

PROFILE



**Director (Foreign Law), Dispute Resolution
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Qualifications

B.L.S., LL.B. (First Class Honours), Government Law College, Mumbai (2008)
LL.M. Columbia Law School, New York, USA (2011)
Fellow, Chartered Institute of Arbitrators (FCIArb)
Admitted to the Bar Council of Maharashtra & Goa (2008)

Language

English (native), Hindi (fluent), Urdu (conversational)

ABHINAV BHUSHAN

ABOUT ABHINAV

Abhinav represents clients in international arbitration and dispute resolution with a focus on India, Indonesia, Malaysia, Thailand, Australia and Europe. He is the first Indian lawyer to be hired by the ICC Court as its Deputy Counsel for the Commonwealth team in Paris and, later, as the first Indian Director of the ICC Court for South Asia in Singapore. In his role as counsel and later Director, Abhinav has administered hundreds of commercial arbitration cases. Abhinav also sits as an arbitrator in ICC, SIAC, LMAA and ad hoc matters panning sectors such as energy, aviation, construction, commercial cases and ship building contracts. He has been appointed on the Singapore International Arbitration Centre (SIAC), Reserve Panel of Arbitrators, Singapore, Vienna International Arbitration Centre, panel of arbitrators by the Shanghai Arbitration Commission (SHAC), Shanghai, China; and the panel of arbitrators by the Asia International Arbitration Centre (AIAC), Kuala Lumpur, Malaysia. He also serves on the Governing Council of the International Arbitration & Mediation Centre (IAMC), Hyderabad, India.

As Deputy Counsel of the ICC Court, Abhinav assisted the ICC Court in analysing and resolving difficult and cutting-edge issues in international arbitration. In particular, he assisted the ICC Court in the award scrutiny process of international arbitral awards from various jurisdictions.

Abhinav was a part of the ICC Secretariat and its administration of active arbitration cases across a range of sectors including energy, infrastructure, commodities, aviation, pharmaceuticals and others.

Over the years and as Director of ICC Arbitration & ADR Services, he has advised on the interpretation of ICC Rules and the ICC's latest policies on transparency disclosure and costs, including expeditious determination of manifestly unmeritorious claims or defenses and expedited procedures. He is a trusted point of reference for lawyers and in-house counsel in the region for advice on international arbitration, institutional rules, and practice and procedure.

Abhinav has spoken in over 180 international arbitration conferences and training programs around the world.

He was instrumental in establishing the ICC's Singapore case management team in collaboration with the Government of Singapore.

EXPERIENCE

- Assisted Claimants' counsel in a multi-million SIAC arbitration between Indian, Japanese and Singaporean parties. The shareholders' dispute was seated in Singapore.
- Advised a French manufacturing corporation known for making disposable consumer products in its Pan-Asia arbitration strategy and dispute resolution clauses.
- Assisted a U.S. MNC in a complex litigation case involving an oppression and mismanagement claim and another U.S. company with an international commercial arbitration involving a contractual dispute related to termination of a distributor contract.
- Assisted a major US pharmaceuticals company in a multi-party multi-contract ICC arbitration over a vaccine dispute against its Indian distributor.
- Appointed as presiding arbitrator in an ICC Arbitration In the aviation sector between a Spanish and a Nepalese company where English law governs Singapore is the seat.
- Appointed as Sole Arbitrator in a SIAC Arbitration in the F&B sector between two Indian companies where Indian Law governs. New Delhi, India is the seat.
- Appointed as Sole Arbitrator in an Expedited ICC Arbitration in the energy (coal) sector between an Indian company and an Indian State Entity. Indian law governs and Vishakhapatnam, India is the seat.
- Appointed as co-arbitrator in three different but parallel LMAA arbitrations in a ship building sector between German and Russian parties where English law governs. London, England is the seat.
- Managed hundreds of arbitrations—from initial filing through appointment of the arbitral tribunal until completion, including providing neutral advice on procedural issues to arbitral tribunals and parties and addressing daily issues as they arose.
- Prepared and presented memoranda to the ICC Court regarding jurisdictional objections including in cases involving multi-party multi-contract scenarios, constitution of the arbitral tribunal, objections to confirmation and challenges, joinder and consolidation, monitoring of costs, including analysis of novel and complex legal issues in light of ICC practice and best practices on international arbitration.

APPOINTMENTS/MEMBERSHIPS

- Fellow, Chartered Institute of Arbitrator (CIArb), Singapore.
- Appointed on the Singapore International Arbitration Centre (SIAC) SIAC Reserve Panel of Arbitrators, Singapore.
- Appointed on the Governing Council of the International Arbitration & Mediation Centre (IAMC), Hyderabad, India.
- Appointed on its panel of arbitrators by the Vienna International Arbitration Centre (VIAC), Vienna, Austria.
- Appointed on its panel of arbitrators by the Shanghai Arbitration Commission (SHAC), Shanghai, China.
- Appointed on its panel of arbitrators by the Asia International Arbitration Centre (AIAC), Kuala Lumpur, Malaysia.

- Member, Core Committee, ICC India Arbitration Group.
- Member, ICC India Strategy Group.
- Member, ICC Singapore Arbitration Group.

PUBLICATIONS

- Abhinav Bhushan & Omar Ahmad, “*Emergency Arbitrators Role and Powers*”, Arbitrators Handbook, Chapter 2, Lexis Nexis, ISBN INK9391211578
- Abhinav Bhushan & Omar Ahmad, “*Ruckus of the Rent – Delhi High Court may have an answer*”, Bar & Bench (22 May 2020)
- Co-authored the India Chapter of *Enforcement of Investment Treaty Arbitration Awards*, (Second edition, ed. Julian Fouret, GLOBE LAW AND BUSINESS, published January 2021)
- Chapter 17, “*Arbitral Institutions; ICC Chapter*” Arbitration in India, ed. Dushyant Dave, Martin Hunter, Fali Nariman, Marike Paulsson, Kluwer Law International, ISBN 9789041182555.
- Bhushan, A. (2021) India. In: Grishchenkova, A. & Polevshchikova, T. (eds.) Arbitration in Asia. Moscow, Russia, BukiVedi, pp. 41-54, ISBN 978-5-4465-3207-0.
- Alexis Mourre & Abhinav Bhushan, ICC Rules and Arbitration in India, 7(1) INDIAN J. ARB. L. 1 (2018).
- Abhinav Bhushan & Sameer Jain, *Supreme Court Clarifies Restrictions on Foreign Lawyers’ Arbitration Practice*, ICC Dispute Resolution Bulletin, Issue 2, 2018.
- Chapter, *The Applicability of the New York Convention in India*, (ENFORCING ARBITRAL AWARDS IN INDIA, LEXIS NEXIS, ISBN: 9788131250983).
- “Standard and Burden of Proof in International Commercial Arbitration: Is there a bright line rule?” AMERICAN REVIEW OF INTERNATIONAL ARBITRATION, Vol. 25, Nos. 3-4, 2014.
- Co-authored the India Chapter of *Enforcement of Investment Treaty Arbitration Awards*, (First edition, ed. Julian Fouret, GLOBE LAW AND BUSINESS).
- Co-authored “*One for the Money*”, KLUWER ARBITRATION BLOG (31 March 2014)
- Co-authored “The Ghost of the Governing Law Returns: Lex Arbitri v. Curial Law in India”, KLUWER ARBITRATION BLOG (26 February 2014)
- Co-authored “*The Back and Forth of the Arbitrability of Fraud in India*”, KLUWER ARBITRATION BLOG (13 February 2014)
- Co-authored “The Use of Technology in International Arbitration Proceedings in Emerging Countries”, (CORPORATE DISPUTES MAGAZINE, FINANCIER WORLDWIDE LTD.)