

Chintan Chandrachud

YEAR OF CALL: ENGLAND AND WALES: 2021; INDIA: 2011; NEW

YORK: 2018

"...highly intelligent and brings great intellectual clarity to his work"

Legal 500 2024

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Practice Overview

Chintan's practice covers commercial litigation, arbitration and public law litigation. His past and present representations include acting for NMC Health in a \$2.5 billion professional negligence claim against EY at the Commercial Court, acting for a Ukrainian commercial bank in PCA arbitration proceedings under the Russia-Ukraine Bilateral Investment Treaty, and acting for a British mining conglomerate in the largest ever tax dispute (\$200 billion) against the Tanzania Revenue Authority. In 2023, Chintan was the only barrister to receive an India-UK Achievers Award (from amongst the 75 achievers selected) at the India UK Achievers Honours.

Commercial

Chintan has advised on and appears in commercial disputes covering the full range of Commercial Court work. He has worked on a large number of commercial cases with a tax element, and cases in the extractive industries sector. His past and present representations include:

- *Nord Stream AG v Lloyd's Insurance Company SA*: acting for the Defendants in relation to a claim seeking an indemnity of €400 million under primary and excess layer insurance policies arising out of damage to the Nord Stream pipelines (led by Simon Salzedo KC).
- *Trident Trust Company (Singapore) Pte Limited v Nirav Modi & Others*: acting for the Union of India in Chancery Division claims relating to the assets of Nirav Modi, who is alleged to have perpetrated a large fraud on the Punjab National Bank (led by Harish Salve KC).
- *Marco Emilio Boroli Società Semplice & Others v XY ERS UK Limited & Others*: acting for the claimants in claims for deceit and unlawful means conspiracy arising from investments made in an investment fund (led by Daniel Burgess).
- *Alta Trading UK Limited (formerly Arcadia Petroleum Limited) and Others v Peter Miles*

Bosworth and Others: acted for the Claimants in \$325 million claims for breaches of fiduciary duties arising out of West African oil trading in the Commercial Court (led by Fionn Pilbrow KC).

- *NMC Health plc (in administration) v Ernst & Young LLP*: acting for the claimant in a \$2.5 billion professional negligence claim against EY in the Commercial Court (led by Simon Salzedo KC).
- *Invenio Business Solutions Limited and Another v Manish Goyal and Another*: acted for the defendants in Chancery Division claims for breaches of fiduciary duties (unled).
- *DAZN Limited v IMG Worldwide LLC and Others*: acted for the claimant in a dispute involving the termination of football broadcast licensing contracts (as a result of the COVID-19 pandemic) in the Commercial Court (led by Tony Singla KC).
- *Goyal v BGF Investment Management Ltd* [2023] EWHC 1180 (Comm): acted for the claimants in claims for deceit and unlawful means conspiracy (led by Harish Salve KC).
- *Re Jardine Strategic Holdings Limited* [2022] SC (Bda) 27 Com: acting for the respondents resisting a strike out application on a significant question of construction of the Bermuda Companies Act 1981 (led by Mark Howard KC, Stephen Midwinter KC).
- *Sian Participation Corp and Another v Domidias Limited and Merbau Synergy Limited*: acting for the Claimants in Commercial Court claims seeking specific performance of share option agreements (led by Thomas Plewman KC).
- *McLean and others v Thornhill* [2022] EWHC 457 (Ch): acted for the defendant in a professional negligence claim brought against a leading tax silk in the Chancery Division (at trial only, led by Tom Adam KC).
- *Pine River Asia Master Fund and Others v Castex Technologies Limited and Others*: acted for a group of hedge funds in a claim of share price manipulation on the Indian stock markets against an automotive component provider in the Commercial Court.
- *Federal Deposits Insurance Corporation v Barclays Bank plc and Others*: acted for an independent agency of the US government in proceedings at the High Court arising from the LIBOR scandal.
- *White Oak Trade and Speciality Finance Cayman, LLC v Jurgens Australia (Pty) Limited*: acted for a trade finance provider in a Commercial Court claim for breach of contract against caravan manufacturers.
- *Ezra Marwa Wambura and Others v Barrick TZ Limited and Others*: acted for a Canadian mining conglomerate in tort claims brought by a group of claimants at the High Court.
- *Acacia Mining plc and Others v Tanzania Revenue Authority*: advised a British mining conglomerate in over 150 tax disputes (involving CIT, VAT, PAYE and customs duties) against the Tanzania Revenue Authority in courts and tribunals in the Republic of Tanzania. This included the largest tax dispute in history at the time (USD 200 billion).
- *Norquil Limited v HMRC*: acted for a British real estate group in proceedings against HMRC at the First Tier Tribunal (Tax Chamber).

Arbitration

Chintan has a broad range of arbitration experience and has acted in ICSID, PCA, LCIA, ICC, UNCITRAL and Ad Hoc arbitrations. His past and present representations include:

- Acting for a Malawi construction company in ICC proceedings arising from alleged breaches of a railway construction contract (unled).
- Acting for a Indian public sector undertaking in LCIA arbitration proceedings arising from an alleged breach of an agreement for the supply of liquefied natural gas (led by Harish Salve KC).
- Acting for the respondent African state in ICC arbitration proceedings where the claimant alleges that the imposition of tax is in breach of contract (led by Philippa Hopkins KC).
- Acting for the claimant in an LCIA arbitration seeking specific performance (alternatively, damages) for breach of a shareholders' agreement (led by Thomas Plewman KC).
- Acted for the respondent in a CiArb arbitration involving an alleged breach of a guarantee agreement between the parties (led by James McClelland KC).
- Acted for the respondent in an ad hoc arbitration involving a dispute arising from a joint venture agreement (led by Fionn Pilbrow KC).
- *Crescent Petroleum Company International Limited and Another v. National Iranian Oil Company*, PCA Case No. 2019-03: acted for the Respondent (led by Maya Lester KC)
- *JSC CB PrivatBank v The Russian Federation*, PCA Case No. 2015-21: acted for a Ukrainian commercial bank in PCA arbitration proceedings under the Russia-Ukraine Bilateral Investment Treaty.
- *AngloGold Ashanti (Ghana) Limited v Republic of Ghana*, ICSID Case No. ARB/16/15: acted for a South African mining conglomerate in a claim for breach of contract in ICSID arbitration proceedings against the Republic of Ghana.
- *Acacia Mining plc and Others v Republic of Tanzania*, LCIA Case No. UN173687: advised a British mining conglomerate on the tax related aspects of LCIA arbitration proceedings against the Republic of Tanzania.
- Acted for a telecom infrastructure provider in a claim for breach of contract in UNCITRAL arbitration proceedings against an investor.
- Advised an American investment company in relation to the English law aspects of an employment dispute in ICC arbitration proceedings.

Chintan also accepts arbitrator appointments, and is currently sole arbitrator in an international arbitration seated in India (MCIA Rules).

Public Law

- *Siddiqui v Siddiqui* (Court of Appeal): defending a claim for child maintenance founded on the basis that the relevant statutory scheme is discriminatory and violates rights under the European Convention on Human Rights (as a pupil, assisting Jennifer MacLeod).
- *AZY and ors v DPP and ors* (High Court): a Human Rights Act damages claim for victims of grooming gangs in Rochdale regarding their treatment by the police and the CPS (as a pupil, assisting Jennifer MacLeod).
- Inquest into the death of Jake and Chloe Ford (North East Kent Coroner's Court): a high-profile inquest into the death of young twins killed by their mother, on behalf of their father (as a pupil, assisting Jennifer MacLeod).

EDUCATION & QUALIFICATIONS

Professional experience

Associate, Quinn Emanuel Urquhart & Sullivan LLP (2016–20)

Constitutional law lecturer at Christ Church, Oxford (2017) and St Catherine's College, Oxford (2015)

Education

PhD: Sidney Sussex College, University of Cambridge

LLM: Yale Law School

MPhil: St Catherine's College, University of Oxford

BCL: St Catherine's College, University of Oxford

BLS, LLB: Government Law College, University of Mumbai

Scholarships and prizes

Cambridge: Judge Evan Lewis-Thomas Law Studentship, Modern Law Review Scholar.

Oxford: St Catherine's College Light Senior Scholar, Law Faculty Graduate Scholar, J.N. Tata Scholar, Narotam Sekhsaria Foundation Scholar, Hirani Foundation Scholar, Tatachem Golden Jubilee Foundation Scholar, Lotus Trust Scholar.

Mumbai: Yashwant Dalal trophy for the most outstanding all round student, best student of the year.

PUBLICATIONS

Books

- *Balanced Constitutionalism: Courts and Legislatures in India and the United Kingdom* (OUP 2017).
- *The Cases that India Forgot* (Juggernaut 2019).

Selected articles, notes and book reviews

- "The Kashmir Internet Restrictions: India's Supreme Court Swaps Seats with the Executive" (2020) *Public Law* 793.
- "Review of 'The Constitution of India: A Contextual Analysis' by Arun K Thiruvengadam" (2019) *Public Law* 431.
- "Anti-Corruption by Fiat: Structural Injunctions and Public Interest Litigation in the Supreme Court of India" (2018) 14 *Socio-Legal Review* 170.
- "Twenty years of the Arbitration Act 1996: Bhatia International revisited" (2018) 2 *Transnational Dispute Management Journal* (with S. Petit, J. Meeran).
- "Nehru, Non-Judicial Review and Constitutional Democracy" (2018) 2 *Indian Journal of Constitutional & Administrative Law* 45.
- 'Review of Unstable Constitutionalism – Law and Politics in South Asia' (2018) *International Journal of Constitutional Law* 690 (with P. J. Yap).
- "The implications of the Double Taxation Directive in the EU" (2017) *LexisNexis Q & A* (with L. Fichardt).
- "A new era of international tax disputes and arbitration" (2017) *Financier Worldwide* (with L. Fichardt).
- "The new Directive on tax dispute resolution mechanisms" (2017) *Tax Journal* 1374 (with L. Fichardt).
- 'Re-Making We the People' (2017) 65 *American Journal of Comparative Law* 217
- "Proportionality, Judicial Reasoning, and the Indian Supreme Court" (2017) 1 *Anti-Discrimination Law Review* 87.
- "Measuring Constitutional Case Saliency in the Indian Supreme Court" (2016) 6 *Journal of Indian Law & Society* 42.
- "800 Years of the Magna Carta: The Magna Carta and the Making of the Indian Constitution" (2015) 14 *National Human Rights Commission Journal* 3.
- "Declarations of Unconstitutionality in India and the UK: Comparing the Space for Political Response" (2015) *Georgia Journal of International and Comparative Law* 309.
- "Reconfiguring the discourse on political responses to declarations of incompatibility" (2014) *Public Law* 624.

Selected book chapters

- "Contracting with the State" in K V Krishnaprasad and others (eds), 'The Foundations of

Indian Contract Law' (forthcoming 2023).

- "Reform of Investor-State Dispute Settlement" in S. Garg (ed), 'Arbitrator's Handbook' (LexisNexis 2022).
- "Structural Injunctions and Public Interest Litigation in India" in P. J. Yap (ed) *Constitutional Remedies in Asia* (Routledge 2019)
- "Constitutional Falsehoods: The Fourth Judges Case and the Basic Structure Doctrine in India" in R. Albert, B. Oder (eds) *An Unconstitutional Constitution? Unamendability in Constitutional Democracies* (Springer 2018).
- "The (Fictitious) Doctrine of Substantive Legitimate Expectations in India" in M. Groves, G. Weeks (eds) *Legitimate Expectations in the Common Law World* (Hart 2016).
- "Rights-Based Constitutional Review in the United Kingdom: From Form to Function" in J. Bell, M.L. Paris (eds) *Rights-Based Constitutional Review in Europe* (Edward Elgar 2016) (with A. Kavanagh).
- "Constitutional Interpretation" in S. Choudhry, M. Khosla, P. B. Mehta (eds) *The Oxford Handbook of the Indian Constitution* (OUP 2016).
- "International Humanitarian Law in Indian Courts: Application, Non-application, Misapplication" in D. Jinks, J. Maogoto, S. Solomon (eds) *Applying International Humanitarian Law in Judicial and Quasi-Judicial Bodies: International and Domestic Aspects* (TMC Asser Press 2014).

Directory Quotes

Chintan has been listed by Chambers & Partners as an "associate to watch", and by Legal 500 as a "key lawyer", for tax litigation.

"Chintan is highly intelligent and brings great intellectual clarity to his work. He is efficient, hardworking, responsive and a real pleasure to collaborate with. Chintan's written advocacy is of a very high standard." (Legal 500, 2024)

"He is absolutely brilliant - incredibly strong on the details and helpful on the strategic work." (Chambers & Partners, 2021)

"...notable for his work for mining sector clients." (Chambers & Partners, 2021)