


SHARMILLA BHIMA

PARTNER: MAURITIUS



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Bio

Sharmilla Bhima is a partner in the Corporate department in Mauritius. Prior to joining the firm in August 2007, she was a practising barrister in general private practice with exposure to both the offshore commercial and litigation.

Sharmilla has specialised in international arbitration. She is a member of the Chartered Institute of Arbitrators UK and is an arbitrator on the MARC Panel of Arbitrators of the Mauritius Chamber of Commerce and Industry. She formed part of the team that was responsible for opening the former LCIA chapter in Mauritius on international arbitration when the LCIA set up the LCIA-MIAC international arbitration centre jointly with the Government of Mauritius in 2011, from which it officially withdrew as from 27 July 2018.

She is one of the contributing authors for Lexis Nexis, representing Appleby, on International Arbitration in relation to the Mauritian jurisdiction and remains active on matters relating to international arbitration. Sharmilla gained significant experience

on arbitration in relation to insurance claims linked with road-accidents as a Vice-Chairman of the Motor Vehicle Insurance Arbitration Committee.

She has acquired expertise on intellectual property law and regularly advises on the protection of intellectual property. As Chairperson of the Industrial Property Tribunal she helped the Government of Mauritius adopt the Copyright Act 2014 and the Industrial Property Act 2019.

She has been actively involved in community service and (i) helped with the launch of the Appleby Legal Education Scholarship in Mauritius (ii) served as the President of The English-Speaking Union (Mauritius) from 2009 to 2011 and contributes to CPD courses in her areas of specialism to the Institute of Judicial Legal Studies (IJLS) of Mauritius and made presentations on these areas.

She is fluent in English and French and has a working knowledge of Hindi.

Work Highlights

Sharmilla is involved in transactional and undertook some non-transactional matters. On the transactional side, she has worked on a number of transactions for financial institutions, private equity and hedge fund clients, credit restructuring, derivatives transactions, mergers and acquisitions, corporate, insolvency, fund and trust formation and disputes as well as employment law matters (both contentious and non-contentious), including Australia and New Zealand Banking Group Limited, Axis Bank Ltd, Bank of America, Banque Cantonale de Geneve, Barclays Bank PLC, BMCE Bank International, Citibank N.A., Citigroup, Commerzbank Aktiengesellschaft, Coutts & Co., Credit Suisse AG, Deutsche Bank AG, Electro Banque, Goldman Sachs, HSBC, ICICI, JP Morgan, Lloyds TSB Bank, Macquarie Bank Ltd, Morgan Stanley, National Australia Bank Limited, Royal Bank of Scotland, Société Générale, Stanbic Bank Ghana Ltd, Standard Chartered Bank, UBS AG, AlcatelLucent, The Daiichi Mutual Life Insurance Company, DAMAC Holdings Co, LLC, Dallah Albaraka (Ireland) Ltd, Gateway Telecommunications, Kerzner International Group, Interswitch, Johnson & Johnson and SAB Miller Plc.

Some recent examples of work include:

CORPORATE:

- Oversea-Chinese Banking Corporation Ltd on a secured USD 470,726,777 refinancing facility of to Singapore listed company, Ezion Holdings Limited (Ezion) focused on owning, chartering and the managing rigs and vessels within the oil and

gas industries and is understood to own one of the largest and most sophisticated global fleet of liftboats.

- Selfkey in relation to its revolutionary digital identity token sale of USD 22 million. Selfkey is a blockchain-based digital identity solution that allows individuals and companies to own, control and manage their digital identity.
- Rockcastle Global Real Estate Company Limited in relation to the merger of its South African related fund with South African New Europe Property Limited (NEPI). To form the largest real estate company in Central and Eastern Europe and one of the largest European real estate retail companies.
- Goldman Sachs in relation to its USD 70,000,000 investment in Red Planet Hotels, a pan-Asian budget hotel chain operating in Japan, Thailand, the Philippines and Indonesia, in order to promote its expansion through the projected construction of 10 hotels.
- Bank of Baroda Plc for a USD 1,086,000,000 facility to a Mauritian borrower to re-finance two towers that form part of the Sterling Group

On the non-transactional matters, Sharmilla appears in proceedings before the Supreme Court for clients which have ranged from leading financial institutions of which an Australian bank to leading foreign insurance companies. Her practice includes applications to enforce foreign judgments, derivative actions by minority shareholders and ship arrest, all of which are now leading authorities

DISPUTE RESOLUTION:

Industrial law disputes – security for costs

Appearing for Africa Technical Services Ltd before the Industrial Court of Mauritius in *Alexander Van Hoeken v Africa Technical Services Ltd* in which the Industrial Court awarded an historic amount of MUR 100,000 [± USD 2,800] as security of costs for a labour law dispute.

Enforcement of Foreign Judgments

- Appearing for Dallah Albaraka (Ireland) Ltd, the investment arm of the Dubai-based Dallah Albaraka Group. Dallah Albaraka (Ireland) Ltd obtained judgment against the parent company of a Mauritian company before the Queen's Bench Division of the High Court of Justice for breach of guarantee. This case is now a leading authority

on as regards the procedure to follow to enforce a judgment delivered by a superior court of England and Wales. It also addressed important issues such as, the legal significance of a party labelled as 'CoRespondent' in proceedings and, the status of legal practitioners employed by law firms registered under the Law Practitioner's Act 1984.

- Appearing for BayerHealthcare LLC to successfully enforce a judgment that it obtained in the USA against a Mauritius company for breach of a federally protected trademark.

Applications for Derivative actions

- Appearing before the Court of Appeal for the majority shareholder of a Mauritian company, which challenged the decision of the Bankruptcy Division of the Supreme Court to grant leave to the minority shareholder to enter proceedings in the name of the company for alleged prejudice to it as a result of wrongdoings by the directors. The Court of Appeal upheld Appleby's interpretation of legislation on the concurrence of two pieces of legislation dealing with the jurisdiction of the appellate jurisdiction of the Supreme Court.

Recognition

Sharmilla has been described in The Legal 500 (2021) as 'Sharmilla Bhima is Excellent' and has been ranked as a 'Business Leader' in Mauritius in the 2017, 2018, 2019, 2020, 2021, 2022 and 2023 editions of Business Leaders, which provides insights on Mauritian decision makers within the public and private sector.

The Legal 500 (Legalese) (2022) has again described her as follows:

Sharmilla Bhima has been excellent in her service delivery. She impressed me with her ability to appreciate both the legal and commercial aims of the client. She was proactive in guiding on aspects that we had not thought of, but which would have an impact on our transaction and timeline to closing. She was available to discuss and her turnaround time was commendable.'

Coverage & Insights

Sharmilla contributed to a chapter on the protection of intellectual property law in "Investing in Mauritius Ocean of Opportunities" and "Doing Business in Mauritius – A Practical Guide," which were authored by a senior member of the Mauritian Bar. She provided a testimonial for the third edition (2020) of the latter book.

Qualifications & Education

Undertook her pupillage at Thomas More Chambers, London, UK and was called to the English Bar at the Honourable Society of Lincoln's Inn in July 1998. She was called to the Mauritian Bar in September 1999. She has specialised in international arbitration with Queen Mary University of London and the World Intellectual Property Organisation and has an interest in Blockchain and FinTech and the emerging technologies.

- Said Business School, University of Oxford (England)
- Queen Mary University of London (England)
- World Intellectual Property Organisation (WIPO) (Switzerland)
- BPP Law School, London (England)
- The University of Reading (England)

Memberships & Associations

Sharmilla is a Fellow of the Mauritius Institute of Directors and she is a member of the following institutions:

- The American Chamber of Commerce, Mauritius;
- The Honourable Society of Lincoln's Inn, UK and currently serves as the Vice-President of the Alumni branch of Lincoln's Inn in Mauritius; and
- The Mauritius Bar Association for which she also served as a co-opted member of the Mauritius Bar Council 2007-2008.

Expertise

Corporate, Dispute Resolution, Arbitration & Alternative Dispute Resolution, Fund Disputes, Insolvency & Restructuring, Regulatory Disputes, Trust Disputes, Banking & Asset Finance, Corporate Finance, Derivatives, Fund Governance

Sectors

Energy & Natural Resources