HASIT B. SETH

FCIArb FICA
B.Sc. (Comp. Sci), LL.B. LL.M. (Gold Medal), LL.M. (USA)

Independent Counsel, Arbitrator & Mediator

HLaw Chambers

Summary

- Advocate: 20+ years as a New York bar member. India: since 1998. AIFC Kazakhstan Courts since 2024.

- **Core**: Arbitrations, Commercial Litigation and Contracts.

- **Areas**: Construction, IP-Patents, Finance, Trade, Technology and Shipping.

ARBITRATOR & MEDIATOR

- Arbitrator Lists / Appointments:

1. Hong Kong International Arbitration Centre (HKIAC)

2. Dubai International Arbitration Centre (DIAC), UAE,

3. World Intellectual Property Organisation (WIPO), Neutral Arbitrator.',

4. Vienna International Arbitration Centre, Austria,

5. Russian Arbitration Centre (RAC), Moscow of Russian Institute of Modern Arbitration Centre (RIMA)

6. Asian International Arbitration Centre, Malaysia (AIAC), Malaysia

7. Thailand Arbitration Centre (THAC), Thailand

8. Maldives International Arbitration Centre (MIAC), Maldives

9. AALCO Hong Kong Regional Arbitration Centre

10. CIArb BAS, UK

11. Bombay High Court, India,

12. Gujarat International Maritime Arbitration Centre (GIMAC) India

13. Mumbai Centre for International Arbitration (MCIA), India

14. India International Arbitration Centre (IIAC)

15. Indian Council for Arbitration (ICA)

16. Sama – ODR

17. Presolv360 Arbitration, India

- Mediator Empanelment:

1. World Intellectual Property Organisation (WIPO), Neutral Mediator.,

2. Bombay High Court, Mediation Centre

3. AALCO Hong Kong Regional Arbitration Centre

4. Asian International Arbitration Centre, Malaysia (AIAC)

5. Kerala High Court, India, KSMCC, Niranaya Scheme

6. Presolv360 Mediation, India

7. Sama – ODR Neutral

- Arbitrations:

1. Arbitrator Appointments: 5
   a. Sole **3**, Chair **1**, Wing **1**
   b. Institutional: 1
   c. Court Appointed, ad-hoc: 3
   d. Party Consented Appointment: 1

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e. Awards: 2 (< 18 months)
f. Settlement: 1

Arbitrator Experience

1.2024. Hon. Bombay HC appointed **arbitrator in a 3 member panel** in a railway tunnelling dispute of approx. US$4 mil equivalent.

2. 2023. Hon. Bombay HC appointed sole **arbitrator**; commercial claim related to a housing construction dispute.

3. 2023. **Presiding Arbitrator** of a three arbitrator panel in a large construction dispute for a data-centre. Potential claim of approx. US$8 mil. equivalent. Settled.

4. 2023. **Sole Arbitrator**, Mumbai Centre for International Arbitration for a commercial dispute. Award issued in < 12 months.

5. 2021. Hon. Bombay HC appointed sole **arbitrator,** Ad-hoc Arbitration by Hon. Bombay High Court, India (2021) in a partnership Dispute. Award issued in < 18 months.

Mediator Experience:

1. 2024, appointed by the Bombay High Court, India's Main Mediation Centre in a fintech payment aggregator dispute with a bank. Value: approx. USD 11 mil. in INR.

2. 2024, appointed by the Bombay High Court, India's Main Mediation Centre for a music licensing dispute of (equivalent). Value: USD 23 mil. approx. in INR.

3. 2024, appointed by the Hon. National Company Law Tribunal, by order of 06 June 2024 in Petition CP/127/KOB/2019.

4. 2024, *pro-bono* under Bombay High Court, India's order of 11 January 2024 in Anticipatory Bail App. No.2935 of 2023 for a family property and commercial dispute.

5. 2023, Commercial property leasing dispute, pre-suit under Commercial Courts Act, 2015, appointed by Bombay HC's Main Mediation Centre.

TRIBUNAL SECRETARY

SIAC:

1. 2024, Tribunal Secretary for Sole Arbitrator – Expedited Arbitration for a maritime-charterparty dispute under the Singapore International Arbitration Centre (SIAC) Rules.

ARBITRATION COUNSEL

1st CHAIR COUNSEL – Notable Cases

1. **Moscow seated international, institutional arbitration (ICAC / MKAS)** for a complex contract dispute involving chemical manufacturing machinery.

2. **Fintech Software arbitration** involving a complex contract combining devices and services with a takeover background. (2024).

2. **International commercial arbitrations** for a shipping freight dispute. Approx. USD 4.5 mil. (INR 40 Cr.) claim. (2021)

3. **PPP-DBFOT Road construction arbitration** between the owner and the

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contractor. Approx. USD 72 mil. (INR 60 Cr.) claim. (2021)

4. **Private equity arbitration** between fund and its managing director as First Chair Counsel. USD 2 mil. (INR 16 Cr.) claim. (2018)

5. **Mumbai Monorail construction arbitration.** Uncovered claims & EOTs. Approx. USD 12 mil. (INR 10 Cr.) claim. (2017)

LITIGATION COUNSEL

Bombay High Court and other courts in India. Regular appearances in commercial and arbitration disputes.

EXPERIENCE

- **Arbitrator, Mediator & Neutral**
  2018 - Present
- **Bombay High Court**
  Independent Counsel (similar to a barrister): *1998- Present* (with a gap for US stint and in-house work)
  Arbitrations, Court Trials, and opinions in commercial disputes
- **Link Legal ILS, Mumbai**
  Partner: *Nov 2016 – Jan 2018*
  Commercial & construction arbitrations and transactions
- **coofluence, Pune,**
  Founder: *Jul 2010 – Jul 2013*
  Edtech pioneer in legal topics.
- **EATON, Pune,**
  APAC IP Counsel, *Sep. 2006 – July 2010*
  Asia-Pacific General Counsel.
- **IPVALUE, Bangalore,**
  Tech Licensing, Jul *2005 – Aug 2006*
  XEROX, British Telecom, and PARC
- **F. Chau & Associates, New York,**
  Associate, *Aug. 2004 – June 2005*
  US Patents drafting for Siemens, IBM, Samsung and LG.
- **Harness IP (HDP), Detroit,**
  Associate, *Aug. 2001 – July 2004*
  US Patent Litigation and prosecution.
- **Chambers of Ravi Kadam, S.A.**
  Junior Counsel, 1998-2000

LANGUAGES

Written & Spoken Native Fluency:
English, Hindi, Marathi, Gujarati, Urdu (Spoken) and French (basic).

EDUCATION

- **Program on Negotiation & Mediation**
  Harvard Law School *Jun 2008*
  Focus: Advanced deal (design and execution) and mediation
- **Master of Laws (L.L.M.)**
  Franklin Pierce Law Ctr *May 2001*
  Intellectual Property
  Honours: Outstanding Student Contribution Award, 2000-2001

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- **Master of Laws (L.L.M.)**

  Mumbai University, India *Dec 2000*

  Commercial and Constitutional Laws
  Honours: University Merit Rank #1, Gold Medal, and all the 2008 academic awards

- **Bachelor of Laws (LL.B),**

  Mumbai University *Dec 1998*

  Govt. Law College, Mumbai, India
  Honours: Best Student, Student Council

- **Bachelor of Science (B.Sc.)**

  N' Maharashtra Uni *Feb 1996*

  Computer Science
  Honours: University Merit Rank #2

PROFESSIONAL LICENSES

- **New York State Bar, New York**

  Attorney, Since 2004, (4251914)

- **Bar Council, India, (Maha' & Goa)**

  Advocate (MAH/2351/1999), Since1998

- **Asthana International Financial Centre (AIFC) Court, Kazakhstan**

- **U.S.P.T.O Patent Agent Exam,** (L0087, 2003), *until 2006*

- **Fundamentals of Engineering (F.E.)**

  Exam P.E-I, NCEES *April 2002*

MEMBERSHIPS

- **Chartered Institute of Arbitrators**

  Fellow, FCIArb (38553), Since 2022

- **American Bar Association (ABA)**

  Member (05909350) since 2023

- **LCIA, (London Court of International Arbitration)** (No. 137176)

  APAC User Council Member, Since 2024, Membership No. 137176

- **ICC (International Chambers of Commerce)**

- **Society of Construction Law**

- **International Law Association (Est. 1873),** ID. 22306

- **Japan Association of Arbitrators (JAA)**

  , Since 2024.

- **Bombay Bar Association**

  Permanent Member

- **Indian Council of Arbitration,** Life Member

- **MAA, Moot Court Alumni Association**

- **Centre for International Mediators and Arbitrators,** World Fellow (Ghana) and Professor of Practice International Arbitration

INVENTOR

- **U.S. Patents – Sole inventor**

1. US 9,160,681 - Spiral protocol for iterative service level agreement (SLA) execution in cloud migration.

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2 US 8,949,654 🇺🇸 - Parameterized dynamic model for cloud migration.

PROFESSIONAL LEARNING

- **Leiden University, Netherland,** International Law in Action: the Arbitration of International Disputes, *Sep 2024.* 🇳🇱
- **American Digital University (ADU) - Alison,** Certificate in "Introduction to Ships, Ports and Terminals", *Jun 2024.* 🇺🇸
- **National Institute of Securities Markets (NISM),** SEBI ODR Course, *May 2024* and Module Series XII Securities Market Foundation Certification Examination, *Jun 2024* 🇮🇳
- **UNCITRAL International Commercial Arbitration, UNCITRAL,** *Jun 2023* 🇺🇳
- **WIPO Arbitration & Mediation** WIPO, UN, *Jun 2023* 🇺🇳
- **UNCITRAL Mediation Framework,** UNCITRAL, *Jan 2023* 🇺🇳
- **Accelerated Route to Fellowship (ARF)** Chartered Institute of Arb, *Dec 2021* 🇬🇧

FOUNDER & EDITOR

- **Centre for Trial & Arbitration Advocacy Research (CTAAR)**
  https://www.linkedin.com/company/ctaar/
- **Open Access in Dispute Resolution**
  https://www.linkedin.com/company/oadr/
- **Arbitration Videos**
  https://www.linkedin.com/company/arbitration-videos/
- **Arbitration Events**
  https://www.linkedin.com/company/arbitration-events/
- **India Commercial Disputes Report**
  https://www.linkedin.com/company/india-commercial-disputes-report/

TEACHING:

ACADEMIC & PROFESSIONAL

Teaching

1. CIArb 2024: Module 1, virtually for London, HQ (Sep to Nov) and Accelerated Route to Fellow (ARF)

2. Maharashtra National Law University, *"Mock Arbitration Workshop*", 3 days in-person, 26-28 January 2024, in Post-Graduate Diploma in Arbitration & M' Course.

3. Maharashtra National Law University, "Arbitration Advocacy" lecture, 17 December 2023 in Post-Graduate Diploma in Arbitration & Mediation Course.

4. Manipal Law School, Bengaluru, "*Construction Claims – Avoiding Disputes*", 14 October 2023.

5. Consulting Engineers Association of India (CEAI), Mumbai, "*Void and Voidable contracts*", in-person, at IMC, Mumbai, part of

Construction Law Course, 24 June 2023.

6. **Banasthali Vidyapith**, Jaipur, Designed and conducted five workshops on, "*Trial and Arbitration Advocacy Training*", Banasthali Vidyapith's Jamnalal Bajaj School of Legal Studies, 26-28 January 2023.

7. **Chartered Institute of Arbitrators**, London, *Mar 2023*

Approved Faculty (AFL)

Accelerated Route to Fellowship (ARF), and Module 3 Award Writing and Module 2 Law of Obligations in International arbitrations.

CIArb Approved Faculty

International Arbitration Modules 1, 2, 3, Accelerated Route to Membership and Accelerated Route to Fellowship.

Academic Peer Reviewer

1. Rajiv Gandhi National Law University, RGNLU, Invited, (2023) Vol.9, Issue 2, Student Research Review (RSRR).

Moot Competition Assessor / Arbitrator

1. Alfred Deakin Moot, Quarter Finals Arbitrator, 09 Sep' 2024.

2. FDI Moot, South Asia Rounds Semi-Final Assessor. 24 Aug' 2024

3. Frankfurt Investment Moot – India National Rounds. 27 April 2024.

4. Maharashtra National Law University, Semi-final judge, Mediation Bombay competition, 07 October 2023.

5. 3rd IAC Central Asia Vis Pre-Moot by Commercial Law Development Program, U.S. Department of Commerce and International Arbitration Centre, Astana, Kazakhstan. 2022.

6. Alfred Deakin Commercial Arbitration Moot, Deakin Law School, Australia, 2022-Present.

7. Cross-Examination Moot, Paris, 2021 to 2022.

8. Vis Pre-Moot Assessor, 2020-present for Asian International Arbitration Centre, Malaysia.

9. Vis-Moot East Assessor, 2021-present.

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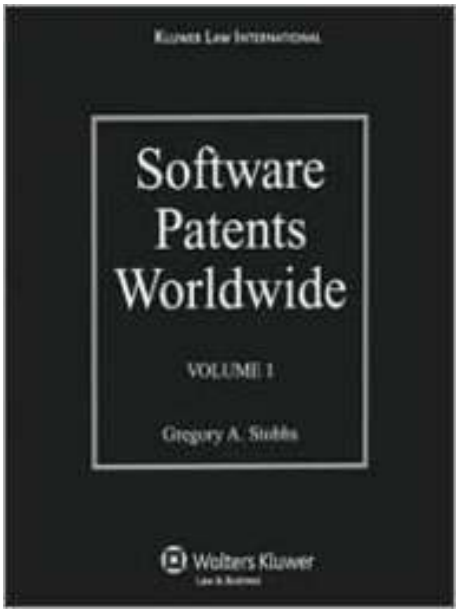
BOOK AUTHOR

- **"Software Patents Worldwide"**

  Contributing Author, Wolters-Kluwer, Ed.

  By Gregory Stobbs, Esq.



- **Law of Commercial Damages** (expected 2025)

WRITING

- **Editor & Reporter**

  1. TDM International Arbitration Case Law (IACL) – Case Reporter, since 2024.
  2. Daily Jus, Jus Mundi – Contributing Author, since 2024.
  3. Society of Construction Law, India Journal – Executive Editor.

- **Published Articles**

  1. HKIAC (Hong Kong International Arbitration Centre) 2024 Rules: Making Arbitration Better. Daily Jus on 18 September 2024. (Link).

  2. An Alternate Dispute Resolution Centre to be established under India's International Financial Services Centre Authority, Reed Smith Client Alert 02-09-2024, Co-author (Link).

  2. The Internship Playbook – An Essential Guide, Jigyasa journal, December 2023, Chamber of Tax Consultants (Link).

  3.Soft-Law Guidance From Arbitral Organisations for Conducting Arbitrations, SCC Online (Link), 2023 SCC Online Blog Exp 73. In print journal Practical Lawyer, November 2023.

  4. Liquidated Damages Law in Indian Construction Industry: A Critical Analysis, Souvenir of the 5th International Construction Arbitration Conference of Indian Institute of Technical Arbitrators (2023). (Link).

  5. Efficient Resolution of Complex Disputes in India, 2022 SCC OnLine Blog Exp 37 (Link)

  6. Exploring the Use of UNCITRAL's Arbitration Rules and Materials in Indian Ad-hoc Arbitrations, 2021 SCC OnLine Blog Exp 81 (Link)

  7. Impossibility Exception to the Section 65-B(4) Electronic Evidence Certificate, 2021 SCC OnLine Blog Exp 42 (Link)

  8. Lost Profit Damages: A Paradise (Not Yet) Lost, 2021 SCC OnLine Blog Exp 12 (Link)

  9. Adhering to Statutory Timelines: A Step Towards Better Case Management of Civil

Trials, 2021 SCC OnLine Blog Exp 6 (Link)

🟦 Article cited and quoted by the Hon. Madras High Court, in *Ramesh Flowers (P) Ltd. v. Sumit Srimal*, 2024 SCC OnLine Mad 4785

CONFERENCES & SEMINARS

SPEAKER / MODERATOR

↗ 2024

1. Invited speaker, Oxfordshire-Africa Forum on International Arbitration webinar organised by Ghana Bar Association and Centre for International Mediators and Arbitrators (CIMA), Accra, Ghana. Topic: Construction Arbitration. 18 December 2024.

2. Invited moderator, International Financial Services Centre Authority (IFSCA), GIFT City, conference panel topic "Party Autonomy vis-à-vis public policy: The need for regulatory clarity on the choice of governing law in India". Conference on "Developing Alternative Dispute Resolution and International Arbitration Centre in GIFT-IFSC", 28 Sep 2024.

3. Invited moderator and speaker, Society of Construction Law (SCL) - India 's Monsoon International 2-day Conference on Construction Law and Arbitration held at the Kerala High Court in Kochi, Kerala, India. It was held on 5-7 July 2024. I was invited to moderate the session on "*Discovery in Construction Arbitration and Role of Experts*" and was an invited panellist for session on "*Disruption Claims (Liability and Quantification)*".

4. Invited speaker, topic "*Variation in FIDIC Suite of Contracts*" at the International conference on Construction Arbitration organised by the Society of Construction Law, India in Mumbai, 04 May 2024.

5. Reed Smith "Arbitral Insights" podcast, Spotlight Interview, 19 April 2024. "…a conversation that delves into Hasit's career trajectory and discusses the individuals who have shaped his professional journey and influenced his approach to arbitration. The duo then explore the evolving landscape of arbitration and thoughts for the future." (Link)

6. Invited panellist, 3rd Annual Construction Claims & Dispute Management Summit 2024, March 27-28, Mumbai. Topic was: "*How to get the best out of mediations in construction disputes.*"

7. Invited moderator "Mastering (Construction Contract) Administration: From Ground-breaking to Handover" (Session 2) and panellist (Session 1: Navigating the Procurement Puzzle) for topic "*A closer look on the emergence of new contracting models including stabilization and renegotiation clauses in long term contracts*

(BOT, BOOT and PPP)." at the Conference On "Constructing Legal Foundations Navigating the Future of Construction Law", Manipal Law School, Bengaluru, 24 March 2024.

8. Invited panellist GAR Live Delhi, 2024. Topic: "*The proposed Arbitration Act reforms. Time for a change?"* Delhi High Court, 09 March 2024, New Delhi, India.

9. Invited panellist – Gujarat National Law University (GNLU)-Gas Authority of India Ltd. (GAIL)-Gujarat International Maritime Centre (GIMAC) conference on "Arbitration in Oil and Gas Disputes". Topic: "*Take or Pay clauses in oil and gas contracts. Session IV: Special Issues in Oil & Gas Contracts*". 25 February 2024, Gandhinagar, Gujarat, India.

10. Invited panellist – CIArb India Branch Annual Conference, 06 January 2024, Mumbai, India.

- 2023

1. Invited Guest Lecture - Llyod Law College, "*Professional Orientation Program - Arbitration Advocacy Law, Procedure and Practice in India: for young arbitration lawyers*", New Delhi, India, 08 December 2023.

2. Invited Guest Lecture – Maharashtra National Law University, Mumbai, India, on "*International Arbitration*", 26 September 2023.

3. Official delegate to the United Nations Commission On International Trade Law (UNCITRAL), 78th session, 18-22 September 2023, Vienna representing the Moot Court Alumni Association (MAA) to discuss: "*Technology-related dispute resolution and adjudication: Model clauses and guidance text*" ((A/CN.9/WG.II/WP.234).

4. Invited Panellist, D. Y. Patil University, Navi Mumbai, India, *"Maritime Arbitration*", International Conference on Contemporary Developments In Arbitration 10th -11th August 2023.

5. Invited Panellist, Kerala High Court's Kerala State Mediation and Conciliation Centre's conference on "*Mediation of Construction and Commercial Disputes*", Kochi on 05 August 2023.

6. Invited Panel Moderator, Chartered Institute of Arbitrators' conference on "*Professionals as Dispute Resolvers*", India Branch, 2023 Annual Meeting, 15 July 2023, New Delhi.

7. Invited Panel Moderator Indian Institute of Technical Arbitrators, 5th International Construction Arbitration Conference, "*Arbitration clauses, interim relief and Emergency Arbitrators*", New Delhi, 18-19 May 2023 at Vigyan Bhavan.

8. Invited Panellist, Mumbai Centre for International Arbitration (MCIA),Ahmedabad Conference – "*International Commercial Arbitration – Dawn of a New Age*", Ahmedabad, India, 22 April 2023.

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VOLUNTEERING-COMMUNITY

- CIArb, India (2023-present).

  1. Co-Chair, Course Committee since 2023;
  2. Member, Events and Webinar Committee since 2023.

- **Cross Examination Moot, Paris**

  Ambassador (2023-Present) – Arbitrator in 2024 Paris edition. Member of organising team.

- **D. Y. Patil Deemed University, Law School, Navi Mumbai**

  Member, Advisory Board since 2023

- Mentor

  1. Young ITA (Institute for Transnational Arbitration), TX, USA (2023 – 2024).

  2. International Arbitration & Mediation centre (IAMC), Hyderabad, India Advisory Board (2022 – Present).

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