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<b>Nationality/ Date of Birth</b>	Singaporean/12 <sup>th</sup> June 1971

### **Educational/Professional Memberships**

LLB(Honours) N.U.S. (1994)

Admitted as an advocate and solicitor in Singapore 1995

Admitted as a solicitor in England & Wales 2000

Law Society of Singapore

Academy of Law Singapore

Fellow of the Insolvency Practitioners Association of Singapore

### **Current Position**

Partner, Head of the International Arbitration & Dispute Resolution (S.E.A.),

Clifford Chance

### **Professional Experience**

Nish Shetty specialises in arbitration and dispute resolution. He has advised on many complex cross-jurisdictional disputes in the past 16 years including arbitrations in London, the United States, South and South-east Asia. He has also advised on complex corporate and shareholder disputes, cross-border insolvencies, & restructurings, defamation and commercial fraud-related matters.

An Indian national and Singapore permanent resident, Nish is qualified in both England & Wales and Singapore.

### **Arbitration Experience**

Some of the recent arbitration experience includes:

- A global bank in a SIAC arbitration proceedings arising out of a dispute under a shareholder agreement regarding a US\$60 million investment in an Indian technology company and its Dubai-based subsidiary. The dispute involved allegations of significant fraud and legal proceedings in various jurisdictions, including India, London, Dubai and South Africa. It involved one of the first ever applications to obtain emergency relief, including worldwide Mareva relief, under the SIAC emergency arbitrator provisions
- An oil and gas contractor pursuing claims against the owner of an FPSO facility under SIAC

arbitration. The dispute concerned a potential claim of US\$22 million with a counterclaim by the owner for a similar amount

- PNGSDP on an ICSID arbitration in relation to the (alleged) expropriation of shares in the Ok Tedi gold and copper mine in PNG by the PNG Government. This is the largest ICSID claim in history by a Singapore company
- On four LCIA arbitrations on behalf of companies owned and controlled by one of India's most prominent developers against a UK listed entity concerning a series of development projects across India with a value of over £1 billion
- A global hospitality company in a potential ICC arbitration arising out of a share subscription agreement. The dispute relates to the construction and development of a resort in the Maldives
- A high net worth individual in LCIA arbitration proceedings in relation to a dispute with his US JV partner over real estate investments in Asia
- A leading Dubai based conglomerate in a SIAC arbitration against a BVI entity backed by an Indian promoter. This is a shareholder dispute between the parties arising out of investment in a power plant in India (worth US\$1.1 billion) under a joint venture
- On 4 related LCIA arbitrations against a UK listed entity arising out of US\$2.5b development projects in India
- A major oil international in arbitration proceedings in London conducted under the ICC Rules in relation to the charging of certain employee costs to joint venture partners for the exploration and operation of certain oil fields
- Maxis Communications Berhad as international counsel in the enforcement of an arbitration award against a Malaysian company
- On an LCIA Arbitration in respect of a derivatives dispute between a financial institution and an investor
- On an ICC Arbitration between South African and Indian parties in respect of a joint venture dispute between companies who had agreed to provide Indian manufactured medicines to the South African healthcare market
- A major corporate in a series of parallel SIAC arbitrations against a state-owned Vietnamese shipbuilding company. Our clients achieved a complete victory and the Awards were rendered within 9 months of the appointment of Tribunal
- Private investors in an SIAC arbitration against a Thai-based fund and fund director. Our clients achieved a complete victory and the Tribunal rendered the Award within 6 months of its appointment
- Korean and Swiss entities in respect of a SIAC arbitration regarding the supply of goods and services for a construction project in the Middle East
- Acting for Alstom against Insigma in relation to a jurisdictional challenge based on the ability of the SIAC to administer an ICC arbitration
- Norwegian private investors in a SIAC arbitration against a private-owned fund and the fund director resulting in a comprehensive victory for the client
- An Indian company in a multi-million dollar arbitration against a Chinese State entity (SIAC)
- An Indian conglomerate in relation to a multi-million dollar SIAC arbitration against a Singapore

trading company (SIAC)

- A Japanese multinational in relation to eight concurrent arbitrations relating to the supply of Japanese products to a Vietnamese counterparty
- An Asian telecommunications conglomerate in proceedings arising out of an arbitration commenced by the seller of an Indian telecommunications company under a share purchase agreement. The dispute concerned various allegations of breach of a sale and purchase agreement, including allegations of fraud and corruption
- An Indonesian conglomerate in relation to a construction project in Bali, Indonesia involving a multi-million dollar alleged fraud committed by the contractor
- Acting for a group of major Asian airlines against a large multinational US computer company in an ICC arbitration conducted in London (before a tribunal comprising of three English QCs) involving multi-million dollar claims relating to breach of contract, breach of fiduciary duties, breach of confidentiality, fraud and conspiracy (in conjunction with lawyers from New York (Cravath Swaine & Moore)/Texas (Gibson Dunn & Crutcher) and a prominent English QC)
- Acting for a subsidiary of a Singapore listed company against a local subsidiary of a European multinational company in an ICC arbitration in respect of engineering works carried out in SATS Changi Airport Terminal No 5
- Acting for Transfield, Australia's largest construction company, in a multi-million dollar International arbitration involving a hotel project in Ho Chi Minh City, Vietnam (SIAC)
- Acting for a leading Iranian manufacturing company in a dispute with a local manufacturing company and its Japanese parent company, in an International Arbitration in relation to a claim in excess of US\$40 million (SIAC)
- Acting for a leading Indian Trading House in a multi-million dollar SIAC international arbitration against a Korean multi-national chaebol (SIAC)
- Acting for Toyo Engineering Corporation against John Holland Engineering and Construction in relation to a challenge of an ICC Award. The case led to legislative changes in Singapore's arbitration law

### **Publications**

- Authored the Singapore Chapter of the Global Counsel Insolvency & Restructuring Handbook 2005/2006, and co-authored the Singapore Chapter of "*The Asia-Pacific Restructuring & Insolvency Guide 2003/2004.*"
- Authored the Singapore Chapter of "*Asset Tracing & Recovery*"

### **Languages**

Speaks English, Tulu, Tamil, Hindi and Gujarati.