



Gitanjali Bajaj

Partner

CO-HEAD OF INTERNATIONAL ARBITRATION, ASIA PACIFIC

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Gitanjali Bajaj has vast experience in international commercial arbitration with a sector focus on infrastructure and construction, oil and gas, transport, power and clean energy. Gitanjali has represented clients in arbitrations under various rules including ICC, SIAC, DIAC and DIFC-LCIA, where she brings to together her in-depth knowledge of the sector and a practical understanding of the procedures of these institutions to achieve commercially sustainable outcomes.

Gitanjali also practices in public international law and dispute resolution between States, having acted for clients in various forums, such as the International Court of Justice and the first ever UNCLOS Compulsory Conciliation. Gitanjali was one of the lead DLA Piper Partners representing the Government of the Democratic Republic of Timor-Leste in the UNCLOS Compulsory Conciliation proceeding.

Gitanjali is recognised for Dispute Resolution in Chambers Global and Asia Pacific 2018 describing Gitanjali as "a strong performer" who combines "detailed legal understanding" with a "commercial outcome-focused" approach. Gitanjali is also recognised for Construction and Dispute Resolution in *The Legal 500 Asia Pacific* and for International Arbitration in *Who's Who Legal 2019* and *The Best Lawyers in Australia 2020*.

Gitanjali recently received national recognition of her achievements in the Lawyers Weekly Women in Law Awards 2018 where Gitanjali was named 'Partner of the Year'.

Gitanjali is an international dispute resolution partner in the Litigation and Regulatory team at DLA Piper Australia, Sydney.

LANGUAGES SPOKEN

- English
- Hindi

RELATED SERVICES

- Litigation, Arbitration and Investigations
- International Trade, Regulatory and Government Affairs
- Construction, Engineering and Infrastructure Disputes
- Transport
- Oil and Gas
- Renewables
- Cross-Border Litigation
- International Arbitration
- International Trade

RELATED SECTORS

- Energy and Natural Resources

LANGUAGES SPOKEN

English Hindi

EXPERIENCE

- Acting for an international joint venture in relation to a multi-million dollar ICC arbitration seated in Singapore arising from an EPC Subcontract relating to the Onshore LNG Facilities forming part of the Ichthys Onshore LNG Project (Northern Territory), Australia's largest LNG project.
- Acting for an international renewable energy contractor in a multi-million dollar SIAC arbitration seated in Singapore arising out of the construction of a bioethanol plant in the Philippines.
- Acting for the national petroleum authority of Timor-Leste in relation to an ICC arbitration seated in Singapore for claims arising out of a Production Sharing Contract with major international Oil and Gas contractors for the exploration and exploitation of the oil and gas reserves in the Timor Sea.
- Acting for an international renewable energy contractor in relation to variation, acceleration and delay claims arising out of a wind farm project in the Philippines. The contract provided for an ICC arbitration.
- Acting for a global power generation, infrastructure and transmission facilities contractor in a domestic arbitration in relation to plant operation incidents at a power plant in Western Australia.
- Acting for an international dredging contractor in relation to variation and design defect claims arising out of a dredging subcontract for a major LNG Project in Western Australia.
- Acting for an international dredging company in a multi-million dollar ICC arbitration against the main contractor concerning delay/disruption and costs claims in relation to a major dredging and reclamation project in Abu Dhabi, UAE.
- Acting for the Government of the Democratic Republic of Timor-Leste against Australia in the first of its kind Compulsory Conciliation proceedings under Annex V of the 1982 United Nations Convention on the Law of the Sea (UNCLOS) concerning the delimitation of the exclusive economic zone and the continental shelf and the establishment of permanent maritime boundaries between the two States.
- Advising the Government of the Democratic Republic of Timor-Leste in relation to its existing commercial arrangements for the exploration and exploitation of the oil and gas reserves in the Timor Sea.
- Acting for the Government of the Democratic Republic of Timor-Leste in a dispute against Australia before the International Court of Justice relating to the seizure of documents and data by Australian Security and Intelligence Officers.

CREDENTIALS

Professional Qualifications

- Solicitor of the Supreme Court of New South Wales, 2007

Prior Experience

Prior to joining the Sydney office, Gitanjali was based in the Middle East from 2008 to 2011 with the Litigation and Regulatory Group at DLA Piper, where she focused on international commercial arbitration and all aspects of commercial litigation.

Recognitions

- Named International ADR Practitioner of the Year 2019 at the Australian Disputes Centre's ADR Awards
- Named Partner of the Year at the 2018 Lawyers Weekly Australian Women in Law awards
- Finalist 'Partner of the Year' at the Lawyers Weekly Australian Law Awards 2019
- Finalist 'Arbitration Practitioner of the Year' in the Australian ADR Awards 2018
- Ranked as 'up and coming' in *Chambers Asia Pacific 2018* for Dispute Resolution in Australia
- Ranked as 'up and coming' in *Chambers Global 2018* for Dispute Resolution in Australia
- Recognised in *The Legal 500 Asia Pacific* for Construction and Dispute Resolution
- Recognised in the 2019 *Who's Who Legal* for International Arbitration
- Recognised in *The Best Lawyers* in Australia 2020 for International Arbitration

- Ranked in Doyle's Guide to Arbitration Lawyers - Australia 2018
- Ranked in Doyle's Guide to Construction & Infrastructure Litigation Lawyers - Australia 2017
- Listed amongst the '50 Women to Watch in the Australian and New Zealand legal markets' in Australasian Lawyer in April 2015
- Finalist in the Rising Star Litigation category in the 2014 Euromoney Australasian Women in Business Law Awards

Education

- The University of Queensland (with a certificate of specialisation in International law), LLB, Hons Class1, 2004
- The University of Queensland (with a Major in International Relations), BA, 2004

Memberships

- Member CI Arb
- Arbitral Women
- Society of Construction Law
- Board Member Australian Centre for International Commercial Arbitration

INSIGHTS

Publications

No more 'get out of jail cards' for contractors

14 October 2019

Commonly claimed as an alternative remedy to damages under a contract terminated for breach or repudiation, a *quantum meruit* claim comes with the potential to generate a windfall for contractors that have underpriced their work by allowing them to calculate the value of the work performed by reference to the actual cost of the work, rather than the agreed contract price. The availability of a *quantum meruit* claim - Latin for "the amount he deserved" or "what the job is worth" - has long been the subject of heated debate, in particular for its lack of regard for commercial bargain, to the advantage of contractors.

Taking concurrent evidence in international arbitration for procedural efficiency

25 July 2019

With the growing need to improve efficiency in international arbitration, concurrent presentation of witness evidence (also known as witness conferencing or "*hot-tubbing*") is an attractive proposition for tribunals and parties endeavouring to achieve time and cost savings.

High Court of Australia affirms liberal pro-arbitration approach and the importance of arbitration in confidential disputes

9 MAY 2019

In yesterday's decision of *Rinehart v Hancock Prospecting* [2019] HCA 13, the High Court confirmed that arbitration agreements should be interpreted liberally and should be informed by surrounding circumstances including the purpose and object of the contract in which the arbitration agreement sits.

- An analysis of conciliation and its role in the resolution of international disputes, having regard to the UNCLOS Compulsory Conciliation proceeding between Timor-Leste and Australia and other instances of conciliation, Australian Alternative Dispute Resolution Law Bulletin, Vol 4.6, 2018

Events

Previous

DLA Piper and CIArb present: From Hot Seat to Hot Tub: Expert Witness Conferencing in International Arbitration

19 November 2019

Brisbane

Building Bridges - Resolving Disputes Through International Arbitration

19 Nov 2019

Brisbane

Over 2018/2019, Gitanjali was invited to speak at a number of preeminent panels including:

- The 2019 Women in Law Summit Series (Australia) - Panellist for 'Raising the bar: career advice from industry trailblazers'
- The NSW Bar Association 2018 ADR -Masterclass on International Commercial Arbitration
- ABA / NSWBA Rise 2018 conference - Panellist for International Commercial Arbitration session
- The ILA 78th Biennial Conference (August 2018) - Timor Sea Panel regarding the conciliation between Australia and Timor-Leste
- The Nippon Capacity Building and Training Program (September 2018) held by the Tribunal on the Law of the Sea in Hamburg - Guest Lecturer for Conciliation under UNCLOS

NEWS

DLA Piper advises Timor-Leste on historic maritime treaty

6 MAR 2018

DLA Piper has been advising the Government of Timor-Leste, for more than four years, on its historic maritime treaty with the Australian Government, signed today at the United Nations Headquarters in New York, following the successful outcome of a compulsory conciliation process.
