



Percival Billimoria

Year of Call:

Direct Access: No

	businessclerks@outertemple.com
	+44 (0)20 7353 6381



Percival (Percy) Billimoria, started his legal career with Arthur Andersen in 1987 and is also qualified as a Chartered Accountant. He is known for his extensive experience as an arguing counsel in adversarial matters (litigation and arbitration) concerning international companies and investors doing business in India.

Percy is listed in the Who's Who Litigation Guide – 2021, and Chambers & Partners recognises him as being well-known for his expertise in litigation in the areas of joint ventures, infrastructure projects and project finance. He has also been recognised by Asia Pacific Legal 500 as one of the leading individuals in India and as a "fine lawyer" and a leading individual who comes "highly recommended". In 2021, Chambers & Partners stated that Percival is highly respected by clients in New Delhi for his advocacy skills in civil and commercial litigation. He is described by a market source as "a brilliant counsel."

Areas of Expertise

International Arbitration

Landmark Matters: Arbitration Jurisprudence in the Supreme Court

Percy represented clients in shaping the jurisprudence on arbitration in the following landmark matters:

Swiss Timing vs Organising Committee, Commonwealth Games 2010, Delhi

Percy successfully represented Swiss Timing as lead counsel. The Supreme Court in a landmark decision settled the question of whether an allegation of fraud is "arbitrable".

Pricol Limited vs. Johnson Controls Enterprise Ltd. & Ors

Percy successfully represented Johnson Controls as lead counsel. The Supreme Court addressed a pathological arbitration clause and referred the parties to arbitration by virtually re-drafting the

London (Main Office)

The Outer Temple, 222 Strand
London WC2R 1BA

T: +44 (0)20 7353 6381
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E: clarks@outertemple.com
DX: LDE 351 (Chancery Lane)

Abu Dhabi

24th Floor, Al Sila Tower
Abu Dhabi Global Market Square
Al Maryah Island
Abu Dhabi, UAE

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E: OTC-UAE@outertemple.com

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clause. This decision reflects a pro-arbitration approach of the Supreme Court of India since the 2012 decision in *Bharat Aluminium Co. v. Kaiser Aluminium Technical Services Inc.*

Arbitration

Percy has acted as lead counsel on several arbitrations, especially involving construction law and oil and gas industry matters. Disputes arising pertain primarily to tender terms, delay, meaning of time being essence of contract, liquidated damages and variations of work.

Significant matters include:

- A British oil and gas multinational in their dispute with a contractor, in respect of the Panna-Mukti-Tapti oil field
- An European manufacturer of industrial gas establishing a gas supply plant on BOO terms
- An Indian infrastructure company, in relation to its participation in the bid process for the award of a port project in the State of Orissa
- Challenge to bids and bid terms of the National Highways Authority of India pertaining to the Kishangarh Udaipur Ahmedabad stretch of National Highways
- 2 contractors on the KBPL ("Kandla-Bhatinda Pipeline") Project
- Contractors to the Spie-Capag/NKK/Toyo consortium
- Contractors to the 765 kV S/C Mainpuri-Hapur & Mainpuri-Greater Noida Line with 765kV/400 kV AIS at Hapur & Greater Noida and Associated Schemes/Work
- A state owned insurance company in a dispute pertaining to the computation of a loss of profit claim
- A contractor to the Commonwealth Games Committee of 2010.

He completed acting as co-counsel in a SIAC arbitration in respect of a joint-venture dispute.

Percy has also acted as an expert in an international arbitration on the interpretation of accounting standards pertaining to the computation of "cost oil" in an oil exploration (NELP regime) contract.

Memberships

Present

- Honorary Overseas Member of the Commercial Bar Association ("COMBAR")
- Non-Government Adviser to the Competition Commission of India
- India Committee of the American Bar Association
- Indian Council of Arbitration
- Empanelled as arbitrator with LCIA
- Fellow of the Institute of Chartered Accountants of India
- Member of the Bar Council of India

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Former

- National Chair of the firm's "Disputes and Litigation" practice at Cyril Amarchand Mangaldas and Head – Delhi Office till July 2018
- Senior Partner and Chair of the Litigation Practice at AZB & Partners
- Dispute Resolution Committee of the Confederation of Indian Industry ("CII")
- ICC India Executive Committee (2016)
- National Council for Competition Law of ASSOCHAM
- Working Group on Unilateral Conduct Committee of the American Bar Association's Section on Anti-trust law
- Direct Tax Committee of the PHD Chamber of Commerce and Industry
- Honorary Faculty of National Institute of Construction Management and Research
- Committee for Review of Education and Training of the Institute of Chartered Accountants of India
- Committee of Legal Affairs, Indo-American Chamber of Commerce

Awards

- Listed in "The A List – India's Top 100 Lawyers" (2017) for Litigation, Competition Law and Direct Tax
- Winner of the Legal League individual category award in "Excellence in Arbitration" (March 2018)
- Selected by the editorial team of India Inc. to be featured in the annual '100 Most Influential in UK-India Relations' publication to be launched in June 2018
- Listed in the "Who's Who Legal" for Competition Law
- The Asian-Mena Counsel has named Percy as the "External Counsel of the Year" (2013) for his "industry, knowledge and commercial approach"
- Best Competition Law Litigator, 2014, Legal Era Awards, 2013-14
- Best Tax Lawyer of the Year, 2012, Legal Era Awards, 2011-12
- Previously listed in the Tax Director's Handbook as "highly regarded"

Recommendations

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