

SHAURYA UPADHYAY

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CURRENT PROFILE / WORK EXPERIENCE

Independent International Disputes Lawyer

Delhi, India

November 2020 -
Present

- Independent consultant providing legal advisory services on international dispute resolution. Assisting established arbitration practitioners in India and Europe with their legal practice and academic research in the field of international commercial arbitration. Currently managing a major publication project with Thomson Reuters.

Assistant Professor & Assistant Dean (Research) Jindal Global Law School

Delhi, India

January 2021-Present

- Subjects taught: International Commercial Arbitration (LL.M. elective), Trial Advocacy (LL.B. Year 5), Law of Contracts (LL.B. Year 1), Commercial Contracts Drafting (LL.M., elective), Law and Justice in a Globalising World (LL.M.)
- Administrative responsibilities as Assistant Dean include implementation of institutional academic policies, coordinating the design and implementation of individual courses; organisation of international and national level conferences and research colloquiums, including the Jindal Global Law Schools Summit 2021
- LL.M. Dissertation supervisor to 21 LL.M. candidates. Subject fields include international commercial arbitration and international investment law
- Faculty Advisor to the JGLS International Law Society; Team Coach to the Stetson International Environmental Law Moot & the International Cross Examination Moot teams

EDUCATION

Master of Laws (LL.M.) (JN Tata Scholar)

2018

London School of Economics and Political Science

Distinction on Thesis titled "Extension of arbitration agreements to non-signatories"

International Business Law specialisation; Undertook courses on Comparative and Transnational Law, International Arbitration and Contract Law; Graduated with high merit

Bachelor of Laws (LL.B.)

2017

Faculty of Law, University of Delhi

Awarded a first division. Distinction in Arbitration and Constitutional Law modules. Student Editor-in-Chief, Delhi Law Review; Student Convenor, Moot Court Society

B.A. History with Honours

2014

University of Delhi

Graduated with an Upper First Division;
President of the Debate Society

BAR ADMISSION

Advocate, Bar Council of India

2017

Admitted to practice law in India; registered with the Bar Council of Delhi

LEGAL WORK EXPERIENCE

International Dispute Resolution Internship Debevoise and Plimpton LLP

London, UK
Oct 2019 –
Nov 2020

- Part of the legal team representing an oil conglomerate in arbitration under an SPA on a potential breach of warranty and fraudulent misrepresentation claim. Responsibilities included preparing the initial merits review, preparing the client interview protocol, drafting the request for arbitration, and compiling evidentiary records
- Part of the legal team representing a state entity in an ad-hoc arbitration against a rival state-owned commercial entity. Responsibilities included preparing the skeleton argument and draft transcripts for the evidentiary hearing
- Part of the team advising a technology services company on a potential investment treaty claim against certain government regulations in a South-East Asian country. Responsibilities included conducting a merits review of the dispute, preparing for client consultation meetings, and conducting extensive legal research on investment claims based on indirect expropriation and legislation induced loss of value of investment
- Part of the legal team representing an oil conglomerate in a class action claim before English Courts. Responsibilities included preparing witness statements and evidence slides; organising and examining large data sets related to over 25,000 claimants, organising evidentiary data and creating aggregated data reports on claimant information
- Assisted the counsel team on a pro-bono mortgage repossession claim in the English High Court (Chancery Division). Conducted research on issues of English property law and English chancery court procedures
- Pro bono work included assisting the team working on a case relating to systemic sexual violence and lack of reproductive rights in select jurisdictions; Responsibilities included drafting operative sections of the report on available non-criminal justice mechanisms available to victims
- Authored the IBA Ethics Report on the Legal Ethics regulation in India, prepared the first draft of the IBA Report on Insolvency and Arbitration in England and Wales

International Arbitration Internship Wilmer Cutler Pickering Hale and Dorr LLP

London, UK
Jul 2019 –
Sep 2019

- Assisted the Presiding Arbitrator in an ICC commercial arbitration between power station operators and a South Asian country. Prepared non-substantive sections of the award and organised evidence/transcripts of the hearing
- Assisted the legal team representing the claimants in the *Addiko Bank AG. v Republic of Croatia* case (ICSID Case No. ARB/17/37). Prepared the first draft

of the FET argument for the Reply document during written submissions phase

- Assisted the counsel team on a potential investment treaty dispute in Southeast Asia. Prepared a detailed report on the prevailing political conditions in the Asian region examining the sensitive political nature of the dispute
- Conducted a two-week long first and second level document review on a case involving two pharmaceutical majors on a drug licensing dispute
- Drafted the 'India Report' and the 'Ethics and Diversity in Arbitration' sections of the 2020 Commonwealth International Arbitration Study (details available at <https://thecommonwealth.org/arbitration-study>)
- Part of the team involved on the revision of the arbitration rules and model BITs of certain African nations

Project Support Assistant

Dr Jan Kleinheisterkamp, Department of Law, LSE

London, UK

Jun 2018 –

Jan 2019

- Assisted the Professor acting as sole arbitrator in two debt-recovery LCIA arbitrations between an international student loan company in the UK and indigent debtors in the US/India.
- Assisted in preparing research notes, class presentations, and resource compendiums.

Legal Internship

Government of India Standing Counsel's Office

Delhi, India

March 2016 –

Aug 2016;

Aug 2017

- Worked pre - qualification at the counsel's chambers, assisting his team on various government matters
- Assisted the counsel representing the Central Government as the second respondent in the high-profile case on call-drop compensation charges in *Cellular Operators Association of India and Ors v. Telecom Regulatory Authority of India & Ors.* (2016) 228 DLT 491 (DB)
- Assisted the counsel representing the Union of India in the high-profile case on the ban of Fixed-dose composition drugs by the government regulator, in *Pfizer Ltd v Union of India* (2017) 236 DLT (CN) 5

MOOT COURT EXPERIENCE

Willem C. Vis Moot

2016-Present

- Coached the LSE Vis Moot team for the 26th, 27th and 28th editions of the Moot. The team reached the quarterfinals at the 28th edition and won the award for best Claimant memorial at the 27th edition
- Coached the HNLU team for the 28th edition of the Moot; Coached the Jindal Global Law School team for the 29th edition of the Moot
- Secured the 9th rank of 357 participating teams; participated as the procedural speaker, dealing with issues related to arbitrator challenges and third-party funding conflicts under the UNCITRAL Rules

LIST OF PUBLICATIONS

BOOK CHAPTERS

- “Foreseeability and remoteness of damages” co-authored with Mr Gaurav Pachnanda SA in *Damages and Expert Evidence in Indian Court Litigation* (Gaurav Pachnanda SA and Kartikey Mahajan (Eds.)) 2023 (UPCOMING)
- “Expert Evidence in International Arbitration” co-authored with Mr Kartikey Mahajan (Partner, Khaitan & Co) in *Damages and Expert Evidence in Indian Court Litigation* (Gaurav Pachnanda SA and Kartikey Mahajan (Eds.)) 2023 (UPCOMING)
- “Limitation of Liability under Indian and English Law” co-authored with Justice Manmohan (Delhi High Court) and Mr Kartikey Mahajan (Khaitan & Co.) in *Damages and Expert Evidence in Indian Court Litigation* (Gaurav Pachnanda SA and Kartikey Mahajan (Eds.)) 2023 (UPCOMING)

ARTICLES

- “Confidentiality in Investment Arbitration,” *Jus Mundi WikiNotes* (https://jusmundi.com/) 2021
- “The UK Supreme Court and International Commercial Arbitration,” co-authored with Jan Kleinheisterkamp, in A van Hooft and J Tossens (eds), *Belgian Review of Arbitration*, Volume 2019 Issue 2 pp. 501 – 521 (https://kluwerlawonline.com/). 2019
- “To Extend or not to Extend – The New Indian Approach to Extension of Arbitration Agreements to Non-Signatories” *ICA Arbitration Quarterly*, Vol. 200, Jan-Mar 2019, Indian Council for Arbitration ISSN 2456-9801 (http://www.icaindia.co.in/). 2019
- “The Internet never forgets? – Locating the ‘right to be forgotten’ within the Indian Constitutional and Legal Framework,” co-authored with Shreeyash Uday Lalit, *Delhi Law Review Student Edition Vol V* (2016-17) ISSN 0973-00IX (http://lawfaculty.du.ac.in/). 2017
- “The Sexual Harassment of Women at Workplace Act, 2013 – Critical Perspectives” *CLC Student Law Review Vol III* (2015-16) ISSN 2321-0028 (https://clcstudentlawreview.files.wordpress.com). 2016

RESEARCH CREDITS

- Patrick Taylor and Gavin Chesney, “IBA Toolkit on Insolvency and Arbitration,” *National Report on England and Wales*, International Bar Association (https://www.ibanet.org/). 2021
- Lord Peter Goldsmith, “International Commercial Arbitration in India: Some Reflections on Practice and Policy,” in Gourab Banerji et al. (eds.) *International Arbitration and the Rule of Law: Essays in Honour of Mr Fali S. Nariman*, p. 361. 2021