

# MIKHAIL BEHL

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Mikhail, began his legal career as law clerk to the Hon'ble Mr. Justice V. M. Kanade of the High Court of Judicature at Bombay. After completing his LL. B (qualifying course in India), Mikhail was called to the bar in India in the year 2007. Mikhail then pursued a Master's Degree in Law (LLM) from the University of Edinburgh where he was the recipient of the University of Edinburgh's International Masters Scholarship for India as well as the R.D. Sethna Memorial Trust Scholarship. After completing his Masters, Mikhail joined the chambers of Mr. Dinyar D. Madon Sr. Advocate Bombay High Court in the year 2009 and gained a significant exposure to a wide variety of civil disputes in line with the chambers core areas of practice. In particular, Mikhail, gained significant exposure to commercial litigation, arbitration and related litigation. In the year 2015, Mikhail set up his independent chambers in Mumbai. Over the course of his practice, Mikhail has had more than 30 reported (notable) orders/judgments. Mikhail has been appointed as sole arbitrator in more than 100 arbitral proceedings. Mikhail is an arbitrator on the panel of several of the leading arbitral institutions including the HKIAC, SIAC, DIAC, ADGM, IIAC, ICA, AIAC, THAC, MCIA and HAC. He is also on the panel of arbitrators of the High Court of Judicature at Bombay. Mikhail has been designated a Fellow of the Chartered Institute of Arbitrators and Prime Dispute both *via* the experienced practitioner's route. He is also a Fellow of the Indian Council of Arbitration. As mediator/conciliator Mikhail has successfully resolved 8 high value commercial disputes. Mikhail has been appointed as Court Commissioner to record evidence in more than 50 civil proceedings before the Hon'ble High Court of Judicature at Bombay and the City Civil Court, Bombay. In 2022, Mikhail applied to the Bar Standards Board, U.K. (BSB) seeking to be called to the bar in the United Kingdom as a Transferring Qualified Lawyer (TQL). Mikhail was given a full exemption from all academic and vocational components of the qualification process. Based on his prior experience, Lincoln's Inn granted him an exemption from attending 3 qualifying sessions. He was called to the Bar in the United Kingdom at Lincoln's Inn in March, 2023. Mikhail has been accredited as a mediator by the Society of Mediators, U.K.

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## CAREER:

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March 2023:	Called to Bar – Lincoln's Inn.
2015 – Present:	Chambers of Mikhail Behl (Bombay – India).
2009 – 2017:	Chambers of Dinyar D. Madon Sr. Advocate High Court of Judicature at Bombay.
2008 – 2009:	Masters in Law, University of Edinburgh, Scotland.
2007 – 2008:	Intern & Advocate at C.R. Naidu & Co, Advocates (Bombay – India).
2007:	Called to the Bar (Bar Council of Maharashtra & Goa – India).

2006: Law Clerk to the Honourable Mr. Justice V. M. Kanade (then judge of the High Court of Judicature at Bombay, later acting Chief Justice of the High Court of Judicature at Bombay).

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EDUCATION:

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2008 – 2009: The University of Edinburgh, Scotland.  
Masters in Law (LLM) (First Class).

2004 – 2007: The University of Mumbai.  
Bachelor of Law (LLB) (First Class).

2001 – 2004: Wilson College, Mumbai.  
Bachelor of Arts (Political Science) (First Class).

1999 – 2001: The University of Mumbai.  
Higher Secondary Certificate (HSC) (First Class).

1989 – 1999: St. Joseph’s High School, Mumbai.  
Secondary School Certificate (SSC) (First Class).

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EXPERIENCE:

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CHAMBERS OF MIKHAIL BEHL | 2017 – PRESENT

**A. COMMERCIAL LITIGATION EXPERIENCE:**

1. Represented the Plaintiff in a Suit founded on an oral contract of guarantee. The Plaintiff had previous to my engagement sought without success a summary judgment against the Defendant. The Defendant was granted unconditional leave to defend the Suit. I was engaged at the trial of the claim. The judgment of the Bombay High Court has been reported in *Vinergy International Pvt. Ltd. v. D. Shah* AIR 2017 (Bom) 109 and is a landmark case on proving such oral agreements through circumstantial evidence.
2. Assisted a leading Senior Advocate in an Appeal before the Securities Appellate Tribunal (SAT) in proceedings arising out of a complaint alleging the violation of the Indian regulations prohibiting insider trading and governing the accusation of substantial shares/control of listed entities. The judgment of the SAT is reported *Birla Corporation Ltd. v. SEBI & Ors.* 2019 SCC Online (SAT) 38.
3. Represented the Plaintiff in a significant trademark infringement and passing off case. The court was called upon to rule if infringement and passing off would stand proved even if the word marks were notably different but the infringing product’s packaging had a substantially similar look and feel. Given the importance of the case the products being pharmaceutical products, an amicus was appointed to assist the Court on behalf of the Defendant. The decision of the High Court of Judicature at Bombay is reported in *Macleods Pharmaceuticals v. Swisskem & Anr.* (2019) 80 PTC 303.
4. Represented one of India’s oldest boarding schools a reputed Anglican boarding school in proceedings against the Charity Commissioner and its custodian trustees the Diocesan

of Bombay involving serious allegations of fraud, breach of Trust, embezzlement and misappropriation of property. The decision of the court is anticipated.

5. Successfully defended an award allowing a substantial indemnity claim. The tribunal had held that an insurer was bound by the terms of its held covered note, which in this particular case adopted by reference the terms of coverage offered by another co-insurer. The High Court opined that the interpretation given by the tribunal to the cover note provisions was a reasonable construction and did not warrant an interference under Section 34. The judgment in the set aside proceedings has been reported in *Reliance General Insurance Co. Ltd. v. National Rayon Company* 2019 SCC Online Bom 4087.
6. Assisted a leading Senior Advocate in representing the heirs and the estate of a former chairman of the renowned Tata group of companies. The proceedings concerned the appointment of curators to manage the substantial estate. These proceedings and the orders of both the learned single judge and division bench of the Bombay High Court have been reported in *Jamshed Kali Mody & Anr. v. Basant Mishra* 2018 SCC Online Bom 15481 and in 2018 SCC Online Bom 8711 respectively.
7. Represented a French international banking group in proceedings before the Bombay High Court. The case raises serious allegations of breach of duty by auditors of a major commodity exchange in India. It also raised serious allegations of fraud against one of the world's largest consultancy firms.
8. Appearances in 15 other notable cases reported by law reports in India.
9. Conducted over 50 trials gaining significant experience in examining 'in chief' summoned witnesses, cross-examining opposing party witnesses and delivering questionnaires and interrogatories.
10. Over 30 appointments as Court Commissioner by the High Court of Judicature at Bombay.

**B. ARBITRATION AND RELATED LITIGATION EXPERIENCE:**

1. 100 appointments as arbitrator.
2. 3 appointments as member of an arbitral tribunal.
3. 1 appointment as presiding arbitrator.
4. 8 conciliator engagements.
5. Designated Fellow (FCI Arb) of the Chartered Institute of Arbitrators (U.K.) via the experienced practitioner's route.
6. Designated Fellow (FPD) of Prime Dispute (U.K.).
7. Designated Fellow (FICA) of the Indian Council of Arbitration (ICA).
8. Empanelled as an arbitrator on the list of arbitrators of the Hong Kong International Arbitration Centre (HKIAC).

9. Empanelled as an arbitrator on the reserve list of the Singapore International Arbitration Centre (SIAC).
10. Empanelled as an arbitrator with the Dubai International Arbitration Centre (DIAC).
11. Empanelled as an arbitrator by the Abu Dhabi Grand Market Arbitration Centre (ADGM).
12. Empanelled as an arbitrator with the Asian Institute of International Arbitration (AIAC).
13. Empanelled as an arbitrator with the India International Arbitration Centre (IIAC).
14. Empanelled as an arbitrator with the Indian Council of Arbitration (ICA).
15. Empanelled as an arbitrator with the Thailand Arbitration Centre (THAC).
16. Empanelled as an arbitrator with the Mumbai Centre for International Arbitration (MCIA).
17. Empanelled by the Hyderabad Arbitration Centre (HAC).
18. Accredited Mediator (The Royal Society of Mediators, U.K.).
19. Appeared with a leading Senior Advocate on behalf of one of the world's largest cargo and freight companies in an international arbitration proceeding under the Singapore International Arbitration Centre (SIAC) rules. The seat of the arbitration was Singapore. The governing law of the dispute was Indian law.

**C. PUBLICATIONS & SPEAKING ENGAGEMENTS:**

1. A conspectus on Section 27 of the Arbitration and Conciliation Act, 1996. Published in the Journal Section of Bombay Cases Reporter 2019 (1) Bom. C.R. 41-47.
2. The company its veil and the arbitration of disputes. Published by Supreme Court Cases 2021 SCC Online (Op. Ed.) 6.
3. Arbitration and Human Right concerns published by Bharati Vidyapeeth, Pune – 2021.
4. Alive or Dead: an evaluation of the concept of 'investment' in international investment arbitrations, published by Supreme Court Cases 2021 SCC Online (Op. Ed.) 183.
5. Will alternative funding arrangements (such as third-party funding or alternative fee arrangements) help or harm arbitration users – HKIAC (HK45) Essay Competition (Honourable Mention – Emerging Markets) October, 2022.
6. Invited to conduct a three lecture seminar series on arbitration by G.J. Advani Law College, Mumbai between August -September, 2022.

7. A requiem for costs (2023) 1 SCC 20 (Journal). This article is now a part of the training curriculum on the Commercial Courts Act, 2018 as prescribed by the National Judicial Academy (NJA),
8. Invited to author an article for Volume II Issue 2 of the Indian Review of International Arbitration, expected to be published first quarter of 2023.
9. Arbitration as a mechanism to resolve IPR Disputes, Bharati Vidyapeeth, Pune – 2023.

CHAMBERS OF MR. DINYAR D. MADON SR. ADVOCATE | 2009 – 2015

**A. COMMERCIAL LITIGATION EXPERIENCE:**

1. Appeared in Revision proceedings before the Hon'ble High Court of Judicature at Bombay in a case which is a notable precedent on the jurisdiction of the City Civil Court, Bombay to hear cases involving infringement of Copyright claims. The judgment of the court is reported in Saregama India Ltd. v. Mahal Pictures Ltd. 2013 (3) Bom. C.R. 412.
2. Assisted a leading Sr. Advocate in proceedings under Section 11 of the Arbitration and Conciliation Act, 1996. The judgments in this case are now the most notable authority on the power of the Chief Justice/or designate to appoint an arbitrator in the event of the death of the named arbitrator. The decision of the Hon'ble High Court is reported in Global Cements v. ACC Ltd. 2012 (4) Bom. C.R. 330.
3. Assisted a distinguished Sr. Advocate in a notable application for Summary Judgment. The case is a precedent on the right of a guarantor to seek indemnification from the principal debtor and also a precedent on the jurisdiction of the High Court of Judicature at Bombay over foreign Defendants. The judgment of the High Court on its jurisdiction is reported in G.P. Goenka v. Rabo India Finance Limited 2013 (2) All MR 771; 2013 (2) Mh. LJ 195.
4. Appeared on behalf of one of the largest banks in the world in a proceeding brought against it by two associations representing the former employees of a large Dutch bank taken over by the client. The Suit seeks to enforce a contractual claim to an annual pension increment and has raised several interesting issues including the authority of the associations as well as the former employees of the bank, whether the arrangement was a design by the outgoing management to sabotage its takeover, limitation and consideration. I drafted and argued an application on behalf of the client seeking to have a large portion of the claim in the proceedings dismissed on the ground that it was time barred. The judgment of the court on the issue of limitation is reported in ABN AMRO Bank Pensioners Association & Anr. v. The Royal Bank of Scotland (2014) SCC Online (Bom) 473.
5. Appeared on behalf of an individual claiming to be the script writer of an award-winning Bollywood biopic film. The order of the High Court of Bombay in the interlocutory proceedings is reported in Narendra Mohan Singh alias Sanjay Singh & Anr. v. Ketan Mehta & Ors. N.M. (L) No. 2071 of 2015 in Suit (L) No. 778 of 2015.
6. Appeared with a leading Senior Advocate in a case which is the leading authority on the maintainability of an Appeal under the Commercial Courts Act. The judgment of the

division bench of the High Court is reported in Smt. Sushila Singhania v. Bharat Hari Singhania (2017) 3 AIR Bom R 357; (2017) 4 Bom CR 348.

7. Appeared in proceedings which are a landmark ruling on choice of forum clauses in commercial agreements. The judgment of the Bombay High Court is reported in Naran Lala Pvt. Ltd. v. Ion Exchange (India) Ltd. (2015) 3 Mh. L.J. 167; 2015 (4) All. MR 1; 2015 (3) Bom CR. 733.
8. Appearances in 10 other significant proceedings that have been reported by law reporters in India.
9. Conducted over 50 trials.
10. Appointed Court Commissioner for recording evidence in 25 proceedings.

#### C.R. NAIDU & CO. | 2007 – 2008

Mr. Naidu runs a successful Advocates firm in the city of Mumbai. During my period of internship and the initial period post my qualification I had numerous opportunities to attend meetings with clients and Sr. Advocates. Post qualification, I had the opportunity of assisting Mr. Naidu in a leading case concerning the applicability of the Employees State Insurance Act to cooperative housing societies. The judgment of the court is reported in ESIC v. Dalamal Towers Premises Co-Op Society Ltd. 2008 (2) All MR 147.

#### LAW CLERK TO THE HONOURABLE MR. JUSTICE V.M. KANADE, JUDGE OF THE HIGH COURT OF JUDICATURE AT BOMBAY | 2006

The High Court of Judicature at Bombay selects students from around the State to clerk with judges of the Court. Candidates are shortlisted on the basis of their performance at the University exams and are thereafter interviewed by judges before being offered clerkship. As a law clerk I had the opportunity to sit in on the hearings of several important cases including cases raising questions about parliamentary privilege, constitutionality and legality of various laws, writs from various administrative tribunals, civil and criminal matters. The clerkship provided me with a unique opportunity to research cases and taught me to examine proceedings from the perspective of the adjudicator.

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#### AWARDS:

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- 2022 – 2023: HK45 Essay writing competition (honourable mention – emerging markets).
- 2008 – 2009: The University of Edinburgh’s International Masters Scholarship for India.
- 2008 – 2009: The R. D. Sethna Memorial Trust merit scholarship for Indian students pursuing post graduate education overseas.
- 2006 – 2007: Certificate for standing 3<sup>rd</sup> in the final year of LL.B.
- 2006 – 2007: Certificate for standing 1<sup>st</sup> in semester VI of LL.B.

- 2006 – 2007: Smt. Usha Kiran Award, University of Mumbai for securing the highest marks in the law of crimes.
- 2006 – 2007: 2<sup>nd</sup> Runner-up at the Chief Justice M.C. Chagla moot court competition.
- 2006 – 2007: Runner-up in the Rizvi College, Bombay moot court.
- 2006 – 2007: Certificate for securing the highest marks in criminology.
- 2005 – 2006: Certificate for standing 1<sup>st</sup> in semester IV of LL.B.
- 2004 – 2005: Certificate for securing the highest marks in Labour Laws.

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#### REFERENCES:

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Mr. Justice (Retired) V. M. Kanade (Former Acting Chief Justice of the Bombay High Court).  
Mr. Dinyar D. Madon (Sr. Advocate Bombay High Court).  
Mr. Anish Wadia C. Arb. (Chambers of Mr. Anish Wadia)  
Mr. Rahul Donde (Levy-Kaufman Kohler).

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#### PROFESSIONAL ACCREDITATIONS:

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FCI Arb: Chartered Institute of Arbitrators, London.  
FPD: Prime Dispute, U.K.

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#### COMMITTEE'S:

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Managing Committee, High Court Law Library: The High Court of Judicature at Bombay.  
(Sub-Committees): Membership, Library Books & Digitisation, Locker allocation.

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#### MEMBERSHIPS:

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The Honourable Society of Lincoln's Inn, London (Member of Hall).  
International Council for Commercial Arbitration, Netherlands (Young ICCA member).  
Young International Arbitration Group, London (YIAG).  
Hong Kong International Arbitration Centre, Hong Kong (HK45).  
Singapore International Arbitration Centre, Singapore (Young SIAC).  
Asian International Arbitration Centre, Malaysia, Kuala Lumpur (Young Practitioners Group).  
German Arbitration Institute, (DIS40).  
AIA ArbIT-40, Italy.  
Mumbai Centre for International Arbitration, Mumbai (Young MCIA).  
Bombay Bar Association, Mumbai (permanent member).

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#### INTERESTS:

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Cricket (Club, School, District and State level).  
Basketball (Club, College, District and State level).  
Photography (published in three countries).  
Mountaineering (basic mountaineering certificate and wilderness first responder certificate).  
Weightlifting (amateur).

Charity (St. Xavier's Resource Centre for the Visually Challenged 'XRCVC'– Bombay, India).

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LANGUAGES:

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English (Fluent).

Hindi (Fluent).

Punjabi (basic).

Marathi (basic).

French (basic).