



Shardul Amarchand Mangaldas



Manu Nair

Partner

Dispute Resolution

Manu comes with an in-depth experience in handling complex Corporate and Commercial litigation, and Dispute Resolution. He has been with the Firm for the last 20 plus years.

His strength in litigation rests on his ability to formulate and execute legally sound and tactically imaginative responses and strategies on behalf of major companies, banks, public entities, infrastructure companies, commercial and financial institutions involved in complex disputes. Some of his recent transactions include handling litigations pertaining to corporate takeovers, constitutional matters, environmental issues, domestic and international commercial arbitration, electricity related matters, civil law, public law as well as criminal matters.

Amongst some of his prominent advisory services is the representation and advisory to DLF before the High Court of Kerala and also before the Supreme Court in matters involving complex questions of Environmental Laws particularly interpretation of Coastal Zone Regulations as well as the EIA Notifications issued by the Ministry of Environmental and Forest, Union of India and the Federation of Indian Chambers of Commerce and Industry (FICCI) before the Supreme Court in a Special Reference initiated by the President of India on whether auction was the ideal method for the Executive to distribute and allocate scarce natural resources in the country. Manu was also involved in advising and representing Vodafone Essar Ltd. before the Supreme Court on issues of allocation of spectrum and determination of spectrum usage charges.

Manu has advised various multinational companies on Anti - Dumping & Safeguard Investigations and related issues, including: Fused Magnesia (China), Metcoke (China), H.R. Coils (Russia & CIS Countries), and Lead Acid Batteries (China, Bangladesh). Manu has been regularly advising on Employment, consumer and unfair trade practices. He has advised and represented Wal-Mart Stores Inc. and Motorola in matters pertaining to review of contracts between the companies and employees/ disbursement of employees' provident fund/ advice on anti-corruption compliance. He has advised and represented Microsoft Corporation and Zuari Cement Ltd. in relation to various matters concerning restrictive and unfair trade practices under the provisions of the Consumer Protection Act and Monopolies and Restrictive Trade Practice Act.

Legal 500 Asia Pacific ranks Manu as a Leading Lawyer in the region and highly recommends him for his Supreme Court Practice. The legal research says "Manu Nair is a good contact for Supreme Court matters."

Location

- Delhi

Education

- B.A. (Hons) Economics, Punjab University
- LL.B., Faculty of Law, University of Delhi

Practices

- Dispute Resolution

Professional Membership

- Supreme Court Bar Association
- Delhi High Court Bar Association

Awards & Recognitions

- **Recognised** for Dispute Resolution: Insolvency by Chambers Global and Chambers Asia Pacific 2019 (Spotlight table)





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Manu is a BA (Hons) in Economics from Panjab University and has received his LLB degree of law from Delhi Law Faculty, Delhi University. A detailed experience statement with certain specified/important transaction details is set out herein below.

Select Experience Statement

General Corporate and Civil/Criminal Litigations and Advisory

- **Tata Housing Development Company Limited** in relation to PIL proceedings filed before the Punjab and Haryana High Court, Delhi High Court and Supreme Court with respect to construction of a major housing project near Sukhna Lake and Wildlife Sanctuary.
- **Committee of Creditors (CoC)** in the corporate insolvency process initiated against Essar Steel Limited before the Supreme Court.
- **Rajputana Properties Private Limited**, in its capacity as resolution Applicant, for Binani Cements Limited. The proceedings involved representation and advice to the client in fast paced complex litigation before the National Company Law Appellate Tribunal and the Supreme Court of India.
- **Federation of Indian Chambers of Commerce and Industry (FICCI)** before the Supreme Court in a Special Reference initiated by the President of India on whether auction was the ideal method for the Executive to distribute and allocate scarce natural resources in the country.
- **Vodafone Essar Ltd.** in respect of various disputes before the Supreme Court concerning issues of allocation of spectrum and determination of spectrum usage charges.
- **Megainpharm GmbH, Austria and India Brand Equity Foundation** in relation to winding up proceedings contemplated against defaulting contractees and addressed concerns related to the non-payment of outstanding debts on account of insufficiency of funds.
- **Chartered Financial Analysts Institute, Virginia, USA** in litigations in India concerning the applicability of the All India Council of Technical Education Act and attendant Regulations to the Institute.

Electricity Laws

- **JSW Energy Ltd.** on writ proceedings arising out of allotment of Kutehar Hydro Power Plant in the State of Himachal Pradesh.
- **Alstom Hydro Finance** on writ proceedings challenging award of Hydro Power Project in the State of Uttarakhand.
- **Lanco Amarkantak Power Pvt. Ltd.** on various proceedings arising with respect to the termination of the Power Purchase Agreement in respect of Power generated from Thermal Power Plant located in Korba District, Chattisgarh.



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- **STI Power India (P) Ltd.** in a dispute with Govt. Of Madhya Pradesh, challenging the action of the Govt. of Madhya Pradesh and Madhya Pradesh Electricity Board in re-prioritizing grant of Escrow Cover to various IPP's.
- **Spectrum Technologies USA Inc.** regarding disputes inter-se among promoters (Spectrum Power Generation Co. Ltd.) of the Power Project.

Mining

- **JSW Steel Ltd.** on various disputes and litigations relating to mining rights under the Mines and Minerals (Regulation and Development) Act, 1957.
- **Indophil Resources NL** on matters concerning reconnaissance, prospecting and mining operations within a State's Scheduled Areas, with specific reference to the scope of Constitutional prohibition against transfer of lands to individuals other than members of designated Scheduled Tribes.

Employment / Consumer Protection and Unfair Trade Practices

- **Wal-Mart Stores Inc. and Motorola** in matters pertaining to review of contracts between the companies and employees/ disbursement of employee provident fund/ advice on anti-corruption compliance.
- **Microsoft Corporation and Zuari Cement Ltd.** in relation to various matters concerning restrictive and unfair trade practices under the provisions of the Consumer Protection Act and Monopolies and Restrictive Trade Practice Act.
- **State municipal corporations** in matters pertaining to employee state insurance and consumer protection.
- **Coca Cola Corporation** before the Supreme Court in respect of disputes with an employee seeking to invoke provisions of arbitration in respect of her grievance – which provisions do not govern/ apply to such employee's case as per the Company's organizational policies.

Arbitration

- **Indian Oil Corporation** on various domestic arbitrations including constructions disputes.
- **Technopromexport Russia** on adjudication proceedings concerning the design, installation, erection and overall commissioning of a super thermal power plant located in Barh, Bihar.
- **Vodafone Mobile Services Ltd.** in arbitration proceedings concerning issues arising out of termination of contract with its agent and recovery of outstandings due by the agent to Vodafone.
- **Ballarpur Industries Ltd.** regarding an arbitration proceeding against a German Equipment Supplier.
- **Delhi International Airport Limited** in arbitration proceedings against Silver Resorts Hotel Private Limited.



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Taxation

- **Mangalore Ganesh Beedi Works** before the Supreme Court in respect of taxation issues concerning whether the assessee could claim benefit of the deductions on the purchase of intangible assets such as trademarks, copyrights, know-how and good-will under the Income Tax Act.
- **Flemingo Duty Free Shops** on writ proceedings before Delhi High Court challenging levy of service tax on renting of immovable property under Section 65 (105) (zzzz) of the Finance Act, 1994.





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- Advised Megainpharm GmbH, Austria and India Brand Equity Foundation in relation to winding up proceedings contemplated against defaulting contractees and addressed concerns related to the non-payment of outstanding debts on account of insufficiency of funds.
- Advised and represented Robust Hotels before the Supreme Court in respect of certain contractual disputes and proceedings under the Securitization Act that determined Robust Hotels as the bona fide purchaser/ title-holder of an encumbrance-free property in Chennai, Tamil Nadu.
- Advised and represented Chartered Financial Analysts Institute, Virginia, U.S.A in litigations in India concerning the applicability of the All India Council of Technical Education Act and attendant Regulations to the Institute.

Electricity Laws

- Advised JSW Energy Ltd. on writ proceedings arising out of allotment of Kutehar Hydro Power Plant in the State of Himachal Pradesh.
- Advised Alstom Hydro Finance on writ proceedings challenging award of Hydro Power Project in the State of Uttaranchal.
- Advised Lanco Amarkantak Power Pvt. Ltd. on various proceedings arising with respect to the termination of the Power Purchase Agreement in respect of Power generated from Thermal Power Plant located in Korba District, Chattisgarh.
- Advised and represented STI Power India (P) Ltd. in a dispute with Govt. Of Madhya Pradesh, challenging the action of the Govt. of Madhya Pradesh and Madhya Pradesh Electricity Board in re-prioritizing grant of Escrow Cover to various IPP's.
- Advised Spectrum Technologies USA Inc. regarding disputes inter-se among promoters (Spectrum Power Generation Co. Ltd.) of the Power Project.

Anti-Dumping

- Advised various multinational companies on Anti - Dumping & Safeguard Investigations and related issues, including:
 - Fused Magnesia (China)
 - Metcoke (China)
 - H.R. Coils (Russia & CIS Countries)
 - Lead Acid Batteries (China, Bangladesh)

MINING

- Regularly advising JSW Steel Ltd. on various disputes and litigations relating to mining rights under the Mines and Minerals (Regulation and Development) Act, 1957.





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- Advised Indophil Resources NL on matters concerning reconnaissance, prospecting and mining operations within a State's Scheduled Areas, with specific reference to the scope of Constitutional prohibition against transfer of lands to individuals other than members of designated Scheduled Tribes.

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- Advised and represented State municipal corporations in matters pertaining to employees state insurance and consumer protection.
- Advised and represented the Coca Cola Corporation before the Supreme Court in respect of disputes with an employee seeking to invoke provisions of arbitration in respect of her grievance – which provisions do not govern/ apply to such employee's case as per the Company's organizational policies.

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Advised Ballarpur Industries Ltd. regarding an arbitration proceeding against a German Equipment Supplier.

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- Advised and represented Mangalore Ganesh Beedi Works before the Supreme Court in respect of taxation issues concerning whether the assessee could claim benefit of the deductions on the purchase of intangible assets such as trademarks, copyrights, know-how and good-will under the Income Tax Act.
- Advised Flemingo Duty Free Shops on writ proceedings before Delhi High Court challenging levy of service tax on renting of immovable property under Section 65(105) (zzzz) of the Finance Act, 1994.
- Advised and represented HUDCO in respect of certain disputes before the Supreme Court concerning taxability/ assessment of its income under the Income Tax Act.