



Shardul Amarchand Mangaldas



Prateek Gupta

Partner

Dispute Resolution

Prateek Gupta has graduated from the West Bengal National University of Juridical Sciences (NUJS), Kolkata, in 2016 and has been an Advocate on Record before the Supreme Court of India since 2023.

Prateek is a seasoned litigator who has handled high-impact cases across telecom, oil and gas, power, coal, infrastructure, financial services, insolvency and banking amongst other issues.

He represents private, Indian and international companies and government entities in disputes before leading courts and tribunals. These include the Supreme Court of India, the Delhi High Court, the Telecom Disputes Settlement and Appellate Tribunal (TDSAT), the National Company Law Appellate Tribunal (NCLAT), the National Company Law Tribunal (NCLT), the Appellate Tribunal for Electricity (APTEL), the Central and State Electricity Regulatory Commissions, the Petroleum and Natural Gas Regulatory Board (PNGRB), and arbitration tribunals chaired by retired Supreme Court and High Court judges.

Select Experience Statement

Telecom

- Defended a conglomerate before TDSAT against an INR 1,500 Crore licence fee demand from the Department of Telecommunications.
- Managed multiple pan-India consumer and regulatory disputes for a DTH operator.
- Represented a telecommunications company before TDSAT and the Supreme Court, challenging the INR 3000 Crore One Time Spectrum Charge.
- Represented a telecommunications company before TDSAT and the Supreme Court, challenging the Guidelines for trading of access spectrum by telecom service providers.
- Represented multiple telecommunications companies before TDSAT, challenging demand notices for licence fees and spectrum usage charges.
- Represented telecommunications companies before TDSAT, challenging a show-cause notice seeking revocation of a UASL licence and spectrum.
- Representing telecommunications companies before TDSAT, challenging penalties for alleged breaches of roll-out obligations.

Location

- Delhi

Education

- B.A. L.L.B. (Hons) from National University of Juridical Sciences, Kolkata

Practices

- Dispute Resolution

Professional Membership

- Supreme Court Advocate on Record Association
- Supreme Court Bar Association
- Bar Council of Delhi





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- Represented a telecommunications company before TDSAT and the Supreme Court to recover money from the Department of Telecommunications after excess encashment of bank guarantees.
- Represented multiple telecommunications companies before TDSAT, challenging the invocation of bank guarantees following their admission to insolvency proceedings.
- Advised an ISP licensee and a VSAT licensee on the impact of the Supreme Court's AGR judgment.

Power / Energy & Infrastructure

- Represented an independent power producer before the Central Electricity Regulatory Commission, seeking relief based on force majeure.
- Represented an independent power producer before the Supreme Court of India in disputes over the jurisdiction of the Central and State Electricity Regulatory Commissions following Andhra Pradesh's bifurcation into Telangana and Andhra Pradesh.
- Represented a captive power generator before APTEL, claiming compensation for supplying power under Section 11 directives.
- Represented a hydropower producer before CERC against a petition that sought to amend an implementation agreement and avoid a commitment to develop an interstate transmission system.
- Represented a wind power producer before the Gujarat Electricity Regulatory Commission to secure execution of a power purchase agreement.
- Represented a thermal power producer seeking more time to draw start-up power and inject infirm power for commissioning tests.
- Represented a power producer seeking recognition as a captive power producer.
- Represented an independent power producer before the Rajasthan Electricity Regulatory Commission to recover outstanding tariff payments from Rajasthan distribution companies.
- Represented a thermal power generator before the Punjab State Electricity Regulatory Commission on change-in-law claims under a power purchase agreement.
- Represented a thermal power producer challenging a State Load Despatch Centre penalty for misdeclaration.

Arbitration

- Representing an international oil and natural gas pipe-coating company in a cross-border shareholders' dispute in an international commercial arbitration seated in London.
- Represented an NBFC in a domestic arbitration against a stock-broking agency over loans made against illegally pledged securities.





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- Represented a global company in an arbitration over a Multi Annual Agreement to supply wind turbine generators to an independent power producer.
- Represented an independent power producer in an arbitration over a Gas Transmission Agreement.
- Represented a construction company in an arbitration over a subcontract to develop transmission lines.
- Represented a telecommunications company in an arbitration over disputes under a Master Service Agreement.
- Represented a construction company developing highways in India before the Delhi High Court and the Supreme Court, challenging an arbitral award.
- Represented a foreign company and its Indian sister company before the Delhi High Court in a Section 9 petition challenging a public sector undertaking's invocation of bank guarantees.
- Represented landowners in an arbitration with the builders for delay in handover of the property.

Banking, Financial Services

- Represented a bank before the Supreme Court of India against a Bombay High Court judgment striking down the write-down of AT-1 Bonds worth INR 8,415 crore under the bank's reconstruction scheme mandated by the Reserve Bank of India and the Government of India.
- Represented an international bank before the Supreme Court of India against Madras High Court judgment directing revaluation of the bank prior to amalgamation to determine the compensation to be paid to the shareholders of the erstwhile bank.
- Represented an NBFC before the Supreme Court of India in a civil appeal challenging a Securities Appellate Tribunal order directing SEBI, NSDL and NSE to restore a pledge in favour of the banks or provide equivalent relief.
- Representing a bank before the Delhi High Court regarding the liquidation of fixed deposits worth INR 800 Crores.

Insolvency and Company Law Matters

- Represented a telecommunications company in insolvency proceedings before NCLAT and the Supreme Court.
- Represented directors of a commodity exchange before NCLAT in an appeal against an order finding them not fit and proper.
- Represented a telecommunications company before NCLAT over minority shareholders' allegations of oppression and mismanagement.
- Advising and representing the Resolution Professional in the corporate insolvency resolution processes of Reliance Communications Limited, Reliance Telecom Limited,





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Reliance Infratel Limited and Reliance Communication Infrastructure Limited, including AGR dues and spectrum-related litigation before the Supreme Court.

- Advising and representing the Resolution Professional in the corporate insolvency resolution processes of Aircel Limited, Aircel Cellular Limited and Dishnet Wireless Limited, including AGR dues and spectrum-related litigation before the Supreme Court.
- Represented the resolution professional before the Supreme Court, NCLAT and NCLT in applications seeking directions against operational creditors to keep the company operating during the insolvency resolution process.
- Defended an association before the Competition Commission of India against cartelisation allegations.

Other Regulatory & Commercial

- Representing an oil and natural gas company before the Petroleum and Natural Gas Regulatory Board (PNGRB) regarding alleged violations of exclusivity agreements to supply LNG in Gujarat.
- Represented a Mumbai-based exporter and supplier of petrochemical raw materials in an insolvency dispute arising from sanctions imposed by the US Office of Foreign Assets Control (OFAC).
- Represented an online marketplace before the NCLAT and Supreme Court against allegations of anti-competitive practices and predatory pricing under the Competition Act, 2002.
- Represented an Indian industrialist in contempt proceedings before the Supreme Court.
- Represented district court judges before the Supreme Court, challenging their appointments.
- Represented a boutique hotel in Rajasthan before the Supreme Court, challenging a notification issued by the Ministry of Environment, Forest and Climate Change.
- Represented a Mumbai housing society before the Director General of Civil Aviation.
- Represented parties before the Supreme Court in transfer petitions and appeals involving matrimonial and custody proceedings.
- Prepared a licence agreement for a joint venture to acquire technology from a Swedish company.
- Prepared and negotiated a hotel operations agreement for a hotel owner planning to transfer operations to a specialised hotel operator.
- Represented a Deputy Commissioner of Income Tax before the Supreme Court, challenging the denial of promotion and related benefits.
- Represented a TV and movie producer before the Supreme Court of India, challenging a judgment of the Madhya Pradesh High Court concerning charges under Sections 294, 298, and 34 of the IPC, Sections 67 and 67-A of the Information Technology (IT) Act, and Section 3 of the State Emblem Act.