



Shardul Amarchand Mangaldas



## Binsy Susan

Partner

Dispute Resolution

Binsy Susan is a Partner in the Firm's Dispute Resolution practice. She has wide experience in matters pertaining to corporate and commercial litigations and arbitrations.

Binsy regularly advises on matters relating to construction, engineering and infrastructure disputes and has also advised clients on matters relating to shareholder disputes, telecommunications, competition law, white collar crimes and economic offences. She has led and represented clients in several high stake and complex international and domestic arbitrations conducted by ICC, LCIA and ad hoc Tribunals across various Construction and Engineering sectors including Oil & Gas, Energy, Infrastructure and Telecom disputes. She has had extensive experience in advising various companies in arbitration matters and arbitration related court matters. Binsy has worked closely with various UK law firms, Queen's Counsel/ Junior Barristers of the Royal Courts of Justice, United Kingdom, Delay Experts and Quantum Experts in several construction, engineering and infrastructure disputes.

Binsy has been regularly appearing before the Supreme Court, High Courts, subordinate courts and tribunals for clients in commercial disputes. Binsy has been pivotal in several disputes of moment. She formed the core team representing Confederation of Indian Industry (CII) before the Supreme Court of India (a five-judge Constitution Bench) dealing with the Presidential Reference on allocation of natural resources. The Supreme Court (In re, Special Reference No.1 of 2012; (2012) 10 SCC 1) ultimately approved CII's stand on allocation of natural resources.

Binsy also routinely advises various private sector companies on anti-graft laws and compliance issues. She has also conducted internal investigations for various clients in relation to allegations of banking fraud and money laundering. She was also involved in conducting an internal investigation for and on behalf of a leading private sector bank, necessitated by the Cobrapost Sting Operation in March and May 2013. The Firm was involved in assisting banks in their proposed actions against employees involved and to examine any breach of code of conduct and ethical standards, in response to proceedings initiated by the Reserve Bank of India.

Binsy has been instrumental in drafting various Guides, Handbooks and India Chapters on Dispute Resolution, Gifts & Entertainment and Anti-Corruption Laws. She routinely contributes to the Herbert Smith Guide to Dispute Resolution (India Chapter), Gifts and Entertainment Guide (India Chapter), Overseas Corruption Project (India Chapter) as well as Mayer Brown's Multi-Jurisdictional Litigation Brochure between 2009-2014, including various updates.

### Location

- Delhi

### Education

- B.A.LL.B (Hons.), National Law Institute University (2005)
- LL.M., New York University School of Law, (2008)

### Practices

- Dispute Resolution

### Professional Memberships

- Bar Council of Delhi, India





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Binsy has been adjudged the winner of Client Choice Award 2015 (by the International Law Office and Lexology) in the Arbitration & ADR category for India among 2,500 nominations. The Client Choice Award is based on nominations from corporate counsel only, which evidences the confidence she inspires in her clients. Clients' quotes for Binsy include:

- “Practising in India, Binsy has managed to achieve a high standard of service, which is a tribute to her sincerity; this is reflected in her work, her preparation, her presentation and writing skills.”
- “She can process large volumes of information quickly and formulate an effective strategy for each matter in hand.”
- “She has an excellent legal and commercial acumen, combined with proper application of commonsense where required.”
- “We would always recommend her due to her excellent quality services, proper dedication and passionate approach.”

Binsy started her career in Disputes with the Firm in June 2009. Prior to that, she was pursuing transactional practice with AZB & Partners since 2005.

## Select Experience Statement

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- **An Indian EPC company and its English subsidiary** in a litigation before the Technology and Construction Court, London regarding construction of the world's largest LDPE plant.
- **An Indian EPC company**, the employer in disputes against its contractor, a government owned engineering and manufacturing company regarding construction of 2\*600MW thermal power station in India. The claims were to the tune of \$450 million.
- Consortium in a dispute arising out of construction of a standby jetty for South-East Asia's first LNG Receiving and Regasification Terminal at Dahej, Gujarat before an *ad hoc* arbitral tribunal.
- **Leading French industrial gases manufacturer** in INR 40 billion dispute against a leading national steel manufacturer regarding a construction of two cryogenic air separation plants on BOO basis.
- **A Korean contractor** before Dispute Adjudication Board for claims valued at over \$40 million against an employer arising out of an EPC contract based on the FIDIC conditions of contract. The agreement is an EPC Contract for one of India's largest suspended cable bridge construction projects.
- **India's largest oil and gas exploration and production company** in a dispute arising out of an oil exploration contract in Brazil, which involved complex technical issues concerning drilling operations and sharing of joint operating expenses.
- **A large American sewer pipeline rehabilitation company and its Indian subsidiaries** in relation to disputes with its joint venture partner. Also represented the company in relation to various disputes and claims against public sector utilities, municipal



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authorities and private parties. This included an ICC arbitration, LCIA arbitration, *ad hoc* arbitration, challenge proceedings before courts in India.

- **India's pioneer IT Services, Solutions & Distribution Company** in relation to its dispute against a statutory authority on contractual interpretation and pending claims.
- **A large telecom company in India** in relation to its \$280 million dispute regarding acquisition of another telecom licensee.
- **A Navratna Enterprise of the Government of India** in a litigation before the Supreme Court regarding completion of unfinished real estate projects. The estimated cost of completion of unfinished projects was around INR 85 billion.

