



# Mushtaq Namdarkhan

**Partner | ALN Mauritius | BLC Robert & Associates Top Law Firm in Mauritius**

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## Background

Mushtaq Namdarkhan is a Partner at BLC Robert & Associates in the Dispute Resolution practice area. He is mainly involved in corporate/commercial litigations and arbitrations as well as insolvency and restructuring transactions. Mushtaq regularly appears before the Supreme Court of Mauritius in shareholder disputes, banking litigation and construction disputes among others. He appears before the Designated Judges in applications involving the International Arbitration Act and the Convention for the Recognition and Enforcement of Foreign Arbitral Awards Act. He is also involved in a number of high-value domestic and international commercial arbitrations.

Mushtaq has co-authored the BLC Robert publication “Why Mauritius? A National Court in Support of International Arbitration” in 2016 and has regularly contributed to the “Chambers Global Practice Guides” on Insolvency and Litigation. He also intervenes as a speaker at several international arbitration conferences, including the East Africa International Arbitration Conference.

Prior to joining BLC Robert, Mushtaq was in the Restructuring and Insolvency Group at the London office of Herbert Smith (now Herbert Smith Freehills).

## Professional Membership

- Honourable Society of Gray's Inn
- Mauritius Bar Association
- MARC 45 (Association of young arbitration practitioners under the aegis of the Mauritius Chamber of Commerce and Industry Arbitration Centre)
- Country coordinator, Africa Construction Law
- Board member, Lagos Chamber of Commerce International Arbitration Centre

## Professional Qualifications

2019: Diploma in International Arbitration, CIArb

2016: Diploma in Civil Law, Université de la Réunion

2010: Admitted to the Roll of Solicitors of England and Wales

2008: Sworn in as a barrister, Republic of Mauritius

2006: Master of Laws, LL.M (Commercial Law), University of Cambridge, England

2005: Called to the Bar of England and Wales, Gray's Inn

2004: MA (Hons) Law, University of Cambridge, England

## **Career Summary**

2018 – Date: Partner, BLC Robert & Associates

2015-2018: Senior Associate, BLC Robert & Associates

2012-2015: Associate, BLC Robert & Associates

2010 – 2012: Associate, Finance Division (Restructuring and Insolvency Group), Herbert Smith LLP, London Office

2008-2010: Trainee, Herbert Smith LLP, London Office (Equity Capital Markets, Restructuring and Insolvency, Construction Litigation and Tax)

## **Awards and Scholarship**

- Distinguished as a “Leading Juniors and Next Generation Partners” by Legal500 EMEA 2023.
- Ranked in “Chambers Global 2024” by Chambers and Partners.

## **Top Matters**

### **International Arbitration**

- Acting for a major petroleum supplier in connection with obtaining freezing injunctions and executory attachment orders against a purchaser in order to protect and enforce an international arbitral award in excess of USD 10 million.
- Acting for investor funds in successfully defending a challenge before the Designated Judges of the Supreme Court and Judicial Committee of the Privy Council to an international arbitral award in excess of USD 25 million in their favour against the investee company.
- Successfully acting for the majority shareholder of a global business company in an international arbitration started by a minority shareholder alleging unfair prejudice and seeking a buy-out of USD 1.3 million.
- Acting for an oil company in Mauritius in connection with an arbitration with a retail dealer referred to arbitration.

### **Commercial Litigation and Dispute Resolution**

- Acting for Devas companies, their shareholders, and directors in various proceedings before the Supreme Court of Mauritius to resist administration orders and anti-arbitration injunction, related to long-standing disputes with the Republic of India.
- Acting for a major domestic bank before the Commercial Division of the Supreme Court in defending a

- USD 16 million claim against it by a former client for alleged foreign exchange losses.
- Acting for a major domestic contractor on a construction dispute in excess of the equivalent of USD 2 million with a luxury property developer, initially in an arbitration and subsequently in court proceedings before the Commercial Division of the Supreme Court.

## **Construction Law**

- Successfully acting for an overseas subcontractor in a USD 1.3 million dispute against a renowned contractor in respect of a construction project in Mauritius.
- Appearing before the Designated Judges of the Supreme Court in connection with the successful application by shareholders of a UAE joint venture to obtain interim injunctions in support of foreign arbitration proceedings to suspend the effects of shareholder resolutions in Mauritius.
- Acting for the majority shareholder in pending and anticipated litigation in the Commercial and Bankruptcy Divisions of the Supreme Court to resolve shareholder and boardroom disputes relating to a global business company with a large Pan-African asset base.
- Acting for the bondholders in connection with the default of a USD 80 million bond issue by an Indian-listed company in successfully obtaining freezing orders, attachment orders and executory orders in the Mauritian jurisdiction.
- Acting for Beijing Construction and Engineering Group in connection with the successful takeover of that project out of its liquidation.

## **Corporate Restructuring and Insolvency**

- Acting for the administrators of Air Mauritius, the national airline carrier, in connection with its administration and successful exit therefrom via a approximately USD 270 million deed of company arrangement.
- Acting for the receiver of Century Banking Corporation, the only Islamic bank in Mauritius, in connection with the revocation of its banking licence by the Bank of Mauritius in August 2020.
- Acting for Deloitte Mauritius' partners as administrators of Star Knitwear, a major textile manufacturer, in connection with the successful exit of that company from administration following a approximate USD 20 million takeover.
- Acting for PwC Mauritius' partners as administrators of the promoters of the Port Chambly Hotel and Residential development in connection with the successful exit of the companies from administration involving a takeover and restructuring of debts in excess of USD 12 million.