

RESUME OF ASHWANIE KUMAR BANSAL

New Delhi-110024 INDIA

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1. BIOGRAPHIC DATA

- Full Name : ASHWANIE KUMAR BANSAL
- Age /DOB : 38 Years, 30.7.1962
- Computer : Literate, Internet & MS Office operating knowledge
- Languages : English, Hindi and spoken Punjabi
- Nationality : Indian
- Qualifications : B. Com. (Hons.), LL.B., A.C.S.
- Profession : Advocate, Supreme Court of India
with professional Company Secretary background.

2. PROFESSIONAL EXPERIENCE

I. SPECIAL SKILLS AND ABILITIES

- Arbitration, conciliation and negotiations, Avoidance/ management of disputes relating to commercial contracts,
- Cyber / Internet disputes, cyber squatting, domain name conflicts.
- Joint ventures, foreign collaboration, franchising, agency agreement, commercial contracts;
- Litigation: Briefing senior counsels, pleadings, claims, defences, petitions, suits, appeals, writs, applications and related matters.
- Legal Structuring and Drafting / Documentation of Immovable property transactions.
- Intellectual property rights, trade marks, copy rights, patents
- Maritime disputes,
- Fast Track Business Disputes Management Strategies,
- Incorporation, mergers/amalgamation of companies, registration of societies and partnership firms;
- Financial and industrial reconstruction of sick industries.
- Vastu Shastra, Feng Shui & Environment.

II. BUSINESS CONTRACTS

- **Dispute Management:** Dealt with about 800 contracts relating to construction of buildings, roads, highways, bridges, Earthworks of railway tracks/ golf courses/flyash/canals, development, repairing, supply of goods/machinery etc.; preparing letters, notices, claims and details thereof, replies and taking positions during execution of contract or at appropriate time as per agreement and law relating to building and engineering contracts regarding performance, discharge and breach of contract and consequences and remedies thereof; conciliation, negotiations, arbitration etc.
- **Contract preparation & planning:** Preparation of bid documentation and tendering; negotiations, claiming and creating value, opening offer tactics. Analysis/ drafting of terms, conditions and tender documents, issues, positions and interests, evaluation of potential solutions.
- **Construction experience:** Had opportunity to work with his father as Construction Manager on construction contracts at Chandigarh and Ropar in Punjab and subsequently worked with a construction company as Assistant Manager on a construction project at Srinagar Jammu & Kashmir during the period 1980 to 1982. Association in construction industry during young age gave valuable experience of technical matters involving construction.

III. ARBITRATION, CONCILIATION, MEDIATION & NEGOTIATION

(a) INTERNATIONAL COMMERCIAL ARBITRATION

- Represents clients in international commercial arbitration and conciliation matters including Government of India, Ministry of Defence at LONDON as Indian counsel; visited U.K. twice in the matter for conciliation/arbitration.
- Organised Seminar on International Arbitration at New Delhi in November, 1994 as Secretary- General of Indian Society of Arbitrators. Interacted with experts from International Court of Arbitration of INTERNATIONAL CHAMBER of COMMERCE, PARIS, United Nations Commission on Trade Laws (UNCITRAL), World Intellectual Property Organisation (WIPO), and other reputed organisations.
- On the panel of Arbitrators and Conciliators of the International Centre for Alternative Dispute Resolution New Delhi and WIPO, Geneva.

(b) INDIAN ARBITRATION

- Dealt with about 800 arbitration matters as counsel/ consultant - Appointment of arbitrators, statements of issues and claims, counter statements, evidence, arguments, representation, challenging/defending award in the courts. Represents clients including the Government of India as counsel in arbitration/ADR matters.
- Expertise in arbitration rules and procedures of reputed arbitral institutions.. Interacted with Solicitors in India and abroad. Acted as Arbitrator/Conciliator in Financial and Commercial matters.

IV. CYBER DISPUTES

- Domain name disputes, registration/ cancellation of registration, administrative proceedings, arbitration, negotiations litigation transfer of names.
- Cyber squatting.
- Cyber laws.

V. COURT LITIGATION

- Enrolled as an advocate in 1987 at Chandigarh;
- Dealt with about 350 disputed commercial matters before various courts as counsel/ consultant.
- The Government of India had appointed him as: Counsel in Supreme Court of India; and Government Pleader in Delhi High Court .
- Represented /advised U.P. Financial Corporation / and others in matters before- Appellate Authority of Industrial and Financial Reconstruction; and Board of Industrial and Financial Reconstruction (BIFR) New Delhi.
- He has been involved in matters relating to Writs, Appeals, Petitions, Suits, Application in the Supreme court/ other courts.

VI. INTELLECTUAL PROPERTY/TRADE MARK/ COPY RIGHTS

- **World Intellectual Property Organisation (WIPO), GENEVA** listed him in its panel of mediators and arbitrators
- **Registration of Trade Marks, Copy Rights & Patents;**
- **Advisory services regarding Infringement of Intellectual Property Rights;**
- **Regional Editor of All India Arbitration Law Reporter with Trade Mark cases since 1987. Delegate to conferences on Intellectual Property Rights, and Information Technology.**

VII. COLLABORATIONS & FRANCHISING

- **Commercial contracts: Drafting and defining terms, conditions and documents and analysis of contractual obligation and rights in Collaborations, Franchising, Joint Ventures etc.**
- **Property documentation: Title documents, Power of Attorneys, and other related, suits for specific performance, injunctions etc.**
- **Institutional documents: Drafted number of Memorandums, Rules & Regulations, Constitution, Service Rules, Financial Rules, Arbitration Rules, Conciliation Rules, Mini-Trial Rules and Fast Track Rules of reputed institutions like the International Centre for Alternative dispute Resolution, Indian Society of Arbitrators, International Council of Consultants etc.**

3. PROFESSIONAL ADMISSIONS AND ASSOCIATIONS

(a) INSTITUTIONAL MEMBERSHIP

- **Institute of Company Secretaries of India, New Delhi**
- **International Centre for Alternative Dispute of Resolution, New Delhi**
- **Supreme Court of Bar Association, New Delhi**
- **Fast Tracks Club, Paris**

- Indian Council of Arbitration; New Delhi
- Indian Society of Arbitrators; New Delhi
- International Council of Consultants; New Delhi
- Indian Society of Construction Law; New Delhi
- Indian Buildings Congress; New Delhi

(b) PROFESSIONAL TIES

He has friendly interaction/association/ties with professionals like - advocates, solicitors, consultants, engineers, valuers, arbitrators, conciliators, judges etc. at various places in India - Baroda, Bangalore, Bharuch, Calcutta, Chandigarh, Chennai, Delhi, Faridabad, Hyderabad, Kanpur, Lucknow, Mumbai, Mysore, Noida, Ranchi, Ujjain, Viskhapatanam. and abroad - Bangladesh, Canada, Sri Lanka, U.S.A., U.K. etc.

4. EDUCATION

(a) Qualification Institution or Body

A.C.S.	Institute of Company Secretaries of India, New Delhi.
LL.B.	University of Rajasthan, Jaipur
B. Com.(Hons.)	Punjab University, Chandigarh.

(b) TRAINING IN ADR

- Participated in Trainer's Training Programme at New Delhi in January 1997 presented by the Straus Institute for Dispute Resolution, Pepperdine University, School of Law, California, U.S.A. conducted by the ICADR under the aegis of the Ministry of Law & Justice, Government of India.
- Participated in the Course on Alternative Dispute Resolution for mediators at Bombay in September 1996.

- Participated as assisting counsel in Mock Arbitration case prepared by the International Court of Arbitration of ICC Paris at New Delhi.
- Prepared and conducted Mock Arbitration cases in the Training Courses on Arbitration by the International Centre for Alternative dispute Resolution (ICADR), New Delhi;
- Participation in Seminars/Conferences/Workshops on International arbitration and domestic arbitration as a delegate /speaker.

5. ACHIEVEMENTS & PUBLICATIONS

(a) DRAFTING INDIAN ARBITRATION & CONCILIATION BILL

- Proposed to repeal the Arbitration Act, 1940 and to adopt new law and suggested Text of the Arbitration Bill, in 1994 to Government of India for consideration. The Government considered the matter and decided to repeal the Arbitration Act, 1940 and adopt new law.
- The Government of India invited him as a distinguished expert in the Working Group of Law Ministers to draft Arbitration and Conciliation Act, 1996 and he had important role in the drafting process.

(b) INVITATION FROM SPECIAL LAW COMMITTEE OF JAPAN

- Special Law Committee formed by the Ministry of International Trade and Industry Government of Japan, and Japan Commercial Arbitration Association for improvement of Japanese International Commercial Arbitration System consulted him and invited him to provide detailed expert comments about Indian arbitration.
- A delegation headed by Prof. Yashuhei Taniguchi, Member of Law Revision Commission (Ministry of Justice of Japan) visited his office at New Delhi for detailed consultations and exchange of views and documentation.

(C) PROFESSIONAL ATTAINMENT

- **Founder Member/Governing Council Member of the International Centre for Alternative Disputes Resolution (ICADR).**
- **Sr. Vice-President of the International Council of Consultants.**
- **Governing Body Member (1993-96): Indian Council of Arbitration (Federation of Indian Chamber of Commerce and Industry, New Delhi).**

II. MAJOR PUBLICATIONS

- **Law of International Commercial Arbitration, Published by Universal Law Publishing Pvt. Ltd. –First book on international arbitration in India.**
- **Material and Case Law under the New Arbitration Act published by Arbitration Law Reporter.**
- **Commentary on Government Contracts in India (Revised Choudhary's Book)**
- **Articles published by leading journals, magazines etc., in India and abroad. Wrote Fast-track Arbitration in the well known book entitled "Alternative Dispute Resolution - What it is and how it works".**
- **Lucky Homes - Vastu Shastra Simplified (English) First edition related to residential construction and Bhagyashali Bhawan (Hindi).**