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# Dispute Resolution

## Practice Profile

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## ABOUT HSA

The legal profession is changing rapidly in light of market disruption, changing client expectations and technological developments. Established in 2003, HSA's focus on continuing evolution has enabled us to constantly adapt to emerging market dynamics and deliver consistent value to clients.

We are a full-service law firm that prides itself on combining knowledge, experience and expertise to create outcome-oriented solutions and ensure our clients stay ahead of emerging opportunities and risks. Our areas of expertise include Projects, Energy & Infrastructure; Banking & Finance; Restructuring & Insolvency; Corporate & Commercial; Regulatory & Policy; Defence & Aerospace; Dispute Resolution; Environment, Health & Safety; Real Estate; Securities & Capital Markets; Technology, Media & Telecommunications; Taxation and Investigations.

We are a law firm built around people. We embrace collaboration while advising our clients and assemble teams of experts to bring the right talent to address every client issue. Our belief in delivering legal advice that recognizes each clients' strategic goals and business requirements allows us to offer pragmatic and implementable support across our platform of practices and sectors.

We measure our success by the service we provide to clients, irrespective of the size, scope and scale of the matter at hand. We are a team of 30+ partners and over 150 professionals based out of four offices across India's major cities – Delhi, Mumbai, Bengaluru and Kolkata.



**The key strength of the team is that there is partner involvement throughout the course of assignments which ensures quick turnaround of deliverables.**

~ Chambers and Partners



**HSA Advocates is an excellent law firm with proactive approach and exceptional team which provides prompt service and very clear opinions.**

~ Legal 500



**Praised for having 'great knowledge' of the practice area and for 'clear' communication of complicated legal matters to clients.**

~ RSG India Report



## DISPUTE RESOLUTION

### IN INDIA

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India's judicial process is based on rule of law and endeavour to provide efficacious remedies for adjudication of disputes. The country has a robust framework and substantive and procedural laws to be employed in civil, criminal and regulatory litigation by a well-defined hierarchy of courts.

Courts in India generally strive to impart substantive justice and favour a liberal interpretation of procedural statutes. However, litigation before Indian courts continues to be plagued by delays and the judicial system faces numerous challenges hampering case disposal rate in country, primarily owing to acute shortages of judges and a huge backlog of pending cases.

As part of Indian Government's firm resolve to promote ease of doing business in India, several significant reforms have been introduced. The enactment of the Commercial Courts Act, 2015 to set up specialized commercial courts to adjudicate commercial disputes of a specified value. The legislation has significantly simplified manner and approach to be followed in adjudication of commercial disputes, with emphasis being on speedy and time bound adjudication.

The Arbitration and Conciliation Act, 1996 has been undergone significant amendments from time to time with the objective of streamlining conduct of arbitrations in India and making the process time bound. In the year, 2016, the Insolvency and Bankruptcy Code, 2016 was enacted to consolidate and overhaul the laws relating to restructuring and insolvency resolution process of corporate persons, partnership firms and individuals.

All these statutes have undergone substantial amendments through legislative process from time to time, to meet new exigencies and challenges that have arisen during their implementation.

As a remedial measure to clear the heavy backlog of pending cases in India, Chief Justice of India has also written to the Prime Minister of India with a proposal to increase the strength of judges.

### HSA Advantage

- Experienced team that directly represents clients and argues matters before various courts and tribunals
- Seamless integration with other teams to ensure sectoral and issue-specific inputs into dispute resolution strategies
- Recognized for a number of marquee judgments and landmark arbitration awards both in India and overseas

# OUR

## SERVICE OFFERINGS

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We support clients in civil, criminal, commercial and constitutional law disputes through litigation in Supreme Court, High Court and various other judicial fora. This also includes drafting necessary pleadings and statements, liaising with specialized counsels and attending hearings alongside specialized counsels. The firm also represents leading corporate houses and businesses across sectors before special courts such as NLCT, NCLAT, CAT, TDSAT, Income Tax Appellate tribunals, APTEL including many others.

As a key component of our disputes practice, experts from relevant practice areas are included as part of the client service team. We regularly work with lawyers in other jurisdictions and assist multi-national companies on cross-border disputes, investigations and enquiries.

The team is well recognized for its market leading capabilities in regulatory disputes, especially pertaining to infrastructure, utilities and projects. Our dedicated criminal defence team supports clients on sensitive investigations and enquiries where discretion and timely intervention are key differentiators.

Our services are consistently characterized by the following attributes:

- Resonance between litigation strategy and desired commercial outcomes
- Focus on proactive, timely support to minimize adverse consequences
- Deep domain knowledge and sectoral expertise to provide effective counsel

We have acted on a number of landmark and precedent setting matters, including high-profile regulatory disputes, criminal investigations and international arbitrations. We regularly represent our client in various domestic and cross border arbitrations including those before various institutions including International Chamber of Commerce (**ICC**), London Court of International Arbitration (**LCIA**), Singapore International Arbitration Centre (**SIAC**).

### Indicative areas where we regularly support clients include the following:

- Arbitration and other alternative dispute resolution (mediation, negotiation)
- Antitrust and competition
- Banking and finance disputes
- Construction and engineering
- Dispute prevention and management
- Employment and labour
- Environmental law
- IBC, restructuring and insolvency
- Insurance
- Intellectual property
- Natural resources
- Projects, infrastructure and energy
- Regulatory disputes
- Securities laws
- Taxation
- White-collar crimes

# OUR PRACTICE

## HIGHLIGHTS

### ACME CLEANTECH SOLUTIONS

In an international commercial arbitration seated in Singapore administered under the arbitral rules of the Singapore International Arbitration Centre arising out of a dispute caused by a contract with a foreign manufacturer of solar modules and equipment

### ASSET RECONSTRUCTION COMPANY INDIA LIMITED (ARCIL)

In relation to a dispute arising of recovery of dues to the tune of INR 880 Crores against Duncan Industries where we are argued that the Insolvency and Bankruptcy Code overrides the Tea Act

### AVIGO PE INVESTMENTS & RESURGENCE PE INVESTMENTS

In a Petition before the National Company Law Tribunal, Delhi against Tech Pro Engineers and its directors under Section 397 and 398 of the Companies Act, 1956 for prevention of oppression and mismanagement

### CHINA RAILWAY SHISHIJU GROUP CORPORATION

In relation to an enquiry initiated by the Central Bureau of Investigation (CBI) with respect to the Commonwealth Games 2010 in Delhi

### GATX INDIA

On representing one of the world's largest railway wagon leasing company in an arbitration proceeding against ARIL Infrastructure in relation to a dispute arising out of leasing of Railway rolling stock

### GUJARAT URJA VIKAS NIGAM

In relation to the largest ever rehabilitation and financial re-structuring of infrastructure assets in India's history - thermal power generating plants aggregating 10,000 MW of generating capacity representing an aggregate capital investment of over USD 10 Billion

### INOX RENEWABLES

In an international commercial arbitration on the issue of wind energy against Vestas involving issues relating to misrepresentation and standard terms usually provided in renewable energy contracts - which is a verdant area in Indian law

### IRANIAN RAILWAYS

On representing through Islamic Republic of Iran in High Court of Bombay in relation to a suit filed by KT steel suit for recovery of damages of INR 73 crores

### MOSER BAER PHOTO VOLTAIC

In an international commercial arbitration seated in Hong Kong in relation to a dispute arising with a Chinese entity dealing in the manufacture and supply of crystalline silicon wafers under the Hong Kong International Arbitration Centre Rules

### MYTRAH ENERGY

In relation to an ad-hoc domestic arbitration arising out of multiple agreements for the procurement of wind turbine generators and project development

### MAHARASHTRA INDUSTRIAL DEVELOPMENT CORPORATION

In assistance and representation against coercive action initiated by the Income Tax Department for recovering the tax amounts

### MUMBAI INTERNATIONAL AIRPORT

In relation to the matter, where the levy of Development Fee at the Airport has been challenged before the Airport Economic Regulatory Authority Appellate Tribunal (AERAAT) by the Airlines on various grounds

### NABHA POWER LIMITED (NPL)

In a dispute related to the interpretation of energy charges formula under the Power Purchase Agreement between NPL and Punjab State Power Corporation, Punjab discom

### OSTRO ENERGY; ORANGE RENEWABLE ENERGY; RENEW POWER VENTURES AND HERO FUTURE ENERGIES

On representing before CERC in a petition filed by Suzlon Power Infrastructure (SPIL), seeking directions to Power Grid Corporation of India to allow utilization of connectivity and LTA granted to SPIL (for development of 249.90 MW wind power project awarded to SPIL) by the project SPV incorporated by SPIL in consortium with Green Infra Wind Energy

### ONGC VIDESH

In relation to multiple international commercial arbitrations seated in London, U.K. and Dubai under the arbitral rules of UNCITRAL arising out of an oil and gas exploration and production project and an oil pipeline transportation project in Africa SBI Global Factors

### RENASCENT POWER VENTURE

A WOS of Singapore based investment platform created by Tata's and ICICI Ventures along with certain other international investors, in completing the acquisition of the Prayagraj Thermal Power project through a resolution process undertaken by SBI/lenders under the umbrella of the RBI Guidelines

### SOUTH EAST UP POWER TRANSMISSION COMPANY

On representing before the Supreme Court challenging the constitutional validity of the provisions of IBC and also the constitutional validity of the RBI Circular which makes it mandatory for creditors to go to NCLT after 6 months in cases where the debt is more than USD 279 million

### UNITED PHOSPHORUS

In a Patent infringement dispute before the High Court of Bombay filed against Coromandel International




# HSA

## AT A GLANCE

### Full-service capabilities

-  BANKING & FINANCE
-  COMPETITION & ANTITRUST
-  CORPORATE & COMMERCIAL
-  DEFENCE & AEROSPACE
-  DISPUTE RESOLUTION
-  ENVIRONMENT, HEALTH & SAFETY
-  INVESTIGATIONS
-  PROJECTS, ENERGY & INFRASTRUCTURE
-  PROJECT FINANCE
-  REAL ESTATE
-  REGULATORY & POLICY
-  RESTRUCTURING & INSOLVENCY
-  TAXATION
-  TECHNOLOGY, MEDIA & TELECOMMUNICATIONS

### STAY CONNECTED

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 HSA Advocates

### GLOBAL RECOGNITION



### PAN INDIA PRESENCE

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