



Investigations

Practice Profile

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



INVESTIGATIONS

IN INDIA

India Inc and the government have undertaken sustained efforts to improve governance, transparency and compliance aspects governing the domestic industry. The heightened scrutiny from relevant agencies (both domestic and international) and increased oversight from shareholders and internal committees have brought to light numerous instances of non-compliance, corporate fraud and a host of other corporate malpractices in form of fraud, data theft, insider trading, falsification of accounts and statements, etc.

In order to address increasing incidence of white collar crimes while simultaneously reducing day-to-day government intervention, India is increasingly adopting a regulatory framework that mirrors global norm of 'self-governance and self-reporting', which is often predicated on intensified adverse outcomes as the means for promoting enhanced compliance levels. Additionally, India-based companies also need to consider requirements mandated by foreign anti-corruption legislations such as the FCPA and UK Bribery Act if they come under ambit of such statutes.

Investigations of white-collar crimes can be an arduous and long-drawn process that encompasses a range of regulators, enforcement authorities and the judicial system. The situation can often be compounded by a multitude of agencies that are empowered to investigate related but distinct offences arising out of the same subject matter.

A proactive risk-mitigation approach is critical to effectively pre-empt and address the heightened risk faced by businesses and their management. This risk can manifest in the form of adverse financial consequences (penalties, forfeiture, blacklisting and voiding of contracts), personal consequences (restrictions on liberty, foreign travel, arrest and imprisonment), reputational damage and loss of investor confidence, amongst others.

Strict internal controls, proper SOPs, creating enabling mechanisms (such as whistle-blower hotline, sexual harassment procedures, etc.), regular trainings and ongoing oversight by senior management and identified personnel on key triggers can be immensely helpful, in addition to demonstrating the company's best-efforts during subsequent investigations.

HSA Advantage

- Experience in conducting internal audits to proactively mitigate risk
- Specialist capabilities in criminal law matters to support investigations, prosecutions and contractual claims
- Network of external specialists providing technical and data-centric support

OUR

SERVICE OFFERINGS

Criminal law matters

Defence

- Comprehensive support across all stages of an investigation in relation to criminal or enforcement matters, including execution of defense strategy and attendant actions such as filing of anticipatory bail and petition under section 482 of the Criminal Procedure Code
- Evidence gathering and compilation of case-related data for submission to authorities to aid in the course of investigation, including data mining to out required content to strengthen the defence
- Representation and effective liaison with relevant authorities
- Risk-mitigation advisory and ideation support to address reputational risk and minimize unwarranted publicity by coordinating with internal and external agencies
- Assistance and representation in cases of economic espionage, theft of trade secrets, tax evasions, insider trading, cybercrimes and protection of company secrets

Prosecution

- Advising, assisting, drafting and filing of complaints, petitions, applications before the Jurisdictional Court
- Providing extensive support in civil and criminal litigation proceedings as well as arbitrations
- Assisting and advising on conducting mediation

Fraud and misappropriation

- Advising and representation for investigation and prosecution of the wrongdoers, including detailed legal opinion on the strategy, procedure and possible outcome
- Conducting and supervising internal investigation process for collection, preservation and authentication of data, including forensic audits, fact-finding interviews and forensic review of material evidence
- Advising, drafting and filing of police complaints with the authorities
- Representation during proceedings before judicial, adjudicatory and appellate fora

Anti-bribery and corruption

- Advising, assisting and representing clients during investigations under the Companies Act, 2013, FCPA and UKBA
- Representation and conduct of proceedings initiated under Prevention of Corruption Act before relevant fora, including CBI Special Courts, High Courts and the Supreme Court
- Securing timely reliefs (such as anticipatory bails and bails) for directors, key management personnel and officers
- Advising on creating robust internal policies for prevention, detection and investigation of corporate fraud and misconduct, including codes of conduct, anti-bribery policies and accounting policies
- Creating policies and SOPs for effective response to incidents and mitigating future recurrence through training and awareness programs for employees, independent directors and other parties

OUR PRACTICE

HIGHLIGHTS

MINISTRY OF DEFENCE, GOVERNMENT OF INDIA

On 'Strategic Partnership Model' under Defence Procurement Procedure, 2016 which includes drafting of bid documents, undertaking bid evaluation, structuring, and drafting contractual agreements, advising on legal aspects in relation to intellectual property, transfer of technology etc.

ALTICO CAPITAL

To decipher and analyze the transactions made by Unishire which reveal the criminal breach of trust and misappropriation of funds entrusted to Unishire and assisted and strategized to file a police complaint with the Jurisdictional Police Station against Unishire. Also, assisted the jurisdictional police with investigation, search and seizure and further have been instrumental in the arrest of the promoters of Unishire

ABANS FINANCE

On drafting of criminal complaint to be filed in Economic Offences Wing, Navi Mumbai against the Counter Parties for illegally and fraudulently selling the flats in Maple Carniva to the flat purchasers, for which Axis Bank has provided housing loans and paid 90 of the monies to the Developer

BENGALURU INTERNATIONAL AIRPORT

On data analysis and providing legal opinion/report explaining the Breach of Trust and Misappropriation of funds by Kingfisher Airlines and its founder and filing a criminal complaint under section 200 of the Criminal Procedure Code, 1973 against Kingfisher Airlines

BHARAT FINANCIAL INCLUSION

On providing opinion on the proceedings that are initiated against Mr. Dilli Raj by the Directorate of Enforcement under the Prevention of Money Laundering Act, 2002

BRIDGETREE CONSULTANCY

In the initiation of criminal proceedings against the directors of Knowall Services

EVERSTONE CAPITAL ADVISORS

In criminal prosecution and Civil Suit for breach of confidential information

FIRST DATA (INDIA)

On providing opinion on applicability of Prevention of Money Laundering Act, 2002 on ICICI Merchant Services

FLIPKART INDIA

On successfully defending Flipkart, its promoters, and directors before the courts as well as jurisdictional police station against a police complaint against filed by C-Store

FOUNDER AND CEO OF KEF HOLDINGS

In an appeal filed by the client before the Appellate Tribunal under section 26 of the Prevention of, money laundering Act, New Delhi against an order passed by the Adjudicating Authority

GENERAL ELECTRICAL

In conducting internal investigation for fraud and misappropriation of funds by employees and assisting in a matter filed by employees to be handled by City Crime Branch

JM FINANCIAL ASSET RECONSTRUCTION COMPANY

In a criminal writ petition before Bombay High Court seeking quashing of preliminary enquiry initiated by Police Authority of Kolhapur, Maharashtra, on a complaint filed by the counter party seeking enquiry into a disputed land valued at INR 105 Crores

LIFE & GENERAL INSURANCE AND REINSURANCE BROKERS

In relation to an incident of cyber theft and fraud of USD 200,000 and assistance regarding the admission of professional indemnity claim

LIGHTSOURCE RENEWABLE ENERGY (INDIA)

In relation to anti-dumping proceedings and representation before DGAD in the investigation initiated concerning import of solar cells/modules, etc. from China, Malaysia and Taiwan

MSTC

On filing criminal complaint against the Topworth Group of Companies and its Director before Economic Offences Wing, Mumbai for cheating and conspiracy

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

GLOBAL RECOGNITION



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