

**b&p**

**bharucha & partners**

Advocates & Solicitors

**DISPUTE RESOLUTION**

Practice Profile



# About the Firm

Founded in 2008 on immutable principles of professional ethics and excellence, Bharucha & Partners is a full-service law firm, with offices in Mumbai, New Delhi, and Bengaluru in India.

We are a Firm of practitioners, with 11 Partners and over 80 lawyers offering a blend of rich experience, creativity, and the energy of youth. Each of the partners has a proven track record of handling complex commercial transactions or dispute while each associate has a passion for the law and a love for learning. Each associate has been individually groomed and selected as sharing the qualities and vision of the partners and the Firm. The hallmarks which each of our lawyer's share are Commitment to the Profession, Communication and Transparency, and, Conviction and Integrity in our dealings with each other, our clients, counterparts in the profession and, also, and no less importantly, with ourselves.

The Firm caters to a diverse clientele including Fortune 500 companies, multinational corporations, public sector undertakings, banking and financial institutions, government and state authorities, and various not-for-profits. Our clients consistently praise the 'work ethic' of the Firm, the 'timeliness' of our lawyers, and the 'hard-working' team of lawyers that serve 'the best interests of the clients'.

The Firm has been consistently recognised on various platforms like Chambers and Partners, Euromoney, Legal 500, Who's Who Legal, IFLR1000, asialaw, Benchmark Litigation, and India Business Law Journal, to name a few.

# Mission

## **To our clients**

We are committed to further your interests: by delivering work product of the highest quality; on time, every time; consistent with high ethical standards; at a reasonable cost; always delivering value.

## **To our professional colleagues**

As our learned friends, we offer courteous and straight dealing.

## **To our counter parties**

Respectful of your legitimate rights, we will not make unreasonable demands while working for the best results for our clients. In a hostile situation, may the best man win and we will work to ensure that the best case for our client is put forward.

# Vision

In the 21st century, time is at a premium; competence is said to be a commodity; and loyalty is for sale. We accept none of that.

Organisations and systems make time manageable. Excellence is rare, it cannot be equated with competence.

We have seen the legal profession grow and change with growth. We believe that growth cannot be at the cost of excellence. To the contrary, growth must foster excellence. We will not be part of any system where values or quality may be impaired in the rush to get the deal done.

We have come together based on immutable principles of truth, ethics, and excellence.

We will not compromise.

Growth will be driven by these principles. We will select the right people, groom them, invest in them. We will not just invest money. We will invest our time and our commitment. Some will fall by the way, as they must, but a few will make the grade. Those who share our values and our vision will be partners. They will be lawyers who will succeed in any jurisdiction.

Within ourselves, we have the capabilities of a full-service law firm. We will grow our capabilities to better serve our clients.

We are proud of every member of our Firm, be they professionals, fee earners, or support staff. Each is a flag bearer. We are committed to going forward and each constituent of our Firm is proud to belong to the law firm that delivers excellent value to its clients and enriches the profession.

# The Dispute Resolution Practice

Our Dispute Resolution Practice group is exceptionally strong and is reputed for its superior client service, strategic insights, and a formidable presence in proceedings. We are nimble in our advocacy, innovative in our approach, and uncompromising in achieving the solution which best suits our clients.

We advise and represent on all aspects of corporate and commercial law, including contracts, competition and trade practices issues, information technology and communications, media, employment, administrative law, directors' duties, shareholder claims, class actions, taxation, and other disputes. Accountability, integrity, and transparency are principles that guide us in our dealings within the Firm, our clients, and with dispute resolution bodies.

With over five decades of litigation experience across its Partners, the Firm is considered among the best in the country. Each Partner has a proven track record of handling complex commercial transactions or disputes and each member of the larger team has significant experience in providing powerful representation before courts and tribunals across the country.

Our ability to understand and respond to charges levied in the context of commercial transactions is unparalleled and we successfully leverage transaction and sector-specific skill set across the Firm to defend our clients. We are one of the only law firms that actively engages with mandates relating to economic offences as well as offences against the person and property with minimal reliance on outside counsels. The Partners, senior associates, and associates are well recognised before the courts of law and put the best case forward.

Our engagement with clients often commences while the investigation is progressing and prior to a charge sheet being filed. We help clients provide complete information to investigators and preclude a charge being framed. Should prosecution nonetheless progress, our clients' defence progresses on a robust foundation.

With offices in Mumbai, New Delhi, and Bengaluru, the Firm has represented clients in over 30 different courts, including the Supreme Court of India and High Courts across the country, as also various specialist tribunals such as the Competition Commission of India, National Company Law Tribunal and Appellate Tribunal, Telecom Disputes Settlement and Appellate Tribunal, the National Green Tribunal, the Intellectual Property Appellate Board, the Appellate Tribunal for Electricity, and the National Consumer Disputes Redressal Commission. The Firm also has vast experience in handling domestic and international arbitrations.

We have represented businesses in sectors like banking and finance, hotels, telecommunications, real estate, FMCG, power, and oil and gas to name a few. We have provided representation to our clients in disputes relating to, among others, the management and control of companies, employment matters, white-collar crimes, crimes against person and property, arbitration claims, contractual claims, including claims for specific performance, and insurance disputes.

## The Dispute Resolution Practice Leaders



**MP Bharucha, Founder, Senior Partner**

MP, as he is popularly known, spearheads the commercial litigation Practice at the Firm. MP has been consistently ranked by Chambers and Partners, Euromoney, and Legal 500 as amongst India's leading lawyers and has wide experience in matters ranging from construction contracts to commercial arbitration. He is known for his multidisciplinary abilities in both dispute resolution and general corporate advisory.



**Justin M Bharucha, Managing Partner**

Justin is known for his advice on strategic and high-value commercial disputes, especially with helping institutional investors achieve exits in contentious situations engendered by under-performing markets. He has an exceptional track record of incentivising counterparty settlements and delivering the commercial position that clients look to.



**Sneha Jaisingh, Partner**

Sneha is a multi-faceted litigator and has vast experience in litigation before the Supreme Court and High Courts, as also tribunals. Her experience also extends to arbitration. Sneha specialises in commercial disputes, but her practice extends to environmental liabilities, insurance claims, and employment law. She has also handled important regulatory cases particularly in the telecommunications sector and the securities market. Sneha services clients across sectors including the telecom, construction, manufacturing, and services sector. She is recognised for her meticulous attention to detail coupled with sharp tactical insight.



**Sudeshna Guha Roy, Partner**

Sudeshna is an experienced litigator and has advised and represented clients in a range of commercial causes. She has appeared in fora ranging from the Supreme Court of India, High Courts, and subordinate courts, to tribunals such as NCLT, NCLAT, and RERA. She also represents clients in domestic and international arbitration including institutional arbitration. Sudeshna's practice addresses the spectrum of insolvency proceedings arising from the Insolvency and Bankruptcy Code, 2016, and she has significant sectoral experience with construction development mandates in Maharashtra, Karnataka, and Gujarat.



**Sonam Gupta, Counsel**

Sonam is recognised as a leader in her field who focusses on Dispute Resolution. She has represented corporate clients as well as high net worth individuals in commercial causes, defending prosecution for white-collar crime, and other offences. Her rich experience helps her strategise a defence, bearing in mind the criminal liability which may attach to bona fide commercial transactions, is recognised as being exceptional.

## Indicative Experience

1. Representing Prysmian Cavi e Sistemi s.r.l. before various fora including the Supreme Court, with respect to the management and control of its joint venture company and successfully enforcing an international award which once and for all settled the law as regards public policy grounds for enforcing an international award.
2. Representing Gautam Thapar, Avantha Holdings Limited, and other promoter entities before various fora including Securities and Exchange Board of India, Securities Appellate Tribunal, and National Company Law Tribunal with respect to claims made by CG Power and Industrial Solutions Limited.
3. Representing the Godrej Group before various fora with respect to diverse disputes relating to realty development, consumer matters, EPF claims, employee disputes, and white-collar crimes.
4. Representing Kalpataru Power Transmission Limited before an arbitral tribunal with respect to construction disputes for refinery and electricity transmission lines.
5. Representing JSW Limited against PSL Limited before the Bombay High Court with respect to claims in excess of INR 4,000 million.
6. Representing Trafigura Global Services Private Limited before an arbitral tribunal with respect to construction disputes.
7. Representing Vodafone Idea Limited before the Supreme Court of India with respect to diverse proceedings, including the 2014 and 2015 spectrum auctions, license conditions, and regulatory challenges including against the Telecom Regulatory Authority of India.
8. Representing and advising Beacon Trusteeship Limited and ICICI Prudential Venture Capital Fund Real Estate Scheme I, a scheme of ICICI Prudential Venture Capital Fund in their capacity as secured financial creditors of over INR 1,000 million in relation to the corporate insolvency resolution process of Radius Estates and Developers Private Limited.
9. Representing Dai-ichi Karkaria Limited before various fora with respect to domestic corporate litigation and arbitrations, including against Oil and Natural Gas Corporation Limited.
10. Representing Unitech Wireless (Tamil Nadu) Private Limited:
  - a. Before the CBI Special Court in the trial with respect to prosecution initiated by CBI arising out of alleged irregularities in the allocation of the spectrum; and
  - b. Before the Delhi High Court in the criminal appeal arising out of acquittal in the trial.
11. Representing corporates and high net worth individuals with respect to several prosecutions under the Indian Penal Code, 1860 and the Prevention of Money Laundering Act, 2002 initiated by CBI and the Enforcement Directorate regarding coal block allocations.



12. Representing Shivinder Mohan Singh with respect to numerous prosecutions initiated by the Economic Offences Wing, Delhi Police for the commission of offences under the Indian Penal Code, 1860.
13. Representing a high net worth individual in a prosecution initiated by Department of Revenue Intelligence for exports in violation of Special Chemicals, Organism, Materials, Equipment and Technologies regulations purporting to have facilitated the weapon of mass destruction program of Iraq and technologies regulations and connected proceedings initiated by the Enforcement Directorate under the Foreign Exchange Management Act, 1999.
14. Representing Alchem International Limited before various fora with respect to tax matters and intellectual property issues, numerous civil and criminal litigations, and disputes arising out of employment contracts.
15. Advising and representing the Collage Group, its promoters, and directors before various fora with respect to issues pertaining to Real Estate (Regulation and Development) Act, 2016, legal audit, and various civil and criminal matters including matters under the Insolvency and Bankruptcy Code, 2016.
16. Representing Adani Enterprises Limited before an arbitral tribunal with respect to claims against Haryana Power Generation Corporation Limited.
17. Representing ITC Limited before courts as also the Securities and Exchange Board of India and the Securities Appellate Tribunal with respect to impugning the restructuring of Hotel Leelaventure Limited and seeking protection of minority shareholder rights.
18. Successfully represented Macquarie SBI Infrastructure Investments Pte. Limited and SBI Macquarie Infrastructure Trustee Private Limited in disputes arising out of a shareholders' agreement before various fora including the National Company Law Tribunal, National Company Law Appellate Tribunal, LCIA India Arbitration and the Bombay High Court.
19. Represented Mahyco Monsanto Biotech Private Limited (Monsanto) before arbitral tribunals with respect to claims against various seed companies including, Nuziveedu Seeds Limited in connection with the recovery of trait fee payable under the contract for the use of Monsanto's proprietary technology.
20. Representing Diageo plc and its associate companies before various fora with respect to:
  - a. Resisting show cause notices issued by the Securities and Exchange Board of India in connection with the acquisition of shares in the capital of United Spirits Limited by its subsidiary; and
  - b. Protecting Diageo's security interests in proceedings under the Prevention of Money Laundering Act, 2002 and the Fugitive Economic Offenders' Act, 2018 initiated by the Enforcement Directorate against Vijay Mallya.
21. Advising United Spirits Limited with respect to its dispute with IDBI Bank Limited relating to prepayment of a loan facility and release of securities including 34,59,090 equity shares of United Spirits Limited that are pledged with the bank.



**bharucha & partners**

Advocates & Solicitors

22. Representing and advising Centrum Broking Limited in relation to claims made by various investors in arbitral proceedings under the National Stock Exchange bye laws.
23. Representing IL&FS India Realty Funds (IIRF) and IL&FS Financial Services' subsidiary IFIN Realty Trust in five international commercial arbitrations with respect to exit from investments made in real estate companies promoted by Hubtown Limited.
24. Representing HSBC France S.A. before the National Company Law Tribunal with respect to establishing its claim for financial debt against Reliance Telecom Limited in the insolvency resolution proceedings.
25. Advising the Wadhawan Group and its promoters with respect to investigations initiated by the Enforcement Directorate under the Foreign Exchange Management Act, 1999.
26. Representing two private equity funds before the National Company Law Tribunal with respect to matters under the Insolvency and Bankruptcy Code, 2016 and case initiated under the Companies Act, 2013 for oppression and mismanagement.
27. Advising and representing Tata Communications Limited before various fora with respect to various civil and criminal litigations including those arising out of employment contracts.
28. Representing Kotak Mahindra Bank before the Supreme Court with respect to an appeal under the Insolvency and Bankruptcy Code, 2016 regarding its claims under corporate guarantees.
29. Advising and representing Indostar Capital Finance Private Limited before various fora with respect to matters under Real Estate (Regulation and Development) Act, 2016 and Insolvency and Bankruptcy Code, 2016.
30. Representing Sony Pictures Network India Private Limited before various fora with respect to a challenge to the Broadcasting Regulations issued by the Telecom Regulatory Authority of India and defending claims raised by the Board of Control for Cricket in India, as well as disputes relating to media revenue share arrangements.

# Clients

We act for public and private companies, acquirers and targets, financial and strategic investors, banks and financial institutions, boards of directors and promoters. The Firm has an even spread of domestic and international clients across a range of industries.

- Aditya Birla Group
- Adani Group
- Apollo Global Management
- Ameriprise Financial, Inc.
- Axis Bank Limited
- BAE Systems plc
- Badminton Association of India
- Balaji Motion Pictures Limited
- Buongiorno SpA
- Burberry Group plc
- Collage Group
- Curtiss-Wright Controls, Inc.
- Danone S.A.
- Diageo plc
- Edelweiss Comtrade Limited
- Firstsource Solutions Limited
- Flipkart India Private Limited
- Fokker Aerostructures B.V.
- Girnar Software Private Limited
- Grover Zampa Vineyards Limited
- Harris Corporation
- HSBC Limited
- IDBI Bank
- IJM Corporation Berhad
- Imperial Auto Industries Limited
- Indian Broadcasting Foundation
- Indostar Capital Finance Limited
- ISS A/S
- ITC Limited
- JCDecaux Group
- JM Baxi Group
- Johnson & Johnson Private Limited
- Kalaari Capital
- Kalpataru Power Transmission Limited
- Kotak Mahindra Bank
- Larsen & Toubro Limited
- Lucid Colloids Limited
- Luxottica Group SpA
- Macquarie Group Limited
- Marks & Spencer Group plc
- Minnow Films Limited
- Morepen Laboratories Limited
- Next Radio Limited
- NIIF Infrastructure Finance Limited
- Peugeot Citroen S.A.
- Porvair plc
- Rolls Royce plc
- Samsung Group
- Shemaroo Entertainment Limited
- Skyline Radio Network Limited
- Standard Chartered Bank Limited
- Star India Private Limited
- State Bank of India
- Sun TV Network Limited
- Tata Communications Limited
- The Federal Bank Limited
- The Times Group
- Twitter, Inc.
- V-Ships Group
- Vestas Wind Systems A/S
- Vodafone Idea Limited
- Wadhawan Group
- Zostel Hospitality Private Limited

# Practice Areas and Sector Support

## Practice Areas

- Mergers & Acquisitions
- Commercial Litigation
- International & Domestic Arbitration
- Private Equity / Venture Capital
- Laws of Crime
- Governance, Ethics, & Anti-Corruption
- Banking & Finance
- Project Finance
- Capital Markets & Securities Law
- Employment & Human Resources
- Regulatory & Compliance
- Intellectual Property
- Insolvency Resolution, Restructuring, & Stressed Assets
- Competition & Antitrust
- Direct Tax
- Indirect Tax
- Real Estate
- Private Client
- Social Impact & Policy
- General Corporate Advisory

## Sector Support

- Banks & NBFCs
- Defence & Aerospace
- Real Estate
- Energy (Conventional & Renewable)
- Ports & Logistics
- Roads
- Technology, Media, & Telecommunications
- Securities & Financial Markets Intermediaries
- Fintech
- Food & Beverages (including Water)
- Trade (Wholesale & Retail)
- Private Clients

# Awards & Recognitions



Alka Bharucha



M P Bharucha



Bharucha & Partners



Justin Bharucha



Vandana Pai



Sonam Gupta



Sneha Jaisingh



## Reviews

- *"Highly qualified team acting on the full range of corporate matters including M&A, foreign direct investment and joint ventures. Provides general corporate advice to major companies, financial institutions and investors on both the sale and purchase sides. Provides support to private equity and venture capital entities as well as target companies on the entire life-cycle of investment and fund issues. Handles fund formation, management buyouts, minority and controlling-stake acquisitions and a range of follow-on transactions. Notable ability in the financial services, telecommunications, logistics and energy sectors."* - Chambers and Partners
- *"They are very thorough, proactive and knowledgeable."* - Chambers and Partners
- *"We receive top-notch partner time. They are realistic in negotiations, which results in the work being handled faster in a more congenial atmosphere."* - Chambers and Partners
- *"They are a competent team, very capable."* - The Legal 500
- *"They are customer centric and respond in detail to points raised or opinion sought. They are not ambiguous in their response."* - The Legal 500
- **MP Bharucha** is lauded by market sources as *"one of the leading lawyers in the country,"* who *"has been on the top of his game for a long time."* Active on a range of commercial disputes, he maintains a particularly high reputation as a litigator in the Mumbai market." - Chambers and Partners
- **Alka Bharucha** *"boasts a stellar reputation in corporate transactions. She is renowned for her expertise in cross-border M&A as well as her proficiency in providing advice on general corporate issues, in particular within the power, telecommunications and banking sectors."* - Chambers and Partners
- **Justin M Bharucha** *"specialises in foreign direct investments in highly regulated sectors. He is regularly active on complex cross-border transactions, utilising his deep knowledge of inbound and outbound M&A."* - Chambers and Partners
- **Vandana Pai** *"commands a strong reputation among market commentators, who praise her excellence in providing assistance with private equity transactions. Her clients are effusive with praise, with one reporting: "She foresees business and legal issues and is very proactive in addressing potential concerns."* - Chambers and Partners





## **bharucha & partners**

Advocates & Solicitors

### **Mumbai**

13th Floor, Free Press House,  
Free Press Journal Marg, Nariman Point,  
Mumbai 400 021. India

**T.** +91 22 2289 9300 **F.** +91 22 2282 3900

### **New Delhi**

2nd Floor, Legacy  
42, Okhla Industrial Estate III  
New Delhi 110019. India

**T.** +91 11 4593 9300 **F.** +91 11 4593 9399

### **Bengaluru**

COWRKS, Purva Premiere, Residency Road  
Bengaluru, Karnataka 560025. India

**T.** +91 80 4614 5993 **F.** +91 80 4614 5994

**E.** [sr.partner@bharucha.in](mailto:sr.partner@bharucha.in)

**W.** [www.bharucha.in](http://www.bharucha.in)