Arbitration”, MCIA Conference, New Delhi (January 2020)
- Panellist, “Challenges and Opportunities for India in Developing as an Arbitration Hub”, Global Dialogue Forum, UNCITRAL and Chatham House Conference, London (November 2019)
- Panellist, “Arbitration in the Asian Century”, Asia-Pacific Forum for International Arbitration Symposium, London (October 2019)
- Panellist, “Guerrilla tactics in Indian Arbitration”, 3rd ICC India Arbitration Day, New Delhi (September 2019)
- Speaker, “Debate on whether the publication of de-sanitised awards will harm arbitral proceedings”, GAR Singapore Conference (August 2019)
- Moderator, “Debate: Adopting the expedited procedure mechanism in the absence of the other party is a recipe for a successful challenge”, Young MCIA conference, Singapore (August 2019)
- Panellist, “The Hosts State’s Regulatory Freedom and Investors’ Legitimate Expectations”, 3rd Tour de Arbitration, Centre for Advanced Research in Dispute Settlement, Paris (February 2019)
- Panellist, “Institutional Arbitration is expensive: a myth”, MCIA 3rd Annual Conference, New Delhi (October 2018)
- Panellist, “While humans are still in charge, how can technology help in making complex disputes digestible”, 4th Alumni Conference of the Queen Mary School of International Arbitration, London (June 2018)
- Panellist, “Breaking into International Arbitration: The Good, the Bad and the Ugly”, Queen Mary, LSE, UCL and King’s College LLM Conference Series, London (November 2017)
- Moderator, “Issues of default in Commercial Arbitration”, ICC YAF seminar, Vilnius (October 2017)
- Speaker, “Public policy in investment treaty arbitration”, Centre for Advanced Research and Training in Arbitration Law (CARTAL) Conference, Jodhpur (September 2017)
- Speaker, “The Industry Panel: What is the future of international trade and investment law in the technology sector?”, Juris 11th Annual Investment Treaty Arbitration

Conference, Washington DC (April 2017)

- Speaker, “Introducing Arbitration: the key concepts”, Young MCI conference, Mumbai (February 2017)
- Panel Rapporteur, “Does Arbitration Contribute to the Rule of Law?”, ICCA Congress, Mauritius (May 2016)
- Speaker, “Claims Against Spain under the ECT – Spanish Legal Reforms that Affected the Renewable Energy Sector”, Cambridge Arbitration Day (March 2016)
- Speaker, “TTIP Negotiations Investor-state Dispute Settlement is Taken to Court”, ICC YAF Conference, Geneva (February 2016)
- Speaker, “Collective Proceedings and the Changing Landscape of Investment Treaty Arbitration”, Fifth Biennial Conference of the Asian Society of International Law, Bangkok (November 2015)
- Speaker, “Techniques for Controlling Time and Costs”, Conference on “Changing Dynamics of International Arbitration in India”, New Delhi (October 2015)
- Speaker, “Report on IBA’s Project for Reform of Investor-State Dispute Settlement”, SCC Conference on “ISDS: A Way Forward”, Brussels (May 2015)
- Speaker, “Investment Treaty Arbitration Post-Abaclat – Towards a Taxonomy of Mass Claims”, Third Annual Conference of the Cambridge Journal of International and Comparative Law, Cambridge (May 2014)
- Speaker, “The Parties’ Choice of Procedural Law Governing the Arbitration: A Conflict-of-Law Analysis”, 4th Biennial conference of the Asian Society of International Law, New Delhi (November 2013)