



Shardul Amarchand Mangaldas



Anuj Berry

Partner

Dispute Resolution

Anuj Berry is a Partner with the Firm's Litigation, Dispute Resolution and White Collar Defence Group.

Anuj is engaged in litigation relating to energy sector disputes, general commercial litigation, and shareholder disputes, white collar crime related matters, company law related disputes, and litigation arising out of competition legislation in India. Anuj practices across all major forums with a focus on commercial disputes before the Supreme Court of India. He has been ranked as 'Leading Individual' for White Collar Crime by The Legal 500 Asia Pacific Guide 2019-20 and has also been recognised by the Chambers Asia Pacific Rankings 2020 and 2021. Recently, he has been recognised among the world's top 40 young investigations specialists by Global Investigations Review (GIR) 40 Under 40, 2020.

Anuj has handled ad-hoc international arbitrations for major multinational corporations pertaining to infrastructure projects and share purchase agreements. He has also handled institutional international arbitrations for major multi-national corporations in the transport and food industries. He is also engaged in the court facing aspects relating to arbitrations and appears before the courts in India in matters relating to challenge to arbitral awards and interim reliefs.

Anuj has also advised clients on investigations and court matters arising out of investigations carried out by the federal anti-corruption agency in India. His work involves assisting clients and senior management in all aspects of the investigation, guiding defence strategy and representation before Courts or in investigations before regulatory and government bodies. He also assists in internal trainings and advisory on the area of white collar crimes, both for management and personnel.

Anuj joined Shardul Amarchand Mangaldas in 2006. He worked with the Firm till 2009 when he took a sabbatical to pursue Bachelor of Civil Laws (BCL) at the University of Oxford and then re-joined the firm in 2010. While at Oxford, he undertook academic and practical training in International Dispute Settlement, specialising in International Commercial and Investment Arbitration under the guidance of renowned experts in the field. He gained his LLB from National University of Juridical Sciences, Kolkata.

Select Experience Statement

General Civil/Commercial/Company/Arbitration law

- Advised and represented a large multinational corporation in multiple London seated international commercial arbitrations and related proceedings before the Delhi High

Location

- Delhi

Education

- B.A. LL.B, (Hons.), National University of Juridical Sciences, Kolkata, BCL (Oxon)

Practices

- Dispute Resolution

Professional Membership

- Bar Council of Delhi

Awards & Recognitions

- Among **India's 50 'Rising Stars'** by Asian Legal Business, 2021
- **Band 4** for White-Collar Crime in Chambers and Partners, 2021
- **Leading Lawyer** for White Collar Crime by The Legal 500, 2018-21
- **The only Indian practitioner recognised among the world's top 40 young investigations specialists** by Global Arbitration Review, 2020





Court and the NCLT, resulting in successful partial awards, a successful interim relief from the Delhi High Court and the settlement of the disputes and dismissal of outstanding proceedings against our client before the NCLT. The dispute concerned enforcement of the business non-compete clause in the JV agreement and associated assertion of intellectual property rights.

- Advised and representing a leading international luxury goods manufacturer in their disputes with the India JV partner concerning their exit from the joint venture in proceedings before a Paris seated arbitral tribunal and the national company law tribunal.
- Advised one of India's largest scooter / motorcycle manufacturers in their exit from a historical joint venture with a large Japanese company. The advice concerned planning proactive and responsive litigation strategies arising out of different scenarios from the likely exit including enforcement of non-compete rights and intellectual property rights.
- Advised multiple foreign shareholders, private equity investors in exit strategies from joint ventures and investments in India including litigations before the national company law tribunals.
- Representing a leading pharmaceutical company before the Supreme Court in a challenge to an order passed by the Competition Commission of India directing initiation of investigation in an alleged cartel matter where the investigation now stands enjoined;
- Representing the resolution professional of a leading telecom company in all litigation before the Supreme Court concerning challenge to regulatory levies by the telecom regulator and associated issues;
- Representing a global distribution supplier of airline bookings before the Supreme Court and Delhi High Court in a major dispute with Air India to challenge award of contract for the India business to the client's competitor;
- Representing a large private sector bank before the Supreme Court and Bombay High Court in a dispute with one of its lenders (being a major telecom company) concerning liabilities on account of bank guarantees issued to the telecom regulator;
- Representing a leading non-banking finance company in a dispute before the Supreme Court concerning applicability of a state money lending legislation to the business of the client;
- Representing a leading tyre manufacturing company before the Supreme Court in a challenge to an order passed by the Competition Commission of India directing initiation of investigation in an alleged cartel matter;
- Representing a global taxi aggregator company before the Supreme Court in a challenge to an order passed by the Competition Appellate Tribunal directing initiation of investigation in an abuse of dominance matter;
- Advising a leading manufacturer of fighter jets on a Public Interest Litigation filed before the Supreme Court seeking an investigation by the Central Bureau of Investigation into award of the contract for fighter jets for the Indian Air Force;

Awards & Recognitions

- **Up and Coming** for White Collar Crime by Chambers & Partners, 2020
- **Among BW Legal World 40 under 40** by BW Businessworld, 2020



- Representing a large US retailer in proceedings before the National Company Law Appellate Tribunal concerning a challenge to their acquisition of India's largest e-commerce marketplace platform;
- Represented a large Indian car manufacturer before the Supreme Court in proceedings concerning ban of diesel cars in the National Capital Region of Delhi;
- Represented a leading Indian hotel chain in proceedings before the Supreme Court and Delhi High Court concerning their bid for one of Delhi's most iconic hotels i.e. The Taj Man Singh Hotel;
- Represented a Canadian railway manufacturer in an ICC arbitration against a Chinese component supplier arising out of their contract to supply components for bogeys for a railway metro project in India.
- Represented a national association in seeking modification of an order passed by the Supreme Court of India which had curtailed access to taxis of the employees of the members of the said association, resulting in a successful order from the Supreme Court.
- Advised and represented one of the biggest stock exchanges in proceedings before the Supreme Court in disputes concerning competition law and also certain criminal disputes.

White Collar

- Advised and represented a large Indian IT MNC on an internal investigation arising out of various whistleblower complaints concerning alleged manipulation of revenue figures, misuse of company resources/assets, and breach of company processes by key managerial personnel. The findings were presented to regulators such as the US SEC and SEBI.
- Advising a leading Japan based bank in relation to queries raised by the Financial Intelligence Unit (FIU) in India concerning alleged violations of the anti-money laundering legislation.
- Advising the Indian subsidiary of a US based Multinational Corporation operating worldwide online payments system in relation to violations of the Indian anti-money laundering legislation alleged by the FIU.
- Representing a large US based foreign retailer in investigations and court related action concerning the first investigation initiated against a private company by the Central Vigilance Commission in India. The investigations in India relate to an ongoing FCPA investigation in the United States of America.
- Advising a French defence manufacturer with regard to Indian enforcement action arising out of alleged corruption allegations in the supply of advanced fighter jets to the Indian Air Force.
- Advising an American multinational conglomerate company on an internal investigation arising out of a whistleblower complaint raising allegations of payment of bribes and kickbacks to vendors



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- Representing the Chairman Emeritus of a large Indian multinational conglomerate in proceedings concerning quashing of criminal proceedings arising out of the Copyright Act
- Representing the principal shareholder of a low-cost airline in India on allegations of fraudulent transactions engaged in by the ex-CEO of the airline and investigations initiated by the federal anti-corruption investigating authority, money laundering authority connected litigation.
- Representing a leading American software company with regard to prosecution launched by the federal anti-corruption investigation authority against its employees concerning alleged favours extended to a government official in lieu of awarding contracts.
- Representing a leading IT company facing CBI investigation in relation to supply of components to an eminent PSU airline.
- Advising the principal shareholder of an Indian e-commerce company on an internal investigation pursuant to an ethics complaint concerning allegations of improper payments to local unions of unorganised workers in an Indian state
- Advising a leading audit firm on issues concerning reporting of fraud discovered during the audit process in connection with a large non-banking finance company
- Advising a global alcohol beverages company on multiple internal investigations concerning allegations of payment of bribes, vendor kickbacks and improper sale of alcohol
- Advised a leading professional services company in relation to a complaint by a whistle-blower regarding the company's hiring practices.
- Advised a leading telecom distributor for vendor kickbacks and allegations of internal financial reporting manipulations.
- Advising a leading international investment bank with regard to an investigation by the federal anti-corruption investigating authority on allegations of cheating, corruption against an erstwhile airline company and its promoters.
- Advised a leading renewables energy company for allegations of bribery and vendor favouritism.
- Represented the principal shareholder of a joint venture in the defense sector in investigations before the federal anti-corruption investigating authority
- Represented a Malaysian media group in investigations before the federal anti-corruption investigating authority, money laundering authority, and the Special Court set up by the Supreme Court of India to conduct the trial of cases pertaining to the '2G Spectrum' scam (India's largest telecom industry-related scams). The work extends to representation in court, advising on issues relating to extradition, execution of letters rogatory and other overseas aspects of the investigation.



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- Represented the Indian subsidiary of a United Kingdom-based telecom company in proceedings before the Special Court set up by the Supreme Court of India to conduct the trial of cases pertaining to the '2G Spectrum' scam, which led to their discharge from the proceedings.
- Represented the Indian subsidiary of a French transport company in investigations before the federal anti-corruption investigating authority concerning alleged bribery allegations initiated at the instance of the United Kingdom Serious Frauds Investigation Office
- Advised a former Chief Minister of an Indian state in proceedings before the concerned local authorities concerning allegations of corruption.
- Advised a leading Information Technology MNC on an internal investigation concerning leak of price sensitive information to the press
- Advised the principal shareholder of an Indian e-commerce company on legal issues concerning sexual harassment allegations raised by a former employee against a senior member of the company
- Advised a leading international airline company with regard to an investigation by the federal anti-corruption investigation agency into improper payments made to a lobbyist for obtaining preferential rights to fly to India.

