

Nikhil Desai

Managing Partner

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Personal Summary

Nikhil Desai is a Managing Partner of Desai & Company Advocates. Nikhil completed his LLB in Manchester University (UK) and Nottingham. Following his studies, Nikhil returned to Kenya and worked as an associate at leading law firms Daly & Inamdar Advocates and Anjarwalla and Khanna, primarily advising on corporate commercial and real estate transactions and litigation before the Court in Kenya. Nikhil has also carried out secondments at Stephenson Harwood LLP (London, UK) and leading barrister chambers, Essex Court Chamber and Brick Court Chambers in London, United Kingdom.

Thereafter, Nikhil joined leading international dispute practice, JMiles & Co., where he still sits as Managing Director. Nikhil's areas of focus are corporate, real-estate and alternative dispute resolution. Nikhil is currently Chair of the ICC-Kenya ADR Commission and has sat as Arbitrator on a number of international and domestic arbitrations. Nikhil was voted one of the top Arbitrators in Kenya by "the Lawyer Africa" publication.

Qualifications

Fellow of the Chartered Institute of Arbitrators	2022
Postgraduate Diploma in Law, Kenya School of Law	2009
Legal Practice Course (LPC), Nottingham Law School (UK)	2007
Bachelor of Law LL.B (Hons), University of Manchester (UK)	2006

Key Experience

- Acting as lead counsel for borrowers in a syndicated loan disputes against four large banks in Africa (and a fund based in Mauritius) before a three member LCIA Tribunal seated in London, United Kingdom. The claim is in excess of USD 400,000,000.
- Acting as legal advisor for ICM SpA the main contractor for Phase 1 of the Konza Technology City. Nikhil represents ICM in all matters relating to procurement; variation of contracts; regulatory approvals/disputes; social and governance concerns; dealings with the Contracting Authority, KoTDA, and representing ICM SpA in all disputes relating to the FIDIC Silver Book Contract and various sub-contracts (claims for delay damages; negotiating contractual claims; etc.)
- Advising and acting as lead counsel representing a Ugandan client on various debt claims against the Government of South Sudan and Jubek State in excess of USD 100,000,000. The matter involves potential LCIA Arbitration Proceedings international arbitration proceedings and concurrent court proceedings at the East Africa Court of Justice (EACJ).
- Acting as Lead counsel for a Tanzanian company in concurrent ICC and ICSID (BIT claim) arbitration proceedings against TANESCO and the Government of Tanzania. The claim arose from the cancellation of a Power Purchase Agreement arising from a PPP between Symbion Tanzanian Ltd and the Government of Tanzania for the building, owning and operating of the 400MW thermal power plant in Mtwara Tanzania. Nikhil was the lead counsel in the arbitration proceedings and in settlement discussions with the Attorney General of Tanzania, which in 2022 resulted in a settlement to our Client for in excess of USD 80,000,000.00. <https://www.africa-energy.com/news-centre/article/hopes-sea-change-tanzania-government-returns-talks>.
- Acting for private interests in relation to a family dispute concerning offshore trusts in the Channel Islands and managing litigations in Vancouver and Kenya and representing the client in ongoing LCIA arbitration proceedings in London.
- Advising Lake Turkana Wind Power Project (LTWP) in the PPP with the Government of Kenya for the construction and operation of the largest wind power farm in Africa. At the time this was the largest single private investment made in Kenya for a PPP project and is lauded as a success PPP project in Kenya. Nikhil was involved in advising LTWP in certain aspects of the PPA and Government Support Letter, including assisting with resolution of community disputes arising from the LTWP project.
- Acting for Clients in the hospitality industry in relation to: management services agreements; and claims relating to expropriation of land.

- *Cycads Properties & Another vs. Attorney General and 4 Others* – Advising and representing a property developer in a constitutional petition in the High Court of Kenya relating to a multi-million-shilling development in Runda, Nairobi. The case concerned the Government’s claim that the development encroached on land earmarked for the Northern Bypass.
- Representing a Canadian listed company in a Judicial Review application against the Betting Control and Licencing Board concerning the “Kwacha Mamilli: Become Kenya’s Next Millionaire” lottery.
- Representing and advising clients in various commercial, administrative and constitutional matters before the High Court of the Kenya (including advocacy).
- Carried out a due diligence and assisted in the merger between Ogilvy and Mather and Scangroup.
- Carried out a due diligence and assisted in the Initial Public Offering of BRITAM.
- Assisted in setting up the Employee Share Ownership Plan (ESOP) for Safaricom.
- Instructed by GIZ to assist the Business Regulatory Service under the Office of the Attorney General to in drafting regulations with regard to disclosure of beneficial ownership regulations in Kenya.

Publications

- Authored a number of articles on international arbitration, fraud and asset chasing (focusing on Kenya and East Africa generally)
- Contributor: *FraudNet Compendium, International Bar Association Asset Recovery Subcommittee’s Global Survey on the Role and standing of corruption victims in criminal proceedings, notably in structured criminal settlements (FraudNet, 2020)*
- Co-Author: *A Gap analysis on standards for Environment, Social and Governance: A Guide for Kenya (FSD Africa; UK Aid, 2019)* <https://www.fsdafrica.org/wp-content/uploads/2019/10/ESG-Final-Report-29.05.2019.pdf>
- Co-Author: Nikhil Desai, Laura Lusiji and Maira Martini and Maggie Murphy. *Toward Beneficial Ownership Transparency in Kenya: An Assessment of the Legal Framework (DFID, Transparency International, 2017)*; <https://tikenya.org/wp-content/uploads/2017/11/Beneficial-Ownership.pdf>
- Editorial Team and Contributor: Miles, Fagbohunlu and Shah. *Arbitration in Africa: A Review of Key Jurisdictions (Sweet & Maxwell, 2016)*
- Co-author: *Guerrilla Tactics in International Arbitration (Kluwer Law International, 2013)*

Speaking and Training Engagements

- Speaker on International Arbitration (focusing on East Africa) and fraud forums in a number of jurisdictions including: Vienna; Paris; London; India; South Africa; Zambia; Mozambique; Sudan; Uganda; Tanzania; Rwanda; and Ethiopia.
- Training the Ethics and Anti-Corruption Commission of Kenya (EACC) on an intensive 5-day course on the use of Alternative Dispute Resolution in carrying out their mandate (2019).
- Training the Attorney General's Office in Addis Ababa, Ethiopia on an intense 3-day course on international arbitration (2019).
- Participated in the roundtable discussions hosted by the London Stock Exchange Group on the launch of the Report co-authored by Nikhil on Green financing in Kenya.
- Leading a stakeholders' forum on transparency with regard to beneficial ownership in Kenya which was led by the Business Registration Service, under the Office of the Attorney General, in Nairobi (August 2018).

Positions Held

Partner, Desai & Co.	February 2021 - Present
Managing Director	March 2025 - Present
Director, JMiles & Co.	October 2019 – March 2025
Assistant Director, JMiles & Co.	January 2016 – September 2019
Senior Associate, JMiles & Co.	January 2014 – December 2015
Associate, JMiles & Co.	September 2012- December 2013
Associate, Anjarwalla & Khanna,	July 2009 – August 2012
Trainee Lawyer and Associate, Daly & Inamdar Advocates	September 2008 – June 2009

Secondment

- Seconded to the law firm Stephenson Harwood LLP's London office
- Carried out a secondment with London-based barristers from Essex Court Chambers and Brick Court Chambers.
- Shadowing English High Court Judge, Sir Bernard Eder (now retired), in a week-long hearing at the High Court (Commercial Division) in London.