

Sagar Gupta

Associate

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Languages spoken

English | Hindi | Kannada



About Sagar

Sagar Gupta is an associate in the International Dispute Resolution Practice Group based in London. He acts for clients as counsel and advocate in international arbitration, high-stakes complex commercial litigation and public international law matters. He has particular expertise in investment treaty arbitrations and advises on matters involving the protection of investments under public international law. He has significant experience in enforcement and other arbitration-related matters before domestic courts in England and Wales, and India.

Sagar is dual-qualified to practice law in England and Wales, and India. He is a qualified solicitor advocate with higher rights of audience in England and Wales. He has represented governments, corporates and high-net-worth individuals in institutional (ICSID, ICC and LCIA) and ad hoc (UNCITRAL) arbitral proceedings in major jurisdictions, such as London, New York and Paris, as well as in proceedings before the English and Indian courts, including as a barrister. Sagar routinely advises clients in a wide range of sectors, including mining, energy and natural resources, financial services and technology.

Before working at a US litigation boutique and a magic circle law firm in London, Sagar practiced as a barrister before the Supreme Court of India and in various High Courts. He was also seconded to two financial services institutions, where he advised on a range of securities and financial products issues.

Sagar graduated at the top of his class at National Law University, Jodhpur, with academic honours in international trade and investment laws. During law school, he was a senior editor of the Indian Journal of Arbitration Law.

Experience

Investor-state Arbitration

- Representing the investor in an ICSID arbitration under the Canada-Tanzania BIT arising out of Tanzania's cancellation of certain retention licences concerning a rare earths mining project.
- Defending the claimant group in an annulment proceeding in relation to a US\$116 million-plus ICSID award against Tanzania.
- Representing the investor in a legacy NAFTA claim under the USMCA and the ICSID Convention arising out of Mexico's inaction in clearing a blockade.

- Representing a Malaysian entrepreneur in a US\$350 million-plus indirect loss claim arising out of the expropriation of certain mining assets under the ICC Arbitration Rules against an Eastern European state.
- Advising two Canadian investors in an investment dispute against Mexico under the CPTPP arising out of the expropriation of the Ixtaca gold-silver mining project.
- Acting for a Russian energy company in an investment arbitration under the UNCITRAL rules against the government of Ukraine arising out of a multibillion-dollar fine.
- Advising a Japanese car manufacturer on public international law remedies following changes to domestic company law in a G20 country.
- Advising entities across several industries on the protection of foreign investments under public international law, including corporate restructuring options to obtain investment treaty protection in several African and CIS states.

International Commercial Arbitration

- Representing an offset broker against a leading manufacturer of defence equipment involving a large procurement contract relating to satellites for an East Asian state.
- Representing a securities trading firm in an arbitration against an oil major in relation to investor fraud and misrepresentation.
- Acting for an international bank in an ICC arbitration in relation to thousands of post-M&A warranty claims allegedly worth billions of dollars.

Acting for British Petroleum on a £1 billion-plus UNCITRAL arbitration against the government of India concerning several disputes arising under a production sharing contract.

Asset Recovery, Enforcement and Interim Measures

- Coordinating a multijurisdictional enforcement process in relation to an ICSID award including in the UK, the US, Italy and South Korea.
- Advising a Ukrainian judgment creditor in enforcement of a foreign judgment against the Russian Federation, and its subsidiaries in England.
- Acting for leading energy companies in the court proceedings before the Commercial Court and the Court of Appeal for interim measures under the Arbitration Act 1996 in a New York seated arbitration (judgments reported at [2020] Bus LR 426, QBD and [2020] 1 WLR 3504, CA).

Crisis Management and Special Situations

- Advising a Middle Eastern telecommunications company on strategy concerning regulators in an African Great Lakes state.
- Advising a Dubai-based infrastructure company in negotiations with a Central African state.
- Advising a gold mining company in its relations with a West African state.
- Assisting a prominent lithium miner in its relations with an African state.
- Advising a mineral sands miner in relation to the renewal of its implementation agreement with an East African state.

Pro Bono

- Representing the lead petitioners in a high-profile, successful constitutional challenge to antiquated laws that criminalised consensual same-sex relations before the Supreme Court of India reported as *Navtej Singh Johar v. Union of India* (2018) 10 SCC 1.

- Assisting the amicus curiae in judicial proceedings before the Supreme Court of India concerning 1,528 alleged extra-judicial killings by security personnel.

Credentials

Education

- National Law University, Jodhpur, B.A./LL.B., (Honours), International Trade and Investment Laws, 2017
- Xiamen Academy of International Law, Public International Law Programme, 2015

Admissions

- Rights of Audience Civil Higher Courts of England and Wales, 2023
- England and Wales, 2022
- India, 2017

Memberships & Affiliations

- Associate, Chartered Institute of Arbitrators
- Young ICCA
- Young International Arbitration Group
- YSIAC
- Young MCIA

Recognitions

- Mathur Amar-Laxmi Gold Medal and Justice Chand Mal Lodha Memorial Gold Medal for securing the highest CGPA in the graduating class of 2017 at National Law University, Jodhpur.
- Trilok Chand Mangilal Sancheti Gold Medal for securing the highest CGPA among the students of B.A., LL.B. (Hons.) in the graduating class of 2017 at National Law University, Jodhpur.
- Late Sunil Kumar Sah and Kumkum Sah Gold Medal and Late Pranita Mehta Gold Medal for outstanding mooted achievements in the graduating class of 2017 at National Law University, Jodhpur.
- Late Smt. Tara Massey Memorial Gold Medal for securing the highest marks in administrative law in the graduating class of 2017 at National Law University, Jodhpur.
- Late Prof. Y.K. Tiwari Gold Medal for securing the highest marks in five specified subjects of law (legal methods and legal systems, jurisprudence, constitutional governance, family laws and labour laws) in the graduating class of 2017 at National Law University, Jodhpur.

Expertise

Services

- Litigation
- International Dispute Resolution

Industries

- Energy & Natural Resources

Publications & Speaking Engagements

- Mining

Publications

- Co-author, "Damage to submarine cables: claims and remedies", *Developing Telecoms*, May 2024.
- Co-author, "Is the People's Good the Highest Law? The Concept of Necessity in Investor-State Protections", *GAR Guide to Telecoms Arbitration 2nd ed*, October 2023.
- Co-author, "Multi-tiered Dispute Resolution Clauses: Towards Harmonisation?" *Jus Mundi Blog*, May 2023.
- "Sunk costs as a remedy: sunken treasures or sunken hopes?" *Global Arbitration Review*, April 2023.
- Co-author, "Investor-State Space Arbitration Rules", *Space Arbitration Association Blog*, January 2023.
- "English Commercial Court Affirms Validity of Unilateral Option Clauses", *Oxford Business Law Blog*, January 2023.
- Co-author, "Applicable Law in Investor-State Space Arbitration", *Space Arbitration Association Blog*, December 2022.
- Co-author, "How can investors trace digital assets", *FT Adviser*, December 2022.
- Co-author, "Applicable Tests for Arbitrator Bias: Recent Practice in Select Common Law Jurisdictions", *Kluwer Arbitration Blog*, November 2022.
- Co-author, "English Court Rekindles the Debate on the Form of Interim Measures in English-Seated Arbitrations: Order or Award?" *Oxford Business Law Blog*, November 2022.
- Co-author, "How International Claims Can Be Lost – Or Won – In Translation", *Law360*, October 2022.
- "Soleymani v Nifty Gateway: What's Next For Consumer Arbitration in the UK?" Thomson Reuters, *Practical Law Arbitration Blog*, October 2022.
- Co-author, "Investment Protection of Space Assets", *Space Arbitration Association Blog*, October 2022.
- "The Antrix-Devas Saga Continues: What's Next for Indian Arbitration", *Jus Mundi Blog*, September 2022.
- "Exclusive Jurisdiction and Seat of Arbitration: Examining the Indian Arbitration Landscape", *Indian Review of International Arbitration*, 2021.
- "English Court of Appeal Rules on Conflicts of Interest of Experts", *Jus Mundi Blog*, 2021.

Speaking Engagements

- Moderator, Boies Schiller Flexner Rapid Fire Q&A on Award Challenges & Enforcement Trends, London, March 2024.
- "Round-up of English court decisions of 2022 on challenge and enforcement of arbitral awards", Boies Schiller Flexner and Farrer & Co Roundtable on Judgment and Enforcement Trends, London, February 2023.

About our firm

One of the world's strongest integrated law firms, providing insight at the point where law, business and government meet. We deliver commercially focused business solutions by combining our legal, lobbying and political capabilities and invaluable connections on the ground to a diverse mix of clients, from long-established leading corporations to emerging businesses, startup visionaries and

sovereign nations. More than 1,500 lawyers in over 40 offices across four continents provide unrivaled access to expertise.