



Shardul Amarchand Mangaldas

A DECADE YOUNG, A CENTURY STRONG



## Ajoy Roy

Partner

Dispute Resolution

Ajoy Roy is a Partner with the Firm and has an extensive experience in all spheres of Dispute Resolution as well as Advisory.

Ajoy's core areas are Corporate, Commercial and Regulatory Litigation, White Collar Crime and Internal Investigations, Domestic and International Commercial Arbitrations, and International Trade Remedies. Ajoy has led high value and high stake litigations involving Telecom Projects, Road Projects and Power Projects, Shareholders Disputes, Banking and Securitization Disputes, and Tender Related Disputes. As part of his International Trade Law portfolio, he has successfully represented several national and international clients from China, South Korea, Saudi Arabia, Hong Kong, Japan, Singapore, etc., before the designated authorities and the Government of India in appeals before the Supreme Court of India, High Courts and other regulatory bodies and tribunals such as CESTAT and the Directorate General of Anti-Dumping and Allied Duties (DGAD).

Ajoy has been with the Firm since 1994. He received his Bachelor's Degree in Legislative Law from the prestigious Campus Law Centre, University of Delhi in the year 1991.

### Select Experience Statement

#### International and Domestic Arbitrations

- Advised and represented a Chinese power company in an International Commercial Arbitration with the Government of West Bengal in relation to power plant projects in India.
- Successfully represented an Indian Insurance Company before an Arbitral Tribunal against an Indian cotton production company in relation to a claim raised under the Specific Peril Insurance Policy.
- Advised and represented an International fintech company in a Contractual and Commercial Arbitration dispute with a Public Sector Undertaking of India in relation to implementation and integration of Easy Credit Platform.
- Representing a State Government in an arbitration proceeding with regard to roadways construction in a World Bank Funded Project.
- Representing a State Government in an arbitration proceeding against a contractor, pertaining to a large water supply project.

#### Location

- Delhi

#### Education

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

#### Practices

- Dispute Resolution

#### Professional Membership

- Delhi High Court Bar Association





**Shardul Amarchand Mangaldas**

A DECADE YOUNG, A CENTURY STRONG

- Representing an Insurance Company in an arbitration proceeding in Chennai against an Indian company manufacturing Alumina porcelain and Composite Insulators in relation to a claim raised under an All-risks Insurance Policy in lieu of loss accrued due to floods in the state of Chennai.
- Representing and advising a leading Information Technology Company before various arbitral tribunals across India in relation to dispute arising from service agreements concerning supply of IT services.
- Represented an Indian client in the arbitration dispute with Vayudoot.
- Represented a USA based Company in an arbitration against their sole franchisee in India.
- Represented a Public Sector Unit in arbitration proceedings arising out of a drilling contract with the State of Jharkhand.
- Representing, advising and formulating strategy for an Information Technology Company from India in negotiation, mediation, conciliation and arbitration proceedings arising from disputes relating to breach of contractual provisions and recovery of its outstanding dues.
- Represented an Indian company in a major dispute against CHEC-HCIL (JV) in the Haldia Port connectivity project.
- Represented a Malaysian Company in arbitration proceedings arising out of one of the first BOT Projects in India, namely the 'Nellore Bypass' Project, against National Highways Authority of India (NHAI).
- Represented a Public Sector Unit in a dispute relating to supply contract of wax against Marcus Oil.
- Represented a Public Sector Unit relating to a construction contract with respect to the Kandla Bhatinda Pipelines (Jaipur and Sidhpur).
- Represented an Indian and South African JV company, in arbitration proceedings arising out of disputes relating to NH-2 & NH-24 and NH-8, against NHAI.
- Currently representing and advising an International leading Fintech Company in domestic arbitration proceedings for a Tender dispute relating to deploying of a system in an Indian Telecom Company.

#### **White Collar Crime and Internal Investigations**

- Currently advising, assisting and representing one of the largest US underground mining companies in various investigations being undertaken by the Central Bureau of Investigation (CBI).
- Conducted internal investigations in China for one of the largest US underground mining companies in relation to an investigation by CBI for award of tender and its subsequent modifications.
- Advised and represented a major US automotive company in its internal inquiry regarding breach of emission norms.





Shardul Amarchand Mangaldas

A DECADE YOUNG, A CENTURY STRONG

- Currently advising and assisting a multinational forensic analysis corporation in relation to an investigation by the Directorate of Enforcement under the Prevention of Money Laundering Act, 2002 ("PMLA"). The assistance provided include analysis of the risk, strategy and assistance in preparing response to queries raised by the investigation agency from time to time.
- Currently advising and assisting a leading automotive tyre manufacturer in relation to the freezing and attachment of assets located in India under the provisions of PMLA. Representing the company before the Court and the adjudicating authority to defend the attachment of the assets. Conducting an internal investigation in order to identity the risk associated with the investigation.
- Currently advising and assisting a multinational in the cash and carry business (with a chain of wholesale stores across the world) in relation to an investigation initiated by the Directorate of Enforcement under the Foreign Exchange Management Act, 1999 ("FEMA"). The assistance provided include analysis of the risk, strategy, and assistance in preparing response to queries raised by the investigation agency from time to time.
- Currently advising and representing an Indian power and steel manufacturer in relation to the freezing and attachment of assets located in India under the provisions of PMLA. Representing the company before the Special Court for the charges framed against the company and before the adjudicating authority under PMLA to defend the attachment of the assets.
- Advised one of the largest US underground mining companies in relation to a preliminary enquiry initiated by the CBI for award of tender by a public sector undertaking.
- Advised and represented one of the largest US underground mining companies against an order for banning its business operations in India pursuant to an alleged corruption investigation initiated by CBI.
- Advising and representing a payment gateway company in relation to an investigation initiated by the Directorate of Enforcement under the PMLA and a simultaneous investigation by the police authorities under the Code of Criminal Procedure, 1973.
- Currently advising and assisting a French company, the world's second largest wine and spirits seller in relation to an investigation by the Directorate of Enforcement under the PMLA based on the search operations conducted at various major locations across India and a simultaneous CBI's FIR alleging irregularities in the Delhi Excise Policy, 2021-22.
- Currently advising a leading real estate company in India in relation to sale of assets to third parties in a scenario where no attachment orders, provisional or otherwise, have been issued against them under the provisions of PMLA. Post provisional attachment of certain assets of the said company, advised on the way forward.
- Currently advising a multinational food company with regards to providing a response along with documents to a notice issued to them pursuant to an investigation undertaken by the Serious Fraud Investigation Office ("SFIO") under the relevant provisions of Companies Act.
- Advised an asset reconstruction company on limitation period provided under the PMLA in relation to confirmation of provisional attachment order within a period of



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A DECADE YOUNG, A CENTURY STRONG

180 days by the Adjudicating Authority from the date of such attachment is sacrosanct. Also, advised on the rights of mortgagee in attached mortgaged properties under PMLA.

- Advised an investment firm in an FIR registered by the CBI against the Client and other entities /persons for alleged offences under the Prevention of Corruption Act and Foreign Contributions (Regulation) Act.
- Advised India's leading private sector bank in relation to the ongoing CBI investigation and FIR against the debtor.
- Currently advising and representing a world's leading footwear and apparel sector in a complaint filed by them with the Directorate of Enforcement for offences committed by its former management under PMLA.
- Currently advising and representing an American multinational retail corporation, in FMCG sector in an investigation by the Directorate of Enforcement for alleged violation of foreign exchange laws, particularly the foreign direct investment policy of India.
- Advising the world's automobile company in relation to the investigation by the Ministry of Road Transport & Highways and representation before them in relation to a large scale investigation and irregularities in sampling and testing procedure.
- Advised and represented the Indian subsidiary of one of the largest multinational retail corporation in the world in a criminal misappropriation proceeding for theft of proprietary information by an employee.

#### **Commercial Litigation & General Advisory**

- Currently advising various companies and representing a US based wholesaler in disputes faced by its various units across India on issues such as Food Safety, Legal Metrology, Environmental Laws, Plastic Waste Management Rules, 2016 as amended on 2018, etc.
- Advised a client from China regarding setting up of a hundred percent subsidiary in India.
- Regularly advising the company on various matters regarding investment, taxation and employment etc. from time to time.
- Advised a client from China on sale of equipment / modules to Solar Energy Stations in India.
- Advised and represented a client from China before the Delhi High Court in dispute relating to contractual matters.
- Advised a client from China with regard to an insurance claim arising from a roadway accident in India.
- Advised a client from China on issues relating to export of Voltaic Cells to US from India.
- Advised and represented a leading US heavy machinery manufacturer in various litigations before the Andhra Pradesh High Court and other subordinate courts.



**Shardul Amarchand Mangaldas**

A DECADE YOUNG, A CENTURY STRONG

- Currently advising and representing an Indian conglomerate with annual turnover of more than Rs. 3000 Crores in various litigations pending in the Supreme Court of India and High Courts.
- Currently advising and representing Chinese and Korean clients in a first-of-its-kind Patent Litigation before the Delhi High Court.
- Represented a Company from China on a board room strategy.
- Represented a Company before the Chancery Division of the High Court, UK, in a dispute relating to derivative action instituted by one of the Non-Resident promoters of the Company.
- Represented a client from India before Calcutta High Court and Supreme Court of India against Govt. of India with regard to setting up of a steel fund in India.
- Represented an Indian telecom company from India in dispute before High Court of Delhi & TDSAT.

#### **Tender disputes and Advisory**

- Advised and represented a US based underground mining company, at the stage of bidding for public procurement of contract for supply, installation, and commissioning of mining equipment with Coal India Ltd. and its subsidiaries.
- Advised and represented a US based underground mining company, in relation to challenging of tender award and enforcement of policy directives in award of tenders.
- Advised and represented a US based underground mining company, in relation to proceedings on banning or suspension of business dealings by Bharat Coking Coal Ltd.
- Advised a China based Infrastructure Company on Swiss Challenge Proposal for development of a township in Haryana. Assisted in drafting the Swiss Challenge proposal and bid related documents.
- Currently advising a US based underground mining company in relation to the restrictions on business operations imposed by India against the neighbouring states, particularly China.
- Currently advising a US based underground mining company in relation to the "local content requirement" under the Make in India initiatives and bid conditions of floated by Coal India Ltd. and its subsidiaries.
- Regularly advising a major Indian telecommunications equipment and infrastructure company in its tender disputes, specifically those involving laying of optical fibre network for the Indian defence forces.
- Regularly advising a major Indian multinational information technology company in tender disputes with the Central and State Governments, and state bodies and corporations.

#### **Anti - Dumping & Safeguard Investigations**





**Shardul Amarchand Mangaldas**

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- Advising a UK based company in Anti-Dumping Investigation concerning imports of Seamless Iron and Steel Pipes to India from China PR.
- Advising clients from China, Hong Kong, Singapore and India in Sunset Review Investigation of Anti- Dumping duty against imports of SDH transmission equipment from China PR and Israel.
- Advising clients from Korea and India in relation a safeguard investigation concerning imports of hot rolled flat products of alloy or non-alloy steel in coils into India.
- Advised an Indian association in anti-dumping investigation on Solar Cells from China PR, Malaysia, USA & Taiwan.
- Advised a client from China in anti-dumping investigation on Solar Cells from China PR, Malaysia, USA & Taiwan.
- Advised and represented clients from Kenya and India in anti-dumping investigation on imports of Soda Ash.
- Advised and represented a client from Japan in Anti-Dumping Investigation concerning imports of R-134a from China PR & Japan.
- Advised White & Case, Washington DC & Geneva office for a client from Saudi Arabia in Anti-Dumping investigation concerning imports of Polypropylene originating in or exported from Saudi Arabia, Oman & Singapore.
- Advised and represented a client from Israel in Review Investigation on extension of Safeguard Duties concerning imports of Pthalic Anhydride.
- Advised and represented a client from Israel in Safeguard Investigation concerning imports of Pthalic Anhydride.
- Advised and represented a client from Israel in Anti-Dumping Investigation concerning imports of Pthalic Anhydride from Israel, Korea, Chinese Taipei & Taiwan.
- Represented a client in the Safeguards investigation on imports of Coated and Uncoated Papers.
- Advised certain Companies from Korea in relation to possible anti-dumping investigations on Gap Conductor and Spandex Yarn.
- Advised a client from Saudi Arabia and from Dubai in the anti-dumping Investigation concerning Imports of Polypropylene into India from Saudi Arabia and Oman the Designated Authority. There is no duty on exports of Polypropylene originating from Saudi Arabia.
- Advised and represented a client from China in Anti-Dumping Investigation concerning imports of Morpholine from China P.R., EU & USA.
- Assisted White & Case, Tokyo with regards to research on WTO Plus provisions on anti-dumping with regards to certain Free Trade Agreements entered by India.
- Advised White & Case, Washington DC & Geneva office for a Saudi Arabian Client in Anti-Dumping investigation concerning imports of Pentaerythritol originating in or exported from Saudi Arabia.



Shardul Amarchand Mangaldas

A DECADE YOUNG, A CENTURY STRONG

- Advised White & Case, Washington DC & Miami office for a Mexican Client in Anti-Dumping investigation concerning imports of PVC originating in or exported from Mexico & EU.
- Advised and represented client from Korea in Anti-Dumping Investigation concerning imports of Polypropylene from Korea, US & Taiwan.
- Advised and represented an Organization consisting of major petro chemical manufacturers from Korea in Anti-Dumping Investigation concerning imports of Polypropylene from Korea, US & Taiwan.
- Advised and represented a client from China in Anti-Dumping Investigation concerning imports of Seamless Iron and Steel Pipes to India from China PR.
- Advised and represented clients from China and Singapore in Anti-Dumping Investigation concerning imports of Seamless Iron and Steel Pipes to India from China PR.
- Advised a client from Saudi Arabia in Anti-Dumping investigation concerning imports of Polypropylene originating in or exported from Saudi Arabia, Oman and Singapore.
- Advised a client from Singapore in Anti-Dumping investigation concerning imports of Polypropylene originating in or exported from Singapore.
- Advised clients from China and India in an Anti-Dumping investigation concerning imports of SDH Transmission Equipment from China PR and Israel.
- Represented a client from Korea with respect to anti-dumping investigation concerning the import of cathode ray tubes into India from Korea and Indonesia.
- Represented clients from Japan, USA and India with respect to anti-dumping investigation concerning imports of Mica Pearl pigment from China, Japan, USA and EU.
- Represented a client from New Zealand in Anti-Dumping investigation concerning import of anhydrous milk fat / butter oil from New Zealand.
- Represented clients from USA, Singapore and Hong Kong in anti-dumping investigations concerning the import of Iso-propyle Alcohol.
- Represented a client from Thailand in respect of Fully Drawn Yarn forming the subject of investigation into the imports from China, Thailand and Vietnam.
- Represented clients in various other investigations before the Designated Authority, including:
  - BASF, Vitamin C imports into India (EU)
  - Bayer AG for Catalysts and enzymes (EU)
  - Cold Rolled Stainless Steel Coils (EU)
  - Lead Acid Batteries (China)
  - Potassium Permanganate (China)
  - Isobutyle Benzene (China-Review)
  - Graphite Electrodes (China, Germany, USA, Austria, France, Italy, Spain & Belgium)



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- Fully Drawn Yarn (China, Thailand and Vietnam)
  - Citric Acid (China)
  - NBR (Japan)
  - NBR (Review-Japan)
  - EPDM Rubber (Japan)
  - PTA (Korea, Thailand & Indonesia)
  - Newsprint (USA, Canada, Russia)
  - Acrylic fibre (USA)
  - Synthetic Rubber –SBR (USA, France, Turkey and EU Countries)
  - Hydroxyl Amine Sulphate (USA)
  - Low Carbon Ferric Chrome (Russia & Kazakhstan-Provisional)
- Represented a client from Germany in anti-dumping investigation concerning imports of Vitamin C into India.
- Advised a client from India (domestic industry) in Anti-dumping investigation concerning imports of Batteries from Bangladesh.
- Advised a client from India (domestic industry) in anti-dumping investigation concerning import of Soda Ash.
- Advised clients from India (domestic industry) in initiation of Anti-Dumping investigation concerning imports of hot rolled coils of Steel from Venezuela, South Africa, UK, USA, Thailand etc.
- Represented a company from India with regard to Anti-Dumping investigation concerning imports of Hot-Rolled Coils.
- Represented various clients from India with regard to imposition of Anti-Dumping against the import of fused magnesia from China.
- Advised and represented several clients in Appeals against Final Findings rendered by Designated Authority in Anti-Dumping Investigations before the CEGAT, High Court and the Supreme Court of India.

#### **Debt Recovery Practice**

- Represented a leading financial institution in India and several other Bank across the country regarding disputes on loan agreements and debt recoveries.
- Represented certain financial institutions in various litigations challenging Daewoo Motors India Limited and its parent company Daewoo Corporation Korea.

#### **Paper Presentation and Conferences**

- Custom Clearance Practice in India: Changes and Observations, Seoul, South Korea - March 09, 2012.
- Impact of Anti-Dumping Duties on USA & EU, Shanghai, China – February 28, 2012







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A DECADE YOUNG, A CENTURY STRONG

- Lex Mundi Seminars in Beijing, Shanghai and Seoul [2010-2012]

