



Shardul Amarchand Mangaldas

A DECADE YOUNG, A CENTURY STRONG

# Aditya Malhotra

Partner

Dispute Resolution



Aditya Malhotra has been a member of the firm for over nine years during which time he has been based at the firm's Bombay and Delhi offices.

Aditya focuses on providing dispute related legal and strategic advice to clients including various domestic and foreign companies engaged in diverse sectors including hospitality, manufacturing, infrastructure, banking & finance, audit services, construction, healthcare, media & entertainment, mining and automotive on complex issues relating to corporate & commercial laws, criminal laws, banking & insolvency laws, arbitration law and dispute resolution.

Aditya specializes in matters involving white collar crime and corporate frauds and has acted for and advised a number of clients in relation to criminal investigations, bail matters, internal investigations, quashing petitions, extradition matters as well as matters relating to money laundering, economic offences, anti-corruption laws, foreign exchange violations, accounting frauds etc.

Aditya has appeared before various forums including the Supreme Court, High Courts, District and Sessions Courts and various Tribunals and Quasi-Judicial Forums.

Aditya has extensive experience in handling matters involving investigative agencies/regulatory bodies including the Economic Offences Wing, Enforcement Directorate, Central Bureau of Investigation, Serious Fraud Investigation Office and Securities Exchange Bureau of India.

## Select Experience Statement

### White Collar Crime

- Conducted an internal investigation into certain whistle-blower bribery allegations against an employee of a U.S. based company involved in providing co-working space.
- Carried out an internal investigation in relation to a Singapore based technology company pursuant to certain allegations being raised by the statutory auditor pertaining to creation of false invoices.
- Conducted an internal investigation relating to certain whistle blower allegations made against a big four audit firm in relation to bribery issues involving a public contract with the Department of Education in a State Government.

### Location

- Mumbai

### Education

- B.A., University of British Columbia, Vancouver, Canada. (2010)
- L.L.B., Government Law College, Mumbai, India (2014)

### Practices

- Dispute Resolution

### Professional Membership

- Bar Council of Delhi; Bar Council of India
- Association of Certified Fraud Examiners





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- Conducted an investigation in relation to large real estate development company at the behest of its statutory auditor pursuant to allegations of siphoning of funds by certain key managerial personal of the company.
- Conducted an investigation on behalf of a U.S. headquartered semi-conductor manufacturing company in relation to a case involving an employee receiving kick-backs from transport vendors.
- Conducted an internal investigation at the behest of a statutory auditor in relation to allegations of an accounting fraud committed by an audit client that was involved in the asset management and financial services sector.
- Represented a leading private bank in writ proceedings seeking setting aside of an order for confiscation of property under the Benami Property Transactions Act, 1988.
- Represented a consortium of banks in proceedings before the Special Court under Prevention of Money Laundering Act, 2002 ("PMLA") in relation to the largest banking fraud in India valued at approx. USD 2 billion.
- Represented a big four audit firm in proceedings seeking to quash a criminal investigation being conducted by the Serious Fraud Investigation Office ("SFIO") in relation to an accounting fraud committed in an audit client.
- Represented a public sector bank in a Criminal Appeal before the Bombay High Court under the Fugitive Economic Offenders Act, 2018 ("Fugitive Act").
- Representing a public sector bank in proceedings under Section 221 of the Companies Act, 2013 ("Companies Act") before the National Company Law Tribunal in relation to a banking fraud being investigated by the SFIO.
- Represented the managing director of a production company in proceedings seeking to quash a criminal investigation arising from a complaint that certain content of the production company was 'obscene' and illegal.
- Represented a public sector bank in proceedings before the Adjudicating Authority, Enforcement Directorate under the PMLA seeking release of certain attached properties which were secured to the bank.
- Successfully represented a consortium of banks in proceedings under the Fugitive Act before the Special Judge under the PMLA and the Fugitive Act resulting in the release of properties worth approx. USD 128 million.
- Representing a video on-demand over-the-top streaming service company in quashing proceedings before the Patna High Court and Supreme Court of India in relation to criminal proceedings arising from allegedly objectionable content aired on its platform.
- Advised a public limited export house in relation to the freezing of its bank accounts under the provisions of the PMLA on account of a letter of request received by a Foreign Government.
- Advised a leading international financial institution in navigating procedure under the Arms Act, 1959 for surrendering a firearm discovered in the bank's premises.
- Advising a public sector insurance company in relation to an investigation by the Economic Offences Wing in relation to embezzlement of approx. USD 25 million by a few of the company's employees.



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- Advised a stock broking firm in relation to criminal investigations being conducted by the Economic Offences Wing and the Enforcement Directorate in relation to an approx. USD 28-million forgery scam.
- Advised a high net-worth individual in relation to bail proceedings under the PMLA before the Special Judge under the PMLA.
- Advised for a major subscription streaming and production company in relation to various criminal proceedings instituted in multiple jurisdictions in relation to content available on the company's digital platform.
- Advised a domestic financial services company in relation to an investigation being conducted under the Foreign Exchange Management Act, 1999 in connection with a cross-jurisdictional fraud involving a European financial services company.
- Advised a real estate company in relation to various criminal complaints filed by the company across various police stations in Mumbai.
- Advised a public sector bank in relation to a criminal investigation against its employees instituted by the bank's borrower under provisions of the Indian Penal Code, 1908 ("IPC") and the Prevention of Corruption Act, 1988 ("PC Act").
- Advised a large retail chain in relation to a criminal investigation being conducted by the police into offences under the IPC involving counterfeit coins.
- Advised a major broadcasting company in relation to an investigation being conducted by the cyber cell of a State law enforcement agency.
- Advised a public sector bank in relation to extradition proceedings ongoing in the United Kingdom arising from a multi-billion dollar cross-jurisdictional banking fraud.
- Advised a U.S based alternative investment company in relation to criminal proceedings commenced against an investee company and its managing director under provisions of the PMLA and PC Act arising from allegations relating to receipt of 'proceeds of crime'.
- Advised a hospitality company in relation to an acquisition of an asset owned by an entity subject to criminal proceedings under the Maharashtra Protection of Interest of Depositors (In Financial Establishments) Act, 1999.
- Advised a Chinese electronics manufacturing company in relation to a matter involving an inspection being conducted by the Customs Department and provided its employees with Dawn Raid Training.

#### **Commercial Disputes:**

- Represented foreign investors in a proceeding under Section 11 of the Arbitration and Conciliation Act, 1996 ("Arbitration Act") seeking joinder of third-parties to the arbitration.
- Represented foreign private equity funds in a proceeding under Section 9 of the Arbitration Act seeking orders for securing the amount in dispute.





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- Represented the order-creditor in a proceeding under Section 37 of the Arbitration Act challenging an interim arbitral order under Section 17 of the Arbitration Act which granted several reliefs including a direction for deposit of the amount in dispute.
- Acted on behalf of a film producer in a proceeding under Section 9 of the Arbitration Act seeking various interim reliefs including garnishee orders and an injunction against the release of certain cinematograph films.
- Appearing on behalf of the order-creditor in an execution proceeding for enforcement of an interim arbitral order passed under Section 17 of the Arbitration Act.
- Represented a client resisting an appeal against an order passed in an execution proceeding directing freezing of bank accounts.
- Acted on behalf of a travel and tourism company in an appeal challenging an injunction restraining the said company's use of its trademark and website.
- Represented a foreign mining company in a proceeding under Section 27 of the Arbitration Act wherein the Court's assistance was sought for compelling production of certain privileged documents in the arbitration.
- Represented an adhesive manufacturing company in a summary suit seeking recovery of dues in relation to a supply contract.
- Appeared and acted on behalf of a foreign asset management company in a motion seeking rejection of plaint qua the said company and deletion of its name from the suit.
- Representing several public sector banks in proceedings before the Debts Recovery Tribunal for recovery of dues in relation to capital facilities and certain fraudulent transactions.
- Represented India's largest commercial developer in proceedings before the Securities Appellate Tribunal in relation to certain penal orders passed by the Adjudicating Officer of the Securities Exchange Bureau of India.
- Acted and appeared on behalf of an elevator manufacturing company in a proceeding before the National Consumer Disputes Redressal Commission.
- Representing an automotive manufacturing company in a proceeding before the Nagpur District Court wherein the company sought an injunction under Order 39 Rule 1 & 2 of the Code of Civil Procedure for restraining a foreign supplier from shipping certain machinery.
- Acted for a major production house in relation to a suit which sought to restrain the production house from releasing and exhibiting a popular web-series.

#### **Arbitrations:**

- Acted and appeared on behalf of the world's largest mining contractor in an ad hoc international commercial arbitration in relation to a dispute arising from a contract for development and operation of a mine.





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- Acted and appeared on behalf of a civil engineering & construction company in a domestic arbitration under the auspices of the Indian Council of Arbitration in relation to a dispute involving a contract for operation and maintenance of a bridge.
- Represented foreign investors in an ad hoc international commercial arbitration *qua* an exit dispute arising out of a Shareholders Agreement.
- Representing a foreign social impact investor in a London seated arbitration being conducted under the auspices of the International Chamber of Commerce.

