



Shardul Amarchand Mangaldas



# Varun Pathak

Partner

Dispute Resolution

Varun Pathak is a Partner in the Firm's Dispute Resolution practice based in Delhi, bringing close to 18 years of robust experience in disputes and advisory work.

He is an Advocate-on-Record at the Supreme Court of India and holds an LL.M. in Corporate and Commercial Laws from the London School of Economics and Political Science (LSE). He graduated with an LL.B. (Hons.) from Amity Law School (Guru Gobind Singh Indraprastha University), New Delhi, and was admitted to the Bar in 2007.

Varun's practice spans a broad spectrum of complex commercial and regulatory disputes, both in litigation and arbitration. He has deep expertise in constitutional and administrative law, information technology laws (including an in-dept understanding of data privacy and confidentiality), and general corporate and regulatory advisory.

He has represented clients in several high-stakes and high-profile matters involving constitutional challenges, competition law, technology and privacy issues, power sector regulations, shareholder disputes, contract enforcement, and domestic and internal arbitrations.

Varun has successfully acted in high-profile disputes involving constitutional and administrative law issues, competition law, technology and privacy laws, power sector regulations, contract enforcement, shareholder litigation, and commercial arbitrations. He has appeared as counsel in numerous reported and unreported judgments before courts and tribunals, advising multinational corporations, financial institutions, public sector undertakings, and regulatory bodies on contentious matters.

With a high percentage of success in tariff and regulatory matters, he has advised the Central Government and the Governments of Haryana, Maharashtra, and Gujarat on several contentious issues and has been involved in various policymaking initiatives of the Government of India in the power sector. He represented the Governments of Maharashtra and Gujarat in the coal allocation matters before the Supreme Court. Besides representing various PSUs and government-promoted companies in the energy sector, he has frequently advised clients on regulatory issues and has represented them before electricity regulatory commissions and appellate tribunals.

Varun also routinely advises multinational technology companies on various aspects of information technology laws, with a focus on intermediary liability, data protection, privacy, confidentiality, and regulatory compliance. Recognized as a seasoned practitioner with a deep understanding of technology laws and policy, he was appointed as amicus

## Location

- Delhi

## Education

- LL.M, London School of Economics and Political Science.
- B.A. LL.B. (Hons.) Amity Law School, Guru Gobind Singh Indraprastha University.

## Practices

- Dispute Resolution

## Professional Membership

- Advocate, Bar Council of Delhi
- Advocate On Record, Supreme Court of India
- Member, Delhi High Court Bar Association
- Member, Supreme Court Bar Association
- Member, Supreme Court Advocates-on-Record Association
- Member, Punjab and Haryana High Court Bar Association





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curiae by the Hon'ble Delhi High Court while examining the freedom of expression of social media influencers vis-à-vis the restrictions under Article 19(2) of the Constitution of India. Given his keen interest in emerging legal frameworks for technology and data protection, Varun serves as Co-Chair of the Committee on Data Privacy & Protection, AI, and Cyber Law (CDPAC) of the Indian National Association of Legal Professionals, a key platform driving policy discussions on data governance and artificial intelligence.

## Select Experience Statement

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### Technology Laws:

- Represented a **technology conglomerate** involving the removal of unauthorized audio/video recording in a Liquor Policy scam case.
- Represented a **technology conglomerate** in proceedings concerning data requests and regulatory compliance with the Information Technology Act, 2000, and the IT (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.
- Represented a **technology conglomerate** in a suit concerning the removal of online content and brand disparagement.
- Represented a **technology conglomerate** in a Public Interest Litigation (PIL) seeking disclosure of the designated officer(s) under Rule 13 of the Information Technology (Procedure and Safeguards for Blocking for Access of Information by Public) Rules, 2009.
- Represented a **technology conglomerate** in a writ petition concerning the online dissemination of non-consensual intimate imagery, outlining its proactive measures, policies, and technological tools for content moderation, takedown, and victim assistance.

### Arbitration Law:

- Represented a **social media platform** in an arbitration seeking certain pre-arbitral interim reliefs over a dispute concerning sub-licensing and maintenance agreement.
- Represented an **Indian company** to challenge a majority award in a dispute arising out of a Power Purchase Agreement for the sale and purchase of power from a hydroelectric project.
- Represented an **Indian financial conglomerate** in a high-stake arbitration-related litigation arising out of a dispute concerning the validity of the invocation of arbitration on the grounds of non-service of notice under Section 21 of the Arbitration and Conciliation Act, 1996.
- Represented an **Indian company** in an arbitration concerning the non-supply of contracted firm power under a Power Purchase Agreement (PPA).
- Represented India's **largest natural gas company** in an arbitration arising out of a construction dispute concerning the pipe-laying of a high-pressure natural gas pipeline spanning Gujarat and Maharashtra.
- Represented a leading **multi-modal transport operator** in resisting enforcement of a foreign arbitral award under Section 48 of the Arbitration and Conciliation Act, 1996,



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and in proceedings under Section 34 seeking to set aside the award in a dispute arising out of an agency agreement for unpaid invoices for freight-forwarding services.

- Represented the **Union of India** in opposing an interim relief application under Section 9 of the Arbitration & Conciliation Act, 1996, seeking a pre-execution deposit of INR 55 crores awarded in arbitration.
- Represented an **Indian power trading company** in an appeal under Section 37(1)(a) of the Arbitration and Conciliation Act, 1996, challenging the order dismissing an application under Section 9 of the Act.
- Represented a **technology conglomerate** and its employees in a suo-moto contempt proceeding initiated by the Punjab and Haryana High Court.

#### Intellectual Property Rights

- Was appointed as an **amicus by the Delhi High Court** to assist the Court with understanding the defamation and product disparagement in the context of online reviews.
- Represented a leading **soft drink manufacturing company** in a dispute concerning the ownership and usage of a trademark while registering the same in another jurisdiction.
- Represented a **technology conglomerate** in a suit seeking a permanent injunction restraining the defendants from infringing the trademarks of a company engaged in preparing and selling sweets and namkeens and passing off their business.
- Represented a **technology conglomerate** in a suit seeking a permanent injunction against infringement of the trademark and copyright of a leading Indian sports nutrition brand.
- Represented a leading **online video-sharing platform** in a suit filed for a grant of injunction restraining it from infringing any audio-visual works.
- Represented a **technology conglomerate** in a suit alleging violation of patent rights and copyrights by an e-commerce platform launched by the conglomerate.

#### Competition Law

- Represented a **social media platform** challenging the order of the Competition Commission of India for violation of Section 4 of the Competition Act, 2002, and directing an investigation into its Terms of Service and Privacy Policy.
- Represented the **Government of India** in a writ petition challenging select provisions of the Competition Act, 2002.
- Represented a **power distribution utility company** in an appeal challenging the order of the Competition Commission of India that differential pricing did not constitute a violation of Section 4 of the Competition Act, 2002.

#### Constitutional Law

- Represented the **Union of India** in a writ petition challenging the constitutional validity of Rule 147A of the Army Rules, 1954.



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- Represented the **Union of India** in a writ petition challenging CBI's circular on the absorption of constables on deputation.
- Representing the **Union of India** in a writ petition challenging the order denying re-employment/up-gradation in BSF.
- Represented the **Government of NCT of Delhi** in a civil writ petition regarding the Delhi Action Plan and the implementation of the Child and Adolescent Labor (Prohibition and Regulation) Act, 1986, for better protection of children and coordination between government agencies.
- Represented a **technology conglomerate** in proceedings before a constitutional bench of the Supreme Court of India in proceedings challenging the company's data sharing practices.
- Represented a **technology conglomerate** in a writ petition seeking directions to monitor and suspend the hate speech and harmful content originating from its platform in India and directed towards the Rohingya community, both in India and elsewhere.
- Represented a **technology conglomerate** in a challenge to rules framed by the Central Government requiring the tracing of the originator of messages sent online.
- Represented a **technology conglomerate** in numerous proceedings before multiple High Courts seeking to recognize the Right To Be Forgotten as a fundamental right under the Right To Privacy.

#### Electricity Law

- Represented a leading **Maharatna energy company** in a regulatory dispute concerning the classification of 2 x 110 kV transmission lines under the Maharashtra Electricity Regulatory Commission (MERC) framework.
- Represented India's **largest electricity distribution utility company** in a writ petition relating to the framing, enforcement, and interpretation of the Central Electricity Regulatory Commission (Sharing of Interstate Transmission and Losses) Regulations, 2010.
- Represented an Indian **power trading company** in an appeal challenging the order of the State Electricity Regulatory Commission on the ground of violation of the principle of natural justice.
- Represented the **State Electricity Distribution Company** in an Original Petition under Section 121 of the Electricity Act, 2003, seeking quashing of the Draft Regulations issued by the Maharashtra Electricity Regulatory Commission on Open Access and directing the circulation of Minutes of the Meeting as envisaged in Regulation 27 of the MERC (Conduct of Business) Regulation 2004.

#### Varun has advised clients in diverse areas of law, which include

- Advised the **Ministry of Power** in the disbursement of support to stranded gas-based power plants through a reverse e-bidding tendering process.
- Advised for investment in a **listed company** in the Oil & Gas sector through a Legal Due Diligence exercise for a Private Equity Fund.



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- Advised clients in the **Energy and Infrastructure Sector** on various legal and commercial issues, including power projects, consortium arrangements, EPC, O&M and supply contracts, et cetera.
- Advised various clients in the **Healthcare Sector** with an emphasis on laws and policies relating to emerging technologies in medical sciences, ICMR guidelines, and finalising clinical trials agreements, insurance policies, et cetera.

#### Select Publications

- The Current State of AI in India and How We Must Move Forward
- What's Vulgar Is Not Always Illegal, Milords!
- Case Analysis: Pragati Construction Consultants v. Union of India & Anr.
- The words that make us: On law, language and gender
- Rethinking secularism's role in digital data protection
- Artificial intelligence: Charting its way forward in a digital India
- Balancing artificial intelligence, ethics and the constitution
- Arbitration versus mediation: What we have versus what we need
- Supreme Court's revival doctrine and Article 31-C: A landmark reinforcement of constitutional continuity
- Case Comment: Centrotrade Minerals & Metal Inc. v. Hindustan Copper Ltd.

