INDIA

India litigation guide

By Rahul Chaudhry
Lall Lahiri & Salhotra

Tel: +91 124 2382202 Fax: +91 124 4036823 Website: www.lls.in

India is one of the largest and most stable democratic countries in the world. Emerging from its colonial past, it is seen as being on its way to becoming an economic, military and political power. The economy of India has seen a steady growth this past decade, and is now the fourth largest in the world. The reason for this growth can be attributed to legislative and regulatory reforms of the government, and also upon confidence building measures undertaken to ensure that foreign investors feel secure about investing in India.

The judiciary of any country has an important role to play in ensuring social justice, economic growth and overall well-being of the citizens of that country. Despite the judiciary's several short-comings, the confidence of the general public in judicial actions remains immense. Recent efforts to modernise and reform the judicial set-up are slowly and steadily reaping results.

The short-comings of the judicial system, for which the judiciary is often maligned, are most commonly the result of misunderstanding and mis-use of the system. Our judges have the authority and the willingness to go beyond merely their duty in order to ensure justice. As has been shown time and time again, the multi-faceted activism of the judiciary has helped in: protecting the environment; granting rights and dignity to under-trials; upholding the rights of women, children, aged and disabled; ensuring proper functioning of business organisations and public sector units; and taking action on curtailment of our right to speak and express ourselves.

Despite the judiciary's several short-comings, the confidence of the general public in judicial actions remains immense

One of the biggest obstacles is that a large majority of the population, even today, remains uneducated. However, in order to ensure that the weakest persons are allowed access to justice, several reforms were undertaken during the 1980s and the 1990s that can still be viewed as being helpful. The *Legal Services Authorities Act* and public interest litigation are now tools well entrenched in the judicial set-up that have allowed thousands of the country's poorest and most vulnerable access to courts. The formation of informal courts and quasi-judicial fora to hear disputes is a feature that is, in several respects, unique to the country and is often the forum of choice for minor litigations.

India's judicial set-up can, at times, be seen as an extension of the system prior to 1947. At the time, the number of courts and available judges were few and inadequate, while procedural formalities were complex and numerous. Since then, several legislative, executive and judicial efforts have been made to ensure that access to justice, the ratio of judges to the population of an area, and the time taken to conclude litigation, are such as to ensure easy and swift justice for all.

It was in order to bring about a change in the pace of judicial action that reform was introduced in 2002 through amendment to the Civil Procedure Code. Although legal matters in the country could historically run into years before being finally concluded, most courts have been able to reduce this duration considerably. It is visible from the judicial mood in the country that judges today take a strict view of unnecessary delays for which they are ably aided by new procedural laws.

It is also now much easier, and more profitable, to conduct business in India, as demonstrated by the inflow of foreign businesses and investors. A major contributing factor to this is the presence of not just viable policies and regulations but also the presence of a reliable and just mechanism for dispute settlement. India houses not just specialised tribunals, for areas such as labour and tax disputes, but also a judicial set-up that is constitutionally mandated to balance the various public interests with business interests. This in turn has facilitated the sustainable growth and development of business.

The *Arbitration and Conciliation Act* of 1996 has provided for alternate measures for dispute settlement and recognises not just Indian but also foreign arbitral awards. Provisions to appeal against arbitration and also to allow members of courts to aid in conducting arbitration are also present. In order to enable swift agreement-based solutions, and move away from a long confrontational approach, the courts encourage litigants to engage in mediation or arbitration. A recent example of this was evident during the recent dispute involving the Ambani brothers, where national interests were at stake with the natural gas of the Krishna Godavari basin. Here the court offered to aid in mediation to arrive at a solution and only thereafter proceed with litigation.

The Constitution of India has provided adequate provisions to ensure independence of the judiciary. As a result, Indian courts are often seen as pioneers in upholding cause of justice in all walks of life.

Recommended domestic firms at a glance

BANKING & FINANCE
Tier 1
Amarchand & Mangaldas & Suresh A Shroff & Co
AZB & Partners
S&R Associates
Tier 2
J Sagar Associates
Juris Corp
Khaitan & Co
Luthra & Luthra
Talwar Thakore & Associates
Trilegal
Wadia Ghandy & Co
Tier 3
Crawford Bayley & Co
Dave & Girish & Co
Desai & Diwanji
DSK Legal
FoxMandal Little
Gagrats
Kanga & Co
Nishith Desai Associates
P&A Law Offices
Rajani Associates
Udwadia & Udeshi

CORPORATE/M&A
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DSK Legal
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Nishith Desai Associates
Talwar Thakore & Associates
Wadia Ghandy & Co
Tier 4
ALMT Legal
Dua Associates
FoxMandal Little
Gagrats
Juris Corp
Majmudar & Co
Mulla & Mulla & Craigie Blunt & Caroe
P&A Law Offices
Udwadia & Udeshi

DISPUTE RESOLUTION
Tier 1
Amarchand & Mangaldas & Suresh A Shroff & Co
Tier 2
Federal & Rashmikant
J Sagar & Associates
Kachwaha & Partners
Kanga & Co
Karanjawala & Co
Mulla & Mulla & Craigie Blunt & Caroe
PH Parekh & Co
Tier 3
Bhasin & Co
Crawford Bayley & Co
Luthra & Luthra
Wadia Ghandy & Co

INTELLECTUAL PROPERTY
Tier 1
Anand & Anand
Remfry & Sagar
Tier 2
DP Ahuja & Co
K&S Partners
Lall Lahiri & Salhotra
Tier 3
Krishna & Saurastri
Lall & Sethi
RK Dewan & Co

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Amarchand & Mangaldas & Suresh A Shroff & Co

Clients and peers agree on Amarchand & Mangaldas & Suresh A Shroff & Co's leadership of the Indian legal market, across all practice areas. Cyril Shroff, Shardul Shroff, L Viswanathan, SN Bhojani and Amey Pathak are several of the key names here, specialising in some of the firm's key strengths of corporate M&A, banking and project finance. Despite the downturn, capital markets work remains another focus of the firm, which continued to deliver deals to market during the toughest times.

A key transaction saw the firm act as Indian legal counsel to the issuers on a US$500 million float on Singapore's stock exchange for UK miner Vedanta Resources. Other work included a fast-track equity rights issue for Hindalco Industries mining company and Indian automobile group Tata Motors' Re41.5 billion rupees (US$850 million) rights issue. The firm was seen acting on the sale side on a number of M&A deals and won a role on the largest of them all, the successful strategic sale of Satyam Computers Services assets.

AZB & Partners

Complimenting a strong performance on M&A transactions, AZB & Partners also acted on several capital markets transactions that were the first of their kind in the Indian market. The firm represented the underwriters on the rights issue undertaken by Hindalco Industries, which was the first by an Indian company. And it worked on the issue by Tata Motors, which was the first by a listed Indian firm that involved equity shares with differential rights as to dividend and voting.

The firm has been attracting project finance work through the year from Tata Power. In one instance, the firm assisted with the Re3.62 billion financing for wind farm projects in the Gujarat and Karnataka states. In September 2009, the banking partners also advised Standard Chartered Bank on the £400 million facility arranged by HCL Technologies to finance its acquisition of Axon Group. One highly-publicised deal saw the firm represent Tata Teleservices (TTSL) on its US$2.7 billion sale of a 26% equity stake to NTT Docomo. The Japanese telecoms operator subscribed to 20% though a new issuance and bought the remaining 6% from existing shareholders.

Zia Mody is one of the firm's best known practitioners, as is Bahram Vakil, Ajay Bahl, Abhijit Joshi and Shuva Mandal.

J Sagar Associates

A strong player in corporate M&A and private equity deals as well as projects, J Sagar Associates announced a merger with Bangalore outfit M&C Partners in June 2009. Murali Ananthasivan and Vivek Chandy, founders of M&C, joined J Sagar as equity partners. The tie-up develops the Mumbai-centred firm's presence in southern India. JSA brought on Khaitan & Co partner Ashok Dhingra to the Gurgaon office, and recently promoted equity practitioners Sandeep Mehta and Venkatesh Prasad to the partnership. Other leading attorneys at J Sagar include Berjis Desai, Amit Kapur, Jyoti Sagar, and Somasekhar Sundaresan.

The firm has taken a lead role on a number of the country's biggest projects on both the corporate and financial sides. One involved JSA advising Spanish rolling stock manufacturer CAF in a consortium with Reliance Infrastructure on developing airport metro express, a New Delhi airport link, on a built-operate-transfer (BOT) basis. In another costly infrastructure project, the firm represented Coastal Gujarat Power on the US$1.7 billion financing of a 400MW thermal power plant Mundra Ultra Mega Power Project.

Another commendable feat saw the firm represent Maithon Power on its Re31 billion (US$652 million) 1000MW thermal project. In addition, JSA has been active on numerous private equity-led investments. One deal saw the team advising HCL Technologies in its bid to acquire Axon Group for £441 million, which was the largest acquisition in the tech space by an Indian company.

Berjis Desai, Amit Kapur, Jyoti Sagar and Somasekhar Sundaresan are some of the biggest names within the firm.

Khaitan & Co

Khaitan & Co is a relatively young firm that has grown significantly over the past 18 months according to competitors, particularly its M&A practice. The corporate practice, built on the efforts of the widely respected Haigreve Khaitan, has quickly risen to the upper ranks alongside its traditionally strong capital markets and project finance profile. The banking team has also featured on important deals, demonstrating the firm's increasing prominence across practice areas. Additionally, the firm regularly represents foreign entities, frequently funds, on inbound investment. For example, Khaitan is advising Bahrain Telecommunications (Batelco) and Dubai private equity firm Millennium on Batelco's US$225 million purchase of a stake in S Tel, which would increase its holdings in the Chennai-based GSM services newcomer to 49%. The firm also had a role on NTT Docomo's US$2.7 billion acquisition of a 26% stake in Tata Teleservices in March 2009, representing the purchaser.

The firm's banking team worked on a number of notable deals throughout the year, often acting as lenders' counsel. In one notable transaction, the firm assisted Yes Bank on a September 2008 financing that saw SE Forge, a forging and foundry business unit of Suzlon Energy, raise an equity investment of US$80 million from Indian IDFC Private Equity. In a deal representative of Indian companies' new outbound ambitions, Khaitan & Co assisted Delhi security firm Security and Intelligence Services (SIS) on a US$235 million acquisition of the Australian guarding and patrol business units of US-based United Technologies.

Rabindra Jhunjhunwala, Haigreve Khaitan and Ravi Kulkarni are a few of the stand out names among the practice groups.

Luthra & Luthra

Luthra & Luthra is best known for its dominance in India's M&A market, but has grown as a leader on project finance jobs of late in spite of the country's developing market for such deals. The Indian government's Planning Commission provided arguably the firm's key role, instructing it on a five-year plan for public-private partnerships across a range of industries.

Acting on the largest project financing undertaken since the global financial crisis, the firm is lenders' counsel to the international syndicate financing the 4000MW Sasan power project, which includes integrated coal mines for captive usage to be developed by Reliance Power. The senior debt will comprise rupee loans and external commercial borrowing facilities totalling over US$3 billion, of the more than US$4 billion total project cost.

Another significant project financing saw the team advise sponsors GMR Group on the US$1 billion combined debt and equity financing for a 1050MW thermal power project in the state of Orissa. In M&A, GMR Group again instructed the firm on its substantial equity investment in global power producer Intergen, amounting to nearly US$1.4 billion. Capital markets and securities specialist Madhurima Mukherjee receives mention from several of her clients, and accolades go to leading attorneys Rajiv Luthra, and Mohit Saraf as well. Rajiv Luthra and Mohit Saraf are two of the firm's best known practitioners.

Juris Corp

In the banking and finance space, Juris Corp is particularly strong on structured finance work. One client praised the firm's transparency of the legal positions it took up, as well as its ability to highlight structural risks. Leading lawyer H Jayesh has been described by peers and clients as the one man who makes the firm different from others. The practice has recently recruited a number of good senior counsel.

S&R Associates

S&R Associates is traditionally strong for capital markets work, where it earned esteem as both underwriters' and issuers' counsel, but has switched gears to nurture a younger M&A practice. In particular, the firm has kept busy restructuring Indian investment portfolios for private equity clients. The firm acted as underwriters' counsel on KSK Energy Ventures' mid-2008 proposed IPO. The deal began in peak market conditions and had a projected value of about US$200 million, but was aborted just before completion.

In M&A, the firm represents well positioned foreign entities investing in the Asia-Pacific region. One purchase saw the firm advising multinational House of Pearl Fashions on a potential acquisition in a Vietnamese garment company. Another deal saw the firm assisting Malaysian media and entertainment holding company, Astro All Asia Networks, on an investment in two Indian software companies, Diginatives Content Solutions and ENetsys Web Services.

Sandip Bhagat comes up frequently in discussions with clients and competitors, along with other leading lawyers Rajat Sethi and Uday Walia.

Talwar Thakore & Associates

Talwar Thakore & Associates kept its momentum in M&A throughout last year, and has been building up its banking capabilities, recruiting lawyers at associate and senior associate level. In one key role, the firm acted for Goldman Sachs as adviser to Satyam's board on the stricken Indian computer company's sale of a majority stake. The team also had a role on the Indian elements of RBS' acquisition of ABN Amro. Novartis also instructed the firm on its purchase of a substantial stake in Novartis India through an open offer to public shareholders.

The banking team advised German bank KfW on Reserve Bank of India (RBI) requirements for an Indian company to grant guarantees to an entity offshore, and assisted various subsidiaries of Barclays Bank with financing arrangements and the subsequent restructuring of those arrangements. Leading lawyers Suresh Talwar and Shobhan Thakore help make the difference.

Trilegal

Trilegal had a good year despite the departure of a group, including partner Saket Shukla, to establish Phoenix Legal in October 2008. The firm has a reputation for acting on large cross-border M&As targeting Indian companies, and has a propensity to get involved in outbound private equity investment transactions. The firm had a key role advising Bank of America and Merrill Lynch on Indian regulatory issues arising as a result of the banking groups' US$2.7 trillion worldwide merger. As both parties had a large Indian presence, Trilegal's advisory work covered the full range of regulatory requirements and considerations.

On another landmark acquisition, the firm advised Nomura and its Indian subsidiaries on Indian regulatory concerns regarding its purchase of Lehman Brothers' assets around the world. Trilegal advised on all aspects of the business transfer at the Indian level with a specific focus on employees and real estate transferred. Another global asset transfer saw the firm advising Heineken on the Indian aspects of its Scottish & Newcastle acquisition. Energy and power projects are another developing niche for the firm, and last year saw the team acting on several of these transactions. Delhi Airport Metro Express, the joint venture between Reliance Infrastructure and Spain's CAF, has instructed the firm on its concession agreement and the drafting of tender documents and agreements related to the project's development.

Akshay Jaitley, Rahul Matthan and Abhishek Saxena lead the team at Trilegal.

Other active firms

Crawford Bayley & Co

The corporate and commercial practice at Crawford Bayley covers corporate advisory, regulatory and compliance, commercial transactions, M&As, joint ventures, technical and financial collaboration, and capital insurance and exchange control regulations. Partner Sanjay Asher is highly recommended and sits on the board of directors at several public companies.

Dave Girish & Co

Dave Girish & Co acts on behalf of numerous international banking and financial institutions, such as IFC, UTI, GIC-HF, DHFI and STCI, and many corporates like AV Birla Group, Premier Mills Group and Apple Group. The practice a diverse range of areas, including derivatives and structured finance, project finance, banking, joint ventures and trade finance. Dave Girish comes highly recommended and can regularly be seen on the speaker circuit.

Desai & Diwanji

Desai & Diwanji advised Avendus as financial and investment banking advisers to Satyam Computers on the sale and restructuring of the infamously troubled Indian computing firm. Asian Development Bank gave important instructions to the firm on the financing of the West Seti Power Project, which was the first multilaterally financed power project developed in Nepal to supply electricity in India. Other work included assisting GECAS in the financing of the first privately financed railway infrastructure project under government policy relating to rail infrastructure, sponsored by Gateway Distriparks.

For capital markets transactions, the firm represented Schroders on an issue of compulsory convertible preference shares issued by Apollo Healthstreet, advised AIG on a convertible bond and equity share offering by Kinetic Engineering, and Greif in the delisting and public offer of Balmer Lawrie Van Leer securities. Important M&A matters for the firm included representing Axon on its purchase by HCL, advising the Government of Singapore on its acquisition of Reid & Taylor India and assisting JP Morgan and AIG to buy NH Hospitals.

DSK Legal

After the Satyam accounting fraud, DSK Legal advised BNP on overall strategy for recovery of their dues of up to Re3.6 billion from Satyam Group including Maytas Infrastructure and Satyam BPO. Acting as Indian legal counsel, the firm assisted in establishing SG India Diversified Fund by Societe Generale Singapore.

Another notable mandate was from India Debt Management to restructure more than US$20 million of debt of Ganesh Benzoplast. In M&A, the firm advised Merrill Lynch International on over US$8 million further investment in compulsorily convertible cumulative preference shares in unlisted public local company Om Logistics.

Other demonstrative M&A roles included assisting Sahara India Commercial on the more than US$3.6 billion demerger and transfer of its Aamby Valley Undertaking business to Aamby Valley (AVL). AVL is engaged in the business of interalia development of an integrated hill station; its infrastructure developments span 7,000 acres in India's Maharashtra state.

Dubey & Partners

Mid-size firm Dubey & Partners covers both banking and finance and corporate M&A work, primarily for an international client base. Managing partner Raj Dubey heads the 15-lawyer team. Recent work includes advising hotel chain Best Western International on its aggressive development plans to add 100 hotels in India under the leadership of master licensee Cabana Hotel Management. The firm has been engaged on the US$1.6 billion deal since 2007 and is providing due diligence on existing hotels as well as advising on the acquisition of land rights for Greenfield hotels. Other work includes advising California manufacturer Signet Solar on its recent entry into India.

Gagrats

Gagrats is acting as counsel to the Somaiya Group on its potential acquisition of a large chemicals plant in India from a subsidiary of a Swiss multinational. Other representative M&A work for the year included counseling Kirloskar Oil Engines on the disposal of its Valves division to a subsidiary of Eaton in the US, and acting as legal adviser to the Elder Group on acquiring a majority stake in the UK's Neutrahealth. Important matters on the banking side included assisting United Health Group and its Indian subsidiaries on co-branded card schemes and external commercial borrowings.

KR Chawla

Acting for clients such as Maars Software and Flex Industries, KR Chawla specialises in helping local funds raise capital overseas. The firm's San Francisco office is an asset in this regard.

Lex Counsel

Originally a breakaway firm from Titus & Co, Delhi-based Lex Counsel has developed into a corporate practice to be reckoned with. The firm's key lawyers include Seema Jhingan, and the firm's recent work includes advising long-standing education client Educomp on its recent US$17.5 million joint venture with the UK's Pearson Group.

Majmudar & Co

Majmudar & Co has kept an active corporate finance practice, frequently advising banks and financial institutions. The firm is also known to provide cross-border banking and securities regulatory advice, and recent fund clients include AQR, Black Ant Group, Millennium and

Olympus Funds. Recently, the firm acted on a Re17 billion (US$357 million) external commercial borrowing (ECB) transaction by United Phosphorous, advising Bank of Baroda in a consortium. Earlier this year, the firm advised Bank of Baroda Dubai as part of a consortium on a Re1.4 billion ECB facility to Godawari Power & Ispat.

In addition, the firm represented SKS Microfinance on a US$75 million financing, part of a fourth round of equity fundraising, with much of the total value coming from Sandstone Partners. Majmudar also advised WW Grainer in its acquisition of a 49.9% stake in Asia Pacific Brands, one of India's largest industrial and electrical wholesale distributors. Another US-listed company Varian Medical Systems instructed the firm on its purchase of Bangalore and Pune-based Cedara Software Services. Akil Hirani is a leading lawyer at Majmudar & Co.

P&A Law Offices

P&A Law Offices represented Daiichi Sankyo, one of the largest pharmaceutical companies in Japan, in its US$4.8 billion acquisition of a majority equity interest in Ranbaxy Laboratories. The deal was the largest foreign direct investment in a publicly-listed company in India.

Another promising role saw the firm representing SAIF Partners – an Asian private equity firm established with strategic commitments from Cisco and Softbank of Japan – in respect of its US$125 million acquisition in the National Stock Exchange (NSE).

Rajani Associates

Rajani Associates has been built on the back of founding lawyer Prem Rajani's highly reputable name in the market. Rajani's firm has been seen lately acting on the local IPOs of Somi Conveyor Beltings and Chemcel Biotech, for Re220 million and Re250 million respectively. Other recent capital markets deals included advice on a US$30 million Global Depository Receipt (GDR) for listed company Vishal Information Technologies.

Seth Dua & Associates

The corporate M&A practice at Seth Dua & Associates comes recommended. It covers joint ventures and share purchase agreements as well as regulatory work. Key clients include Aristocrat Technologies, Audi AG and Mitsui.

Dispute Resolution

RECOMMENDED DOMESTIC FIRMS
Tier 1
Amarchand & Mangaldas & Suresh A Shroff & Co
Tier 2
Federal & Rashmikant
J Sagar & Associates
Kachwaha & Partners
Kanga & Co
Karanjawala & Co
Mulla & Mulla & Craigie Blunt & Caroe
PH Parekh & Co
Tier 3
Bhasin & Co
Crawford Bayley & Co
Luthra & Luthra
Wadia Ghandy & Co

Amarchand & Mangaldas & Suresh A Shroff & Co

Amarchand & Mangaldas & Suresh A Shroff & Co's experience advising top-end clients across a range of corporate sectors has given it a matchless grounding from which to take on the most complex cases, and is at the root of the practice's strength. For example, the firm's dispute resolution practice was instructed by Satyam Computer Services, the alleged perpetrators of India's largest ever corporate fraud.

Its litigators regularly appear before the Supreme High Court of India, the country's High Courts, and tribunals and forums like the Monopolies & Restrictive Trade Practices Commission. The practice has built a successful reputation handling negotiations and advising on the avoidance of litigation, as well as for traditional representation.

Amarchand & Mangaldas's role on the US$1.2 billion government-initiated proceedings against Satyam involved defending the company against allegations of mismanagement and approaching the Company Law Board for directions regarding loans and the raising of capital. The firm is also working with KPMG and Deloitte's forensic accounting departments to conduct an internal investigation of Satyam.

Pallavi S Shroff heads the dispute resolution department, in which Ritu Bhalla is an active member.

J Sagar & Associates

J Sagar & Associates' strength in dispute resolution is on regulatory issues. The firm's Regulatory and Policy practice advises governments, businesses, and industry associations on commercial and technical matters in quasi-judicial forums like the Petroleum & Natural Gas Regulatory Board and the Appellate Tribunal for Electricity; as well as in the country's High Courts and the Supreme Court.

In one of the firm's largest mandates, the firm represented Reliance Fuel Resources before the Appellate Tribunal for Electricity's Hydro Carbon Bench. In the Re500 billion (US$10.3 billion) proceedings, JSA challenged the refusal of the Petroleum and Natural Gas Regulatory Board to grant Reliance authorisation to build, operate and maintain gas networks in Delhi, Mumbai and the National Capital Region, and a pipeline from Kakinada to Dadri. It was the first time an appeal concerning petroleum and natural gas had been brought before the tribunal.

In April 2009, the Regulatory and Policy practice challenged the structure of the Indian electricity market on behalf of PTC India in the civil appeal of the 2007 case PTC v Gajendra Haldea & Ors. Amit Kapur chairs the Regulatory and Policy practice and led on both deals.

Kachwaha & Partners

Kachwaha & Partners specialises in international commercial arbitration and litigation. The firm has successfully represented major corporates, both domestic and international, on a host of issues and in front of a wide variety of courts and forums.

The firm was mandated by ExxonMobil in a case against Bombay Dyeing, an Indian textile company. Practice head Sumeet Kachwaha gave his opinion on Indian law in front of the Court of Appeal of Singapore in relation to a forum non-convenience application, with the courts finding in favour of the oil company shortly before the suit was settled.

Kachwaha & Partners also represented Malaysian oil and gas company Ramunia Fabricators in a US$600 million tender dispute against Larsen & Toubro and ONGC. The dispute related to an offshore field development project.

Sumeet Kachwaha is the firm's most prominent member. In 2009, he was appointed sole arbitrator on two arbitrations – relating to construction and dealership agreements – by the High Court of Delhi. Kachwaha is also a chair of the IPBA's dispute resolution committee.

Kanga & Co

The dispute resolution practice at Kanga & Co is particularly strong on corporate and banking matters. Also housing a strong arbitration practice, the firm's key lawyers include AM Desai and AR Amin.

Mulla & Mulla & Craigie Blunt & Caroe

One of the oldest law firms in India, Mulla & Mulla has a broad-based practice and a diversified client base. Acting as Indian legal counsel to numerous MNCs, Fortune 500 companies and several of the large 50 Indian corporate houses, the firm offers the full array of dispute resolution services. Key partners include EB Desai and DM Popat.

Crawford Bayley & Co

The dispute resolution practice at Crawford Bayley covers the full range of services across a number of different sectors. These include intellectual property, tax and shipping. Litigator Dadi Engineer comes recommended.

Luthra & Luthra

Though it is more than 20 years old, Luthra & Luthra is still considered a newcomer to the Indian legal market. The firm's dispute resolution team is gaining fast on its more established rivals, securing complex multi-jurisdictional mandates.

One prestigious mandate came from Multi Screen Media (Singapore) PTE, a wholly owned subsidiary of Sony Pictures, regarding the right to screen Indian Premier League cricket matches.

Other active firms

Dubey & Partners

Mid-size firm Dubey & Partners covers all forms of dispute resolution but is particularly strong for international arbitration. The seven lawyer practice is headed by partner Shashank Shekhar and recently advised Germany's second largest manufacturer of paper mills on an international arbitration matter. Other international arbitration work includes its representation of an Indian corporate operating in the oil shipment sector where the venue was in India.

Intellectual Property

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Krishna & Saurastri
Lall & Sethi
RK Dewan & Co

Anand & Anand

With offices in New Delhi, Noida, Chennai and Mumbai, Anand & Anand retains its top tier status with its active IP practice. Though the firm has recently seen some IP partners leave for pastures new, the widely respected managing partner Pravin Anand continues to head up a very capable team. Recent work includes handling Span Diagnostic's case for an appeal to the High Court of the assistant controller's decision to grant a patent to J Mitra that Anand's client, the respondent, had opposed.

Remfry & Sagar

The eight-partner team at Remfry & Associates is the top filer at the Delhi Patent Office and one of the largest and oldest IP teams in India. The Gurgaon-headquartered firm, which has offices in Mumbai and Chennai as well as Beijing, consists of 80 practitioners in total who focus on prosecution, licensing and enforcement work. Key clients include Novartis, Qualcomm, Bayer Healthcare, BP and Proctor & Gamble.

DP Ahuja & Co

The dedicated full-service IP practice at DP Ahuja & Co specialises in patent and trade mark prosecution and litigation. Housing a total of 22 attorneys and five litigating counsel, the Calcutta-based firm provides fully integrated, high-quality legal and professional services in the area of IP filings, prosecution and litigation. The firm's international trade mark department files more than 500 trade mark applications annually in all countries around the world for both Indian and foreign clients. Key clients include Calvin Klein, Revlon, Hitachi, Cadbury, Total and Infosys.

K&S Partners

Full service IP boutique K&S Partners has offices in Gurgaon and Bangalore and a team of 24 lawyers and 30 technology specialists. The firm is particularly strong on the prosecution side though, in D Calab Gabriel, Rajeshwari H and Sanjeev Tiwari, it is also strong on litigation. Key clients include Qualcomm, AstraZeneca, Eli Lilly and Toyota.

Lall Lahiri & Salhotra

Specialist IP practice Lall Lahiri & Salhotra is headed by Amar Raj Lall and includes the experienced Anuradha Salhotra and energetic Rahul Chaudhry. Providing the full range of advisory services, including IP management strategies, ADR and IP valuation, the firm has been instrumental in the development of IP law in India.

Lall Lahiri advises on fields as diverse as pharmaceuticals, oil and gas, FMCG, telecoms, consumer goods, electronics, entertainment, fashion, engineering and IT and represents almost 100 of the Fortune 500 companies. Key clients include Exxon Mobil Corporation, Noartis Vaccines and Diagnostics, Estee Lauder Companies, Syngenta and Metlife, USA.

Recent work includes successfully advising US-based publisher Reed Elsevier on a trade mark infringement case against law firm Lex Nexus. The Mumbai and New Delhi-based firm was found to be infringing the trademark LEXIS NEXIS. Observing the striking similarity between the two marks, the Delhi High Court passed an ex-parte interim injunction against the firm, which renamed itself BRUS Chambers, restraining them from using the trade mark Lex Nexus.

Other active firms

Dubey & Partners

Dubey & Partners' intellectual property practice houses eight lawyers and is headed up by partner Azeem Khan. Covering registrations and prosecutions, the practice benefits from numerous referrals from international law firms rather then receiving many direct client instructions. An example of a recent international mandate came from the Eaton Corporation, which operates across the electrical, automotive and aviation sectors. Domestic work is focused on advising Indian telecommunication companies on their applications internationally.

IPR International Services

The 14-strong team at Delhi firm IPR International Services covers the full remit of IP services including patents, trade marks, copyrights, designs and geographical indications. The team is qualified in the fields of science and technology, engineering and law.

Lakshmikumaran & Sidharan

Housing no fewer than six offices across the country, with more than 120 lawyers, Lakshmikumaran & Sidharan handles every aspect of intellectual property rights. This includes patent litigation, drafting, filing and prosecution, trade marks, copyright and IP licensing and transactions.

Lex Orbis

Manoj Pillai manages the IP practice at Lex Orbis, which includes a 14-strong patent attorney team in Delhi. The practice covers trade marks, copyright and design and enforcement work. Key lawyers include Sushil Kumar, Manisha Singh Nair and Ramesh Babu MR.

Singhania & Co

Offering IP protection, maintenance and management needs to companies operating in sectors such as pharmaceutical, IT and biotechnology, Singhania & Co comes recommended. The firm is unusual in that, in addition to its eight branch offices across India, it also has bases in London and New York. Key personnel includes Hemant Kumar Goyal and Anshuman Tiwari.

Singhania & Partners

One of the oldest full service firms in India, Singhania & Partners has a network of offices across the country. Its IP practice covers patents, trade marks, copyright, design and geographical indication registration, and prosecution (opposition and infringement) for enforcement of IP rights.

Titus & Co

One of the many strengths of the IP practice at Titus & Co is its substantial Southeast Asia focus. The 40-lawyer team, which includes such key players as Diljeet Titus Praveen Nagar and Nagendra Kasana, has significant experience providing representation before state courts all over the country as well as the Supreme Court of India.

International firms' India Practice

RECOMMENDED INTERNATIONAL FIRMS
Tier 1
Freshfields Bruckhaus Deringer
Herbert Smith
Linklaters
Tier 2
Allen & Overy
Clifford Chance
White & Case
Tier 3
Cleary Gottlieb Steen & Hamilton
Davis Polk & Wardwell
Latham & Watkins
Shearman & Sterling

Linklaters's nine-partner Indian group operates from offices in Hong Kong, Singapore, London and New York, with the firm's European offices taking on a growing role.

The group, headed by Sandeep Katwala, represents international corporates and financial institutions looking to do business in India, and Indian corporates and financial institutions looking to expand their businesses outside the country.

The growing appetite for cross-border deals in India has also led the firm to increase its focus on international law within the region.

In May 2008, Linklaters advised Standard Chartered Bank on two banking deals worth US$825 million. The multi-jurisdictional mandates comprised a US$475 million term facility to conglomerate Tata Chemicals and a US$350 million bridge facility to Valley Holdings to acquire US company General Chemical Industrial Products.

The firm has also been active in M&A, advising Indian company ONGC Videsh on a US$2.3 billion pre-conditional cash offer for Imperial Energy, a UK-listed company with oil production facilities in Russia and Kazakhstan.

Although **Allen & Overy** lawyers do not practise Indian law, the firm's cross-departmental and cross-border India group provides expert advice to clients on India-related deals.

Group chairman Jonathan Brayne took over from Alex Pease, who retired from the firm at the end of 2008. Since then, Brayne has ramped up the firm's non-exclusive referral arrangement with Trilegal, posting capital markets partner Srinivas Parthasarathy to the Indian firm's Mumbai office in October 2009.

The firm advised Citibank on a US$560 million syndicated term loan facility to Ballarpur Paper Holdings in June 2008. The transaction was carried out by Allen & Overy's Singapore and Amsterdam offices, as well as Trilegal's Mumbai office, and involved an Indian scheme of arrangement and the sale and purchase of compulsory convertible debentures by a subsidiary of Ballarpur Industries.

In M&A, the firm advised JPMorgan's real-estate transaction team on its investment in Indian real-estate group BPTP, with the deal closing in September 2008.

White & Case's India practice offers a glut of legal services including financing, mergers and acquisitions, intellectual property and dispute resolution. The hub of the practice is in Singapore, but White & Case can use its global network of offices to advise Indian and international corporates on India-related issues.

White & Case represented Lehman Brothers on the US$130 million restructuring of its investment in KSK Electricity Financing India, but that was not the firm's largest corporate mandate. In October 2008, guided by Nandan Nelivigi of the New York office, the firm advised Bangalore global infrastructure company GMR Group on the US$960 million acquisition of a 50% stake in Dutch power producer InterGen.

Singapore-based partner William Kirschner is the global coordinator of the India Practice, which comprises over 40 lawyers.

Led out of the firm's London and Hong Kong offices, **Cleary Gottlieb Steen & Hamilton**'s India practice has a number of Indian-qualified lawyers – all based in London – who bring their expertise to complex, cross-border deals.

The practice is focused on capital markets and corporate deals, acting for Arcelor Mittal on transactions like the company's US$132 million acquisition of 16% of Coal of Africa's share capital, and the sale of DHS-Dillinger Hütte Saarstahl to SHS-Struktur-Holding-Stahl and DHS-Dillinger Hütte Saarstahl in January 2009.

Seeking to emulate the successes of its US practice, **Davis Polk & Wardwell**'s boutique India practice group focuses on innovative corporate transactions.

The group is led from the firm's Hong Kong office by respected M&A practitioner Kirtee Kapoor. The practice advised on the US aspects of the US$1.7 billion merger between Reliance Industries and subsidiary Reliance Petroleum. The transaction is pending court approval in India.

Led by senior partner Rohan Weerasinghe, **Shearman & Sterling**'s India practice spans a range of areas including M&A, capital markets, project finance and arbitration.

Illustrating its corporate prowess, the firm represented mining company Sterlite Industries (India) in its planned purchase of operating assets including open-pit copper mines, a copper smelter in Arizona, and a copper refinery in Texas from Asarco for US$1.7 billion.

Other notable areas of law – recommended domestic firms

Further information available online at www.asialawprofiles.com

CONSTRUCTION & REAL ESTATE
Tier 1
AZB & Partners
Federal & Rashmikant
Kanga & Co
Luthra & Luthra
Mulla & Mulla & Craigie Blunt & Caroe
Tier 2
Amarchand & Mangaldas & Suresh A Shroff & Co
J Sagar Associates
Seth Dua & Associates
Tier 3
Hariani & Co
Wadia Ghandy & Co

ENERGY & NATURAL RESOURCES
Tier 1
Amarchand & Mangaldas & Suresh A Shroff & Co
AZB & Partners
Tier 2
Hemant Sahai Associates-Advocates
J Sagar Associates
Trilegal
Tier 3
Link Legal
Luthra & Luthra
Seth Dua & Associates
Wadia Ghandy & Co

IT, TELCO & MEDIA
Tier 1
Nishith Desai Associates
Seth Dua & Associates
Thakker & Thakker
Tier 2
Amarchand & Mangaldas & Suresh A Shroff & Co
AZB & Partners
Tier 3
FoxMandal Little
Hemant Sahai Associates-Advocates
J Sagar Associates
Link Legal
Luthra & Luthra
S&R Associates
Trilegal

TAX
Tier 1
AZB & Partners
Lakshmi Kumaran & Sridharan / Vaish Associates
Nishith Desai Associates
Tier 2
DM Harish & Co
Economics Laws Practice
Seth Dua & Associates
Tier 3
ALMT Legal
Amarchand & Mangaldas & Suresh A Shroff & Co
Khaitan & Co