

Arbitration & Litigation



A SPECIALIST DISPUTE RESOLUTION FIRM

Estd. 1999

70+ Lawyers

13 Partners

3 Branch Offices

7 Associate Offices

Clients include Fortune 500
Companies, Large and
Medium Businesses,
Multinational Corporations,
Government Authorities
and Public Enterprises.



Our Practice

Arbitration & Litigation

- Represented in issues related to FIDIC, EPC, Turnkey Projects, Concession Agreements and Public Private Partnership model disputes.
- Contesting international and domestic commercial arbitrations before institutional and ad-hoc forums.
- Representing various clients before National Company Law Tribunal (Erstwhile Company Law Board) in matters including petitions for Oppression & Mismanagement.
- Interim relief for clients before, during and after the arbitration proceedings.
- Successful track record in enforcement of domestic and foreign arbitration awards.
- Specialty in dealing with disputes in Contracts with Government Authorities, Consulting Agreements, Construction Projects, Dealership Agreements, Energy, Power, Telecommunication sector, Gas Pipelines, Building Contracts, Road Construction etc.
- Successfully obtained favorable awards for clients in high stake matters.

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- & PARTNERS -
Your guide to the world's best lawyers


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INTELLIGENCE


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500

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Bankruptcy Law

Our team has a great deal of experience in dealing with bankruptcy issues. We serve clients seeking relief as lender, creditor, debtor, investor or in any other capacity when confronted with legal problems related to bankruptcy and insolvency. We advise on exit strategies, refinancing, debt restructuring, distressed debt trading and investment in distressed assets. We also represent our clients before National Company Law Tribunal and other courts of law. We have provided legal opinion and represented clients in Real Estate, Education, Steel, and Infrastructure.

Intellectual Property Litigation

Strategies to meet client's business objectives and contesting client matters in Intellectual Property Rights related litigation, obtaining interim injunction in Trademark Infringement disputes.

Merger Sanctions

Our M&A and dispute resolution teams advise on complex legal issues and represent clients for all approvals, regulatory compliances and sanction of schemes for Merger & Acquisition or scheme of arrangement between the company and its shareholders or between shareholders.

White Collar Crimes

Comprehensive services in preventive compliance, regulatory enforcements and representation of corporates as well as accused persons and interested parties in criminal matters.

Experience with insurance advisory companies, Prevention of Money Laundering Act, 2002, Real Estate Frauds, Mismanagement of Funds in Joint Venture Contracts involving high-stakes in multiple jurisdictions.

Antitrust Litigation

We have affirmed the rights of our clients against the unfair conduct and abuse of dominant position by others and vice versa. Our experience across a wide range of industries and practice areas in courts and quasi-judicial bodies equips us to handle civil and criminal antitrust litigation.

RECENT ENGAGEMENTS

- Arbitration Disputes
- Antitrust/ Competition Matters
- Bank Guarantees
- Company Matters
- Consumer Matters
- Contractual Disputes
- Debt Recovery
- Employment Contracts
- Franchise & Distribution
- Intellectual Property Litigation
- Joint Venture & Contracts
- Merger Sanctions
- Negotiable Instruments
- Oppression and Mismanagement
- White Collar Crime

Arbitration & Litigation

- **ABS Consulting Group Inc** and Equecat, a business risk consultant to insurance, reinsurance and financial clients, before the District Courts and High Court in criminal proceedings.
- **ACP Investment Group, LLC** vs. Alternatives Asset Research Management (AARM) based in Visakhapatnam, India. To take legal steps for recovery of outstanding.
- **Aksh Optifiber Ltd.** in arbitration against Bharat Sanchar Nigam Ltd. (BSNL) which had imposed heavy MPLS charges for providing bandwidth.
- **Ansal Buildwell Ltd (ABL)**, a realty major in contractual disputes with various Government Authorities. Representing ABL in arbitration proceedings and before different High Courts to challenge awards.
- **Boortmalt N.V.** a Belgian malt manufacturing company in various court-proceedings arising out of their collaboration with an Indian party.
- **Bureau of Energy Efficiency (BEE)** before Appellate Tribunal for Electricity, Delhi against allegations of natural justice violations. Successful in obtaining interim relief in favour of the Client. Representing the client in the following matters:
 - **Mukund V. Bhandare vs Bureau of Energy Efficiency & Anr. DFR No. 1291 of 2016** - Defending BEE before Appellate Tribunal for Electricity, Delhi against allegations of natural justice violations. Successful in obtaining interim relief in favour of the Client.
 - **M/s. Gujarat Alkalies and Chemicals Ltd. v. Union of India through Secretary (Power) and (BEE), SCA No.11227/2017 before High Court of Gujarat at Ahmedabad** - Petitioner filed the petition for seeking the challenge of the legality, validity and vires of Clause 4(4) of the Procedure for Registration of a Designated Consumer with Registry as Eligible Entity & # 39 issued by CERC. The matter is listed for arguments.

- **Lafarge India Pvt. Ltd. v. Union of India & Ors. (BEE), Writ Petition (C) No.481/2015 before High Court of Chhattisgarh at Bilaspur**-Writ Petition under Article 226/227 of the Constitution of India for issuance of writ in nature of certiorari, mandamus, prohibition and other suitable writ or writs, direction or directions, order or orders. The matter is listed for arguments.
- **C&C Constructions Ltd.** against Uttar Pradesh Rajkiya Nirman Nigam Ltd. for illegal termination of Contracts claim against loss of profit and infructuous expenses for overheads. Representing the client in the following matters:
 - **BSC C&C (JV) V. Union of India (CPWD)** - C&C Constructions Limited (**C&C**) was allotted the work of the construction of the Parliament and Indian Chancery Building at Kabul, Afghanistan by Union of India through Central Public Works Department (**CPWD**). C&C along with B. Seenaiah & Co. formed a JV for the purpose of carrying out the allotted work of construction of Parliament and Indian Chancery Building at Kabul, Afghanistan and the work has been successfully completed by JV so formed in the said matter. However, a dispute arose between the JV and CPWD which has been referred to Arbitral Tribunal and is presently pending adjudication. C&C has made claims amounting to US\$ 64.13 million (₹ 416 crore) . C&C has appointed the firm to represent them before the Hon'ble Arbitral Tribunal for the various disputes arising between the parties in the said matter.
 - We are also representing C&C in another matter currently pending adjudication before the tribunal, in regard to extension of time and Bulk Electro-mechanical services in the Afghanistan Parliament by the Union of India through CPWD. C&C has made claims amounting to US\$ 10.56 million(₹ 68.64 crore), which are presently pending adjudication before the Hon'ble Arbitral Tribunal.
- **Denel (SOC) Ltd.** a South African Government owned Defence Company in multifarious arbitration proceedings involving contractual disputes with Government of India. Also, set precedents by getting removed Government nominated arbitrators. Representing the client in the following matter:
 - Received the arbitral award in an International arbitration in favour of the client involving claims worth USD 2.8million (₹ 18.6 crore) against Ministry of Defense, Govt. of India. The arbitral tribunal consisting of two retired Supreme Court judges and one arbitrator from Singapore also rejected the counter claims worth USD 0.4million (₹ 2.6 crore).
- **Dragon Treasure Shipping Limited** for execution of the foreign awards passed against an Indian company for recovery of awarded amounts in an ICC Arbitration. The firm is also representing the client in the arbitration proceedings filed by opponent challenging the arbitral awards, pending before the High Court of Judicature at Bombay.
- **East India Udyog Limited** in disputes arising out of Joint Venture (**JV**) Contract with a Nigerian Company in criminal proceedings, legal notices, complaints, etc.
- **IJM Corporation Berhad** in arbitrations with North Delhi Municipal Corporation for contractual disputes involving claims and counter claims worth US\$* 150 million (₹1000 crore).
 - Defending the interest of Client IJM Corporation in an Arbitration petition under Section 11(4) (6) and (8) of the Arbitration and Conciliation Act, 1996 for appointment of the nominee Arbitrator in a dispute of **US\$ 28 million (₹ 185 Crore)** against Delhi Metro Rail Corporation.
- **IJM Infrastructure (India) Limited** in a matter involving the appointment of the arbitrator by Delhi Metro Rail Corporation before the Delhi High Court.
- **InVentiv International Pharma** defending and representing the company against the Writ Petition arising out of suit for eviction filed by Opposite party before Bombay High Court. Also, representing the client in a summary suit before Bombay High Court for recovering unpaid security deposit from opposite party along with interest.
- **Jengan Establishment, U.A.E** in arbitration as well as before the Court in action against the Indian Partner for mismanagement of funds of the Indian Joint Venture.
- **Karam Chand Thapar & Bros. (Coal Sales) Ltd. (KCT)** in claims against **THDC India Ltd.** in the arbitration proceedings in contractual disputes arising out of delay in Dam Construction Projects.
- **Louis Berger Group** before Delhi High Court in a dispute related to Road Construction where Louis Berger was appointed as an independent consultant by National Highways Authority of India (**NHAI**).
- **McGrawHill Education India Pvt. Ltd., New Holland Fiat India Ltd., Sharp Business Systems** in dealership agreements related arbitrations with clients and dealers across the country. Also handling issues related to the recovery of dues, property, lease, house tax, stamp duty and other local laws including civil and criminal suits, dishonor of cheques, and consumer matters across fora.

*1 US\$ = ₹65



We provide legal advisory in both contentious and non-contentious matters.

- **Ministry of Road Transport and Highways** on the question of law and interpretation of the Constitution of India in a writ jurisdiction before the High Court of Karnataka and its benches.
- **Mumbai International Airport Limited (MIAPL)**, our client filed Company Application in Karnataka High court seeking leave of the court to permit disposing-off the assets that belonged to Kingfisher Airlines Limited lying at Mumbai International airport occupying an extent of about 6500 Sq. ft. When the application was taken up, counsel for SBI, the Lead Consortium and Official Liquidator strongly opposed our application stating that they have the rights and powers to decide what to do with said assets and even disposal thereof. The court allowed our client MIAPL to sell the assets of Kingfisher airlines lying at their premises by way of public auction and also granted MIAPL's request to recover expenses related to auction from the sale proceeds.
- **National Highways Authority of India (NHAI)** -Representing the client in the following matters:
 - Against Obedullaganj Betul Tollways Pvt. Ltd. in dispute worth US\$ 105 million (₹ 700 crore) pertaining to a Concession Agreement and the Common Loan Agreement in State of Madhya Pradesh for 'Four Laning of Obedullaganj-Betul Section of NH-69 from 2.8 to Km 8.3Km and from 20.7Km to 137Km on BOT (Toll) Project basis.
 - Represented **NHAI** before the Delhi High Court in a writ petition filed by a Bidder, an important issue related to rejection of Application for pre-qualification (RFAQ) by **NHAI** was held to be justified. The RFAQ was rejected on the ground that the Contract of Associate Company of Applicant with **NHAI** was terminated.
 - The contention of the Applicant that such rejection of RFAQ would amount to blacklisting of the Company was out rightly rejected. The High Court agreed with our arguments that disqualification in terms of Clause 2.2.7 of RFAQ was justified. In terms of Clause 2.2.7, the condition of ineligibility was attracted as the Associate Company of the Applicant was expelled by **NHAI** which would be a "public entity" as mentioned in the said clause. The High Court rejected the contention of the Petitioner that **NHAI** would not fall within the definition of any "public entity".
- **NKC Projects Pvt. Ltd.** a leading construction company in a winding up petition before Madras High Court involving an amount of US\$ 14.115 million (₹94.1 crore).
- **Patel Infrastructure Private Ltd. (PIPL)** the company has been awarded an Output and Performance Based Road Contract for improvement, rehabilitation, resurfacing and routine maintenance work of roads by Public Welfare Department, Government of Punjab. The firm is advising PIPL on various issues arising between the parties during the performance of the said contract. The firm is defending PIPL in an arbitration filed by PWD, Punjab involving a claim of US\$ 13.43 million (₹ 90 Crore).
- **PNC Infratech Ltd** filed Writ Petition against **Delhi State Industrial & Infrastructure Development Corporation(DSIIDC)** praying for issuance of a writ of mandamus or any other order or direction like mandamus directing DSIIDC to take a decision on the issue of payment of annuity due since a long time as per the Concession Agreement.
- **Punj Lloyd**-Representing the client in the following matters:
 - Various ongoing arbitrations and litigations related to construction and infrastructure projects pan India involving stakes of more than US\$ 60 million (₹400 crore). Recently, represented the client before Supreme Court of India in a Special Leave Petition filed by the West Bengal Medical Services Corporation Ltd. We obtained immediate relief for the client wherein an order of payment of US\$ 2.85 million (₹19 crore) was made despite the pendency of arbitration proceedings between the parties.
 - Raised the dispute with claims amounting to US\$ 37.95 million(₹253 crore) (approx) filed before the Arbitral Tribunal on behalf of **Punj Lloyd – Sembawang - Sembawang (India)**-Joint Venture against the Bangalore Metro Rail Corporation

Limited pertaining to the dispute in respect of construction of Elevated Metro Stations i.e., Mysore Road Terminal, Deepanjali Nagar and Magadi Road, Rajajinagar, Kuvempu Road and Malleshwaram in Bangalore Metro rail Project, Counter Claim raised by the Bangalore Metro Rail Corporation Limited for an amount of US\$ 18 million (₹120 crore) (approx) pending adjudication before the Arbitral Tribunal.

- Legal Opinion on Phulera-Degana Section of Jodhpur Division of North-Western Railway Zone, Awarded by North-Western Railways (NWR).
- **Dolphin Offshore Enterprise vs. Punj Lloyd** - Petition under Section 11 before Bombay High Court. To defend our client in the matter.
- **Doosan Infracore vs. Punj Lloyd** - Petition under Section 11 before Delhi High Court. To defend our client in the matter.
- **PVP Entertainment Ltd.** against Omaxe Ltd. in issues relating to compensation for delay in completion of the project by Omaxe Ltd. as per the agreement between the parties.

Numerous domestic/ international arbitration awards, case wins, precedents, enforcements and advisory to our credit in complex projects.

Flourishing Infrastructure Arbitration practice with renowned clientele like Punj Lloyd, IJM Corporation Berhad, National Highways Authority of India, Patel Infrastructure Private Limited, C&C Constructions, and Ansal Buildwell.

- **RCI India Private Limited** on its international travel business, foreign exchange related issues, day to day legal issues including vetting of agreements, drafting of notices, replies, and PILs. The firm also represents the client before consumer courts and **Competition Commission of India (CCI)**.
- **Rewa Tollway Pvt. Ltd. (RTPL)** a subsidiary of **IJM Corporation, Berhad** in a writ petition against Madhya Pradesh Road Development Corporation (**MPRDC**) before Madhya Pradesh High Court (Jabalpur Bench). Also, successfully obtained desired relief of injunction for RTPL against the termination of the concession agreement. Representing RTPL in the arbitration proceedings against MPRDC before Arbitral Tribunal.
- **Railtel Corporation of India (RCIL)** in the arbitration proceedings against Cloudatix Biz India Ventures Pvt. Ltd. involving claims of around US\$ 4.5 million (₹30 crore). We are representing the client in following cases:
 - Opinion on substitution of consortium partners by the Lead Bidder (Zee Media) after issuance of Letter of Award.
 - **In RCIL vs Archon Egnicon**- RCIL was provided the legal opinion on trust & retention account.
- **Ricoh India** in several litigation matters and legal counsel to them for recovery of money, lease related issues, civil suits, writ petitions, consumer complaints, dishonoring of cheques, execution related matters, issue and responses to demand notices. Also in taking legal recourse against **New Delhi Municipal Council** by filing Writ Petition in Delhi HC against the illegal termination of its contract worth US\$ 2.4 million (₹16 crore).
- **Security Printing and Minting Corporation of India Limited (SPMCIL)** in the Suit for recovery of US\$ 16.7 million (₹111 crore) pertaining to contentious issues of national security against De La Rue International Ltd. pending before District & Session Court, Hoshangabad at Madhya Pradesh.
- **Simplot India** in dispute with JV partner Himalaya International Limited. The dispute involved claims upwards of US\$ 15 million (₹ 100 crore) which are currently pending adjudication before the Delhi Arbitration Centre and the Singapore International Arbitration Centre. Additionally, representing the Client before the Company Court, Delhi High Court and National Company Law Tribunal in respect of various proceedings under the Companies Act.

Recently, successfully defended Simplot India Foods Pvt. Ltd. before NCLT in a complaint seeking inquiry and investigations arising out of contractual disputes.

- **Roc vs. Himalaya Simplot Pvt. Ltd. (Case No.8876/2017)** - Complaint filed by ROC before Tis Hazari Court under Section 99, 137(3) of Companies Act.

- **Simplot India Foods Pvt. Ltd. (SIFPL) & Anr v. Himalaya International Ltd** - SIFPL filed a petition under Section 9 of the Arbitration and Conciliation Act, 1996 read with Section 151 of CPC, before Delhi High Court. Listed for arguments.
- **Himalaya International Ltd. v. SIFPL & Ors** - Case No. CS(COMM) 257/2017 before Delhi High Court - HIL filed a suit for losses and damages seeking recovery of ₹ 10 million + interest@18% towards liquidated and unliquidated damages with respect to tortious liability against SIFPL & Ors. An application under Section 230-234 of the Companies Act, 2013 and scheme of Agreement between Himalaya International Limited (HIL) and Appetizers and Snacks Foods Ltd. (ASFL) and Himalya Green Apartments Ltd. (HAGL) and respective Shareholders & Creditors.
- **Sinosteel Equipment & Engineering Co. Ltd.** Successfully represented Chinese Company in an International Commercial Arbitration at ICC, Singapore, in a dispute arising out of contracts for Supply, Designing and Engineering Services for the Contract of a 1.2 Million ton capacity Pellet Plant. ICC rules of International Commercial Arbitration govern the arbitration having the substantive law of contract as Indian Law.
- **Sri Maruti Wind Park Developers (“Respondent”)** Defended the client, a wind energy major against Regen Infrastructure Pvt. Ltd. (“Claimant”) in an arbitration before Madras High Court Arbitration Centre having seat in Chennai. The dispute related to a 450 MW wind park which was to be developed and commissioned by Sri Maruti. The parties entered into three separate agreements, each for procurement of land, government approvals and execution of civil works. The Claimant invoked the arbitration clause in one of the agreements and instituted arbitration before the Madras High Court Arbitration Centre. The Claimant raised claims, *inter alia*, for non-completion of job work, losses to materials, expenses incurred, damages etc. amounting to a total sum of ₹250 Crores (approx).
- **Solar Designs Pvt. Ltd.** - We are representing the client in following cases:
 - **Solar Designs v. Kamarajar Port Ltd. - Jawahar Building.** To assist and provide legal services including arbitration to M/s Solar Designs Pvt Ltd with reference to its disputes arising with Kamarajar Port Ltd. (KPL), in contract for “Providing Interior Works to The Kamarajar Port Limited office in Jawahar Building (2nd Floor North Wing 3rd Floor) and CDC building ground floor of ChPT”.
 - **Solar Designs v. Kamarajar Port Ltd., Nerkundran** - Initiation of Arbitration.
- **State Bank of India(SBI)** before the adjudicating authority under the Prevention of Money Laundering Act, 2002. Joint Director, Directorate of Enforcement at Bangalore filed a complaint seeking confirmation of provisional attachment order issued earlier on some of the properties on which charges were created in favour of SBI, on the ground that the said properties were acquired out of “proceeds of crime.”
- **Technopak Advisers Pvt. Ltd.** in international arbitration disputes with the contractor of **Bill and Melinda Gates Foundation**. Also, handling issues related to appointment of the arbitrator before the Supreme Court and pursuing the claims on behalf of the client in an ongoing arbitration.
- **Transfast Instant Global Money Transfer Pvt. Ltd** for an SLP filed by Times Money before the Supreme Court of India.
- Represented a USA based industrial conglomerate present in various sectors in India in a tax dispute of US\$ 4.5 million (₹30 crore) before the Supreme Court of India.
- **Tupperware India Pvt. Ltd.**-Tupperware India Pvt. Ltd. v Veena Walia (OMP. No. 842 of 2011).Petition u/s 34 of the Arbitration and Conciliation Act, 1996 against the arbitral award dated 1st July 2011.

Bank Guarantee Disputes

- **Aksh Optifiber Ltd. (AOL)** for protection against the invocation of bank guarantee by BSNL in a Franchisee Agreement and for an appeal before Jaipur High Court against an order passed by the Single Judge in a matter arising out of Corporate Guarantee provided by AOL.
- **Denel (SOC) Ltd.** in various cases involving invocation of bank guarantee in Sec 9 petition and related proceedings.
- **IJM Corporation Berhad**, Malaysia, against Municipal Corporation of Delhi and successfully obtained injunction from Delhi High Court against encashment of bank guarantees of US\$ 8.1 million (₹54 crore) .
 - Successfully defended the interest of the **IJM Corporation, Berhad** under Section 9 of the Arbitration and Conciliation Act, 1996 before Delhi High Court seeking encashment of Bank Guarantees amounting to US\$ 23.7 million (₹158 crore) in a contract in respect to 'Two/Four Laning of Talcher-Dubari-Chandikhole Section of NH-200 from Km301.89 to Km.427.885 including km.8.5 to km. 14.886 of NH-23 in the Orissa under NHDP-III on EPC Mode' worth US\$ 128.7 million (₹858 crore).

Also, representing the client in an arbitration matter against Municipal Council of Delhi for disputes arising out of the construction of Civic Centre Building including claims and counterclaims of US\$ 150.7million (₹ 1,000 crores).

- **National Highways Authority of India (NHAI)**- We are representing the client in following case:
 - **NHAI, PIU-Dhenkanal - Corsan Corviam Construcccion S.A. v. NHAI Case No. O.M.P. (I) (COMM.) NO. 102 of 2017** - Successfully defended the interest of the Client under Section 9 of the Arbitration and Conciliation Act, 1996 before Delhi High Court seeking encashment of Bank Guarantees amounting to US\$ 24 million (₹ 158 Crore) in a Contract in respect to 'Two/Four Laning of Talcher-Dubari-Chandikhole Section of NH-200 and NH-23 in the State of Orissa under NHDP-III on EPC Mode' worth US\$ 129 million (₹ 858 Crore). Successfully got the appeal dismissed in the interest of the Client.
- **Railtel Corporation** in multifarious court and arbitration proceedings including the invocation of Bank Guarantees and contractual disputes.
- **WSP Consultants India Limited** - Representing the client in following matters
 - In multifarious court and arbitration proceedings including the invocation of Bank Guarantees and contractual disputes.
 - **WSP Consultants India - Ltd (WSP)** - In employment disputes raised by its ex-Managing Director. Legal Counsel to WSP Consultants in disputes related to engineering consultancy design agreements. Handled recovery of security amounts under the lease agreement.
 - Appointment of an arbitrator before High Court and Supreme Court, drafting of claims, legal notices, etc.
 - We also represented WSP in a petition filed before Punjab & Haryana High Court for the merger of their Group companies.

Intellectual Property Litigation

- **ABS Consulting Group Inc** and Equecat, a business risk consultant to insurance, reinsurance, and financial clients before the District Courts and High Court in matters of Intellectual Property Rights litigation.
- **Bonomi Group** for obtaining the interim injunction in a case related to trademark violation.
- **Bravura Solutions (UK) Ltd** successfully protested the relief for a temporary injunction, sought by Sonata Software alleging infringement of the mark.
- **Fedders Corporation, USA** for trademark infringement case before the High Court of Delhi against Fedders Lloyd Corporation Ltd.
- **McGraw-Hill Education** in a suit for copyright infringement of their publications.
- **New Holland Fiat India** in a trademark infringement investigation as well as caution notifications to counterfeit automotive component manufacturers and traders. New Holland Fiat is a leading farm tractor manufacturer and exporter.
- **Paradise Rubber Industries** that makes football bladders on the trademark infringement issue.
- **Rubinetterie Bresciane Bonomi S.P.A, Italy** - for obtaining interim injunction for this Italian client in a trademark violation where the trademark was not registered in India.
- **Zertus GmbH (Zertus)** for trademark registration, prosecution and oppositions. Zertus and its subsidiaries focuses on the production and marketing of food and food specialties.

Merger Sanctions

- Represented **Aksh Optifibre Ltd. (AOL), iQor India Services Private Limited (iQor), WSP Consultants India Private Ltd.** for sanction of the scheme of merger of their respective subsidiary into parent companies.
- Advised **Jones Lang Laselle** for the acquisition of Meghraj Tramell Crow, an international real estate brokerage house operating in India and subsequent merger.
- Advised **McGraw-Hill Asian Holdings (Singapore) Pte Ltd.** for further acquisition of 22.23% of total outstanding shares of CRISIL Limited through voluntary open offer under SEBI Takeover Regulations.
- **Mentors Graphics** a leader in electronic design and automation for the merger of their Indian subsidiaries in Delhi and Hyderabad.

National Company Law Tribunal (NCLT) - Companies Act 2013



We conduct customised sessions on legal rights, responsibilities and liabilities of directors and senior members of the legal, corporate affairs and finance verticals to preempt disputes involving liabilities of directors.

- **Belgian Company** in a case of oppression and mismanagement (**O&M**), where the company is cheated by the Indian JV partner, who siphoned off the funds of JV Company for personal benefit through shell companies.
- **Franklin Templeton** on the issues impacting the Indian entity due to the restructuring of the foreign parent company in the USA.
- **Italian Company** (majority shareholder) in a case of O&M, where the Indian JV partner (minority shareholder) was running a competitive business to that of JV Company without the knowledge of the Italian shareholder.
- Represented minority shareholder in the JV Company where majority shareholder was acting against the interest of minority shareholders taking benefit of a majority position on the board of directors.
- Represented minority shareholder of a company where the shareholding was reduced by the majority shareholder and the nominee director of the minority shareholder was illegally removed from the board of directors.
- Representing minority shareholders of a Company in proceedings initiated by them alleging O&M. Assisting the client before the Administrator /Facilitator appointed by the NCLT.
- **USA defence major** in a complaint filed by Registrar of Companies against the company and its directors for non-compliance of disclosures under the Companies Act.
- **Sig Sauer India (a subsidiary of Sig Sauer Inc.)** and its directors against Leaseplan India Private Limited in various litigations including Execution Suits, Recovery Suits, and Company Petitions etc.
- **Vintron Informatics Ltd** and its promoters in the disputes arising out of the transaction of taking over of Vintron by another Indian party. Vintron is defending a suit for specific performance filed against it

National Company Law Tribunal- The Insolvency & Bankruptcy Code, 2016

- **Punj Lloyd Limited** represented the client before the NCLT and filed Applications under Section 9 of the Insolvency and Bankruptcy Code, 2016 for the initiation of Corporate Insolvency Resolution Process (CIRP), as Operational Creditors for dues against RIDCOR as well as Sunny Vista Realtors, of about US\$ 6.92 million (₹ 45 Crores) and US\$ 1.08 million (₹ 7 Crores) respectively.
- **Sig Sauer, Inc.** represented Sig Sauer India (a subsidiary of Sig Sauer Inc.) and its directors against Leaseplan India Private Limited in various litigations including Execution Suits, Recovery Suits, and Company Petitions etc.
- **Technopak Advisors Ltd.** represented the client, in an appeal arising out of an order of the NCLT, whereupon an application under Section 9 of the Insolvency and Bankruptcy Code, 2016 for the initiation of Corporate Insolvency Resolution Process (CIRP) was filed by a former employee claiming to be an Operational Creditor of Technopak Advisors Ltd. for an amount of US\$ 0.01 million (₹ 6.1 lakhs). We have successfully defended the client before the NCLT, by showing that the amount in question was a disputed debt, and hence an application under section 9 could not be entertained in the present case which view has been duly appreciated and upheld by the NCLT and the application under section 9 had been duly dismissed.

Land Acquisition Matters

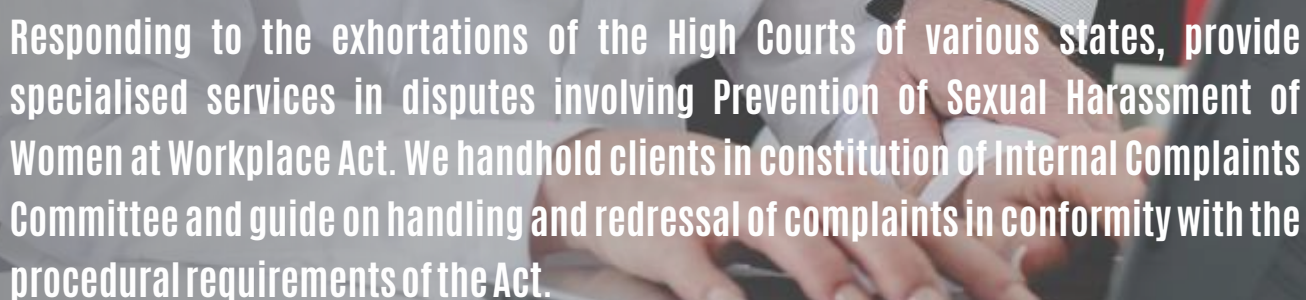
- The firm successfully handled matter before High Court of Karnataka preferred by **Kennametal India Limited** challenging order passed by the Special Land Acquisition Officer depriving Kennametal from receiving compensation due to frivolous claims by the other parties.
- The firm is empanelled with **National Highways Authority of India (NHAI)** and has successfully defended the interest of NHAI in batch of cases preferred against NHAI challenging Land acquisition, and quantum of compensation amount awarded. Also, representing NHAI in arbitration matters arising out of FIDIC and BOT contracts, both as Claimant and Respondent; The firm has handled arbitration for **NHAI** against its contractors involving claim and counter claim amounting to about US\$ 22.5 million (₹150 crore) and has also challenged arbitrators' awards before jurisdictional courts.

Antitrust Litigation

- **Exclusive Motors Pvt. Ltd.**, the luxury cars dealer in their disputes with ITDC Ltd. concerning termination of license. Also, representing client before the Competition Commission of India (**CCI**) and Competition Appellate Tribunal in a dispute related to termination of dealership of Super sports cars. The allegation was of indulging in anti-competitive agreements having adverse effect on competition and abuse of dominant position by the manufacturer.
- The firm successfully represented petitioner in a writ petition challenging the CCI's order which had dismissed the allegations of cartelization among builders. The Delhi High Court issued notices to CCI, Confederation of Real Estate Developers Association of India (CREDAI) and 20 prominent developers including Unitech, Tata Housing Development Co, BPTP, Oberoi Realty and Puravankara Projects to the court.

Employment Disputes

- Legal opinion on judicial approach to downsize contract labour and differentiated individual cases of regular workers under Industrial Disputes Act and Shops & Commercial Establishment legislations of different states, forecasted possible legal implications of the removal of individual contract workers. Drafted reply to Legal Notice by contract labour, advised the client on how to negotiate the exit, and handle the court case to implement the order.



Responding to the exhortations of the High Courts of various states, provide specialised services in disputes involving Prevention of Sexual Harassment of Women at Workplace Act. We handhold clients in constitution of Internal Complaints Committee and guide on handling and redressal of complaints in conformity with the procedural requirements of the Act.

- Prolonged litigation before Labour department is currently underway in a dispute involving a senior executive who had claimed retirement benefits/ gratuity more than what was granted to him.
- **Meru Cabs** engaged us for initiating legal proceedings against ex-employee alleging breach of terms of employment contract related to confidentiality, non-competition and joining a competitor.
- Advised client which is a leading services and consulting firm on the legal implications for intra-company transfer of employees from their existing roles to new roles at a lower compensation. Provided assistance in notices to be sent on how to negotiate with the employees and handle their concerns to obtain satisfactory outcomes.
- Reply to the notice received from Employees' Provident Fund Authority for payment of PF to the employees of contractors. Opinion on Provident Fund modification in the nomenclature of agreements with the contractor given observation by Employees' Provident Fund Organization.

- Advising and assisting one of the oldest and most reputed publishing house of UK on their ongoing litigations before the labour courts on matters relating to payment of gratuity, leave encashment, superannuation, retrenchment, dismissal etc.
- We provided legal opinion and drafted legal notice with respect to termination of an employee to a leading US Financial Services Company. Also, advised client on how to negotiate the exit, and handle the court case to implement the order. Settlement with the employee was facilitated.
- We provided legal opinion and drafted Legal Notice with respect to termination of an employee for a leading financial consultancy. Also, advised client on how to negotiate the exit, and handle the court case to implement the order. Settlement with the employee was facilitated.

Recovery Suits

- **Bony Polymers (acquirer)** for recovery of security deposit advanced to the target company. The transaction did not go through and target Company refused to refund the substantial security deposit by the acquirer.
- **Boortmalt** in an appeal filed before DRT Lucknow under the Securitization Act challenging an action taken by one of the secured creditors.
- **Cube Construction Ltd.** against National Building Construction Company in suits for recovery of claims arising out of contract about the execution of Housing project for Defence personnel (Army) at Ahmedabad and (Air Force) at Darjipura, Vadodara, Gujarat.
- **Energy One Electronics Inc. (USA)** against Centum Electronics Limited before the jurisdictional court for recovery of dues owed to it.
- **G4S International (UK)** engaged in secure transportation of valuable items, including diamonds and jewelry, in their claim against a renowned Export House for recovery of outstanding aggregating to US\$ 0.138 million (₹ 0.92 crore).
- **IJM India Infrastructure** in a recovery suit for a sum of US\$ 3 million (₹ 20 crore) against its sub-contractor.
- **Meijer Inc. USA** for recovery of the price and losses suffered on account of supply of contaminated product by an Indian company.
- **Mertex UK Ltd.** a leading, diversified, natural resources group with renowned activity in the trading of metals, before the Bombay High Court in a suit filed by a Mumbai based company who is sales agent for the client.
- **Mumbai International Airport Pvt. Ltd. (MIAL)** before the jurisdictional court in defending suit for recovery of money against MIAL.
- **NTS Scaffoldings Pvt. Ltd** regarding suit for recovery to be filed before Delhi High Court.
- **Sanmina Corporation** regarding a matter on claim for damages by a leading IT Company.
- **Seah Metals (A Korean steel major)** in a recovery suit involving claims worth US\$ 0.75 million (₹ 5 crore).
- **Ssangyong Engineering and Construction Co. Ltd** for providing opinion on the various claims made by Ssangyong about road construction projects, evaluation of those claims and representation before the Dispute Review Board.
- **UBL, Hong Kong**, an aircraft parts supplier in arbitration proceedings against Bombardier Transport India Ltd. (**BTI**) for recovery of unpaid amount by BTI.

Legal Opinions

- **Reckitt Benckiser India** - advised on laws related to advertisement of contraceptives (Durex and Kohinoor). Issues dealt in the opinion were related to posting of advertisements on social networking sites like Face Book and You Tube, whether the same would amount to obscenity and would be in violation of the Indian laws. The said opinion also revolved around the issue whether RB India was permitted in the eyes of law to propagate free distribution of such contraceptives at public places including Toll Plaza and along with newspapers and magazines.

Also, advised in relation to its products Durex "Play" and the literature on the packet of the said product. The issue discussed in the opinion was whether the literature used on the packet of the said product can be categorized as obscene as defined under the Indian laws and whether the sale and publicity of such products in India is prohibited under law.

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