



*ADVOCATES & SOLICITORS*

## THE FIRM

animesh sinha & partners (asp) is a multi disciplinary law firm located from Delhi and works with associate lawyers in most cities in India. The team at asp comprises lawyers who have worked in multiple jurisdictions and previously trained in top law firms. The team is well accustomed with the work culture of international law firms and has extensive experience handling work for large corporate clients.

We at asp strongly believe in identifying with the client to tailor our services to serve the objective and interests of the client. We are proud to identify ourselves as a team of lawyers with strong belief in easy accessibility for clients, prompt assignment delivery and availability for advice even after completion of assignments.

The emphasis on quality, detailing and clarity is at the core of our belief and we strive to achieve it at all times.

## PRACTISE AREA OFFERINGS

ARBITRATION  
BANKING  
COMPETITION  
CONSTRUCTION  
CONSUMER  
CONTRACTS  
CORPORATE & COMMERCIAL  
DISPUTE RESOLUTION  
EMPLOYMENT  
ENTITY FORMATION & VENTURES  
ENVIRONMENT  
HOSPITALITY  
INFRASTRUCTURE  
INSURANCE  
INTELLECTUAL PROPERTY  
MEDIA  
MEDICAL  
PERSONAL LAWS  
PROPERTY  
TECHNOLOGY

## DISCLAIMER

*Due to Bar Council of India Regulations, details of specific work carried out by the firm and the list of representative clients have not been provided in this Profile. The same can be furnished upon request.*

## — ARBITRATION |

### Our Practise

We have extensive experience with arbitration; both ad-hoc and institutional. We have successfully represented several high profile clients in complex arbitrations before retired Supreme Court and High Court judges. We have made provision for arbitration in several contracts operating in various sectors and between different categories of clients. We have successfully defended litigations in courts getting them directed to be resolved through arbitrations. We have also successfully challenged appointment of arbitrators and arbitration panels. We are known for well drafted claims and defences, in-depth understanding of the concerned industry, good presentation skills and ability to work with fixed hearing schedules.

### Work highlights

- We have successfully represented India's leading construction company in a highly complex arbitration of over 200 crore against an Italian multi-national corporation.
- We have successfully represented India's leading thermal power company in several high valued arbitrations.
- We have represented clients' in the landmark decision of Bharat Aluminium Co. Ltd. v. Kaiser Aluminium Technical Service Inc. (2012) 9 SCC 649 before the Supreme Court of India.
- We have successfully defended several litigations before Courts in India wherein the Courts directed the disputes to be referred to arbitration.
- We have extensive experience in tailoring arbitration clauses for different contracts operating in a wide range of sectors from technology, finance, infrastructure and construction to insurance.

## — BANKING |

### Our Practise

We have extensive experience working with the banking industry. We have been involved in high-stake litigations involving banks representing banking institutions as well as customers. Our team has experience litigating in various banking related forums including appellate matters in the High Court and Supreme Court of India. We have successfully represented bank guarantee related claims for both banks and guarantors. We have extensive experience in drafting and preparing agreements relating to the banking sector as well as conducting search reports on high-value transactions. We are known for diligently and doggedly pursuing litigation matters and for preparing high-quality agreements.

### Work highlights

- We have successfully represented a national bank in the Supreme Court of India in the Harshad Mehta bank fraud case.
- We have successfully represented a guarantor company from the construction industry to preserve its bank guarantee in a suit before the Delhi High Court.
- We have successfully represented directors in insolvency claims before the Debt Recovery Tribunals in Delhi.
- We have prepared a due diligence report on behalf of a national bank on a transaction relating to a popular hospitality group.
- We have extensive experience of drafting different transactional agreements for the banking industry.

## CONSUMER |

### Our Practise

We have extensive experience with consumer laws in India. Our team is regularly representing a wide range of clients before different Forums, Commissions and Courts in India. We have successfully pursued several claims on behalf of consumers getting compensation and others benefits awarded to them. We have also successfully defended consumer complaints for a diverse range of companies. We have extensive experience in dealing with interim orders and execution proceedings. We are known for in-depth understanding of the subject and workings of different authorities under the Consumer Protection Act, 1986 and are diligent with pursuing claims or defences before the authorities.

### Work highlights

- We are on retainer by several public sector companies defending consumer complaints before different authorities.
- We have successfully represented insurance companies in complex and high stake disputes before the consumer authorities.
- We have successfully represented several consumers in deficiency of service claims in the infrastructure and the construction sector.
- We have successfully represented several consumers in deficiency of service claims in the hospitality and medical sectors.
- We have extensive experience in advising and preparing agreements for clients in the consumer industry.

## CONTRACTS |

### Our Practise

We have extensive experience with preparation and vetting of contracts. We have assisted clients in drafting, review, negotiation and execution of diverse range of contracts. At ASP we understand the challenge of keeping contracts comprehensible for industry persons and practical for signing of deals, trying to preclude any litigation arising from the contract and assisting in enforceability of the contracts. We value that every contract stands on its own foundations and is unique to the deal in question. At ASP we strongly believe in custom tailoring of contracts. We are known for good turn-around time, clear wordings, detailing and availability for interpretational and negotiation related challenges.

### Work highlights

- We are on retainer with several clients for contract preparation and have extensive experience of drafting diverse contracts dealing with marketing, human resource management, operations and expansion issues.
- We have drafted several joint ventures, amalgamation and mergers, shareholders agreements and other agreements for clients in different sectors ranging from energy, construction, medical, hospitality to technology.
- We have prepared structuring agreements for several entities at different stages of their development and growth.
- We specialise in contracts pertaining to the infrastructure and construction sector and have dealt with FIDIC contracts, supply and procurement agreements, consultancy agreements etc.
- We have also prepared contracts and assisted in negotiation of contracts with governments, governmental authorities and entities and public sector undertakings.

## — CORPORATE AND COMMERCIAL |

### Our Practise

We have been retained for legal advice and transactions on commercial law by companies ranging from energy sector, construction sector, insurance sector, media industry, technological industry, medical services to hospitality services. We have considerable experience preparing and negotiating contracts ranging from shareholder and investment agreements, joint ventures, software license agreements, franchise agreements, construction contracts to employment agreements. We have dealt with regulatory challenges and advised clients on complex and inter-departmental regulatory laws in India. At asp we have closely worked with clients on entity formation, management of statutory compliances, investments and business collaborations. We have extensive experience of product development work for the insurance industry. We are known for our comprehensiveness, indepth industry knowledge, strengths of contract drafting and ability to adhere to deadlines.

### Work highlights

- We have advised and assisted several companies on entity formation, management of statutory compliances, investments and business collaborations.
- We have prepared a detailed report and product review on the effect and consequences of Directors and Officers Liability Insurance policy in India.
- We have advised and assisted in the structuring of a tourism company and prepared all documentation and agreements for it.
- We have advised and assisted in the structuring of a hospital group and prepared all documentation and agreements for it.
- We have advised and assisted in the structuring of a joint venture between an Indian company and a Dubai based company in the IT sector.



## DISPUTE RESOLUTION

### Our Practise

We have a strong practise in dispute resolution being able to cover Courts and Tribunals all over India through our associated network of lawyers. We have a strong presence in National Capital Region of India wherein we represent clients on a daily basis. Our team has extensively trained and gained experience in the Supreme Court of India, Delhi High Court and other Courts and Tribunals in the National Capital Region. Our clients' include large corporate houses, companies, MSMEs and individual persons. We also regularly engage senior counsels in cases requiring their experience and expertise. We are known for fixed lump sum billing, heavy emphasis on exhaustive research and good drafting, regular and particular in appearing on Court dates and pragmatic solutions.

### Work highlights

#### ▸ SUPREME COURT

- Tata-Singur case (Land Acquisition).
- BALCO case (Arbitration).
- T.N.Godavarman case (Forest conservation).
- Bombay Steel Re-roller (Labour law).

#### ▸ HIGH COURTS

- Defended complex taxation charge on a popular restaurant chain at Delhi.
- Successfully argued for a standard test on Lok Adalat settlements for public sector insurance companies at Chandigarh.
- Defended termination of errant labourers for a paper company at Delhi.
- Arguing writ against State of Uttar Pradesh for farmers against acquisition of agricultural land at Allahabad.

#### ▸ TRIBUNALS

- Argued a 'general average loss-marine claim' for a public insurance company before the National Consumer Disputes Redressal Forum at Delhi.
- Defended a high profile litigation for a 5-star rated hotel group from Mumbai before the Company Law Board.

#### ▸ DISTRICT COURTS

- Successfully argued for a premier construction company on breach of several supply contracts by a supplier at Delhi District Court at Tis Hazari.
- Successfully argued a recovery of money dispute for a leading third party administrator within the insurance sector.





## ENTREPRENEURS AND START-UPS |

### Our Practise

We have extensive experience with entrepreneurs and start-ups. We have advised clients' on end to end solutions including their business ideas, advising them on sector knowledge, structuring the team and entity, preparing agreements, dealing with VCs and other sources of finance, expansion, sale and dispute resolution. At ASP we have dealt with entrepreneurs and start-ups from a diverse range of sectors from banking, agriculture, technology, jewellery, restaurants, tourism, hospitality and the medical sector. We are known for easy accessibility on queries, flexible billing models, cost effective solutions and experience of working with entrepreneurs.

### Work highlights

- We are on retainer with several start-ups and MSMEs from a diverse range of sectors from banking, agriculture, technology, jewellery, restaurants, tourism, hospitality and the medical sector.
- We have advised, structured and prepared documentation for a well known company from the tourism sector from the start-up stage.
- We have advised and prepared documentation for a well known company from the tourism sector from the start-up stage.
- We have advised, structured and prepared documentation for several technology companies from the start-up stage.
- We have advised, structured and prepared documentation for several companies in the hospitality sector from the start-up stage.



## EMPLOYMENT |

### Our Practise

We have extensive experience with employment issues in India. We are on retainer with clients from diverse sectors and provide advisory, contract preparation and litigation based services. We advise on a range of issues from benefit options, hiring and termination, company HR policy, recovery of outstanding dues, disciplinary issues etc. We have also worked extensively on complex boardroom and partnership disputes, advising and executing solutions on hiring and resignation of key executive and other team members and dealt with issues of attrition and poaching of employees. Our pan India network helps us meet the challenge of employment law in India being spread over several legislations and policies. We are known for easy accessibility on queries, practical and sound advice, post agreement interpretations and explanations and court litigation.

### Work highlights

- ✦ We have advised clients on senior management contracts.
- ✦ We have successfully represented clients' where employees have left the services without handing over confidential company data or clearing outstanding dues
- ✦ We have advised clients on enforceability of non-compete clauses, non-disclosure clauses and resignation without notice clauses.
- ✦ We have advised clients on diverse issues relating to employees stock option, employees provident fund, disciplinary proceedings and principle-agent liability etc.
- ✦ We have prepared employment agreements and handbooks for a diverse range of sectors from insurance, hospitality, technology to construction and advised clients' to be in compliance with Indian policies.

## INFRASTRUCTURE AND CONSTRUCTION |

### Our Practise

We have a strong practise in the infrastructure sector with particular experience in the sectors of construction, energy, real estate and hospitals. We have experience of providing legal services from the concept to delivery stage. We conduct due diligence reviews; advise and assist on investment, land acquisition, permits and clearances, sale and purchase, procurement strategies, dealing with third parties; preparing engineering and construction contracts and associated documentation; advise on regulatory issues; and provide dispute resolution services. We advise clients from both the public and private sectors. We are known for our comprehensiveness, strategy, strengths of contract drafting and court litigation.

### Work highlights

- We have advised and assisted a well known energy company from the tender stage to implementation of the project.
- We have advised a premier construction company in India on its FIDIC contract and successfully represented them in arbitration proceedings against the Italian purchasee of the cement plant.
- We are on retainer with a well known engineering and construction company of India and regularly prepare contracts for them and represent them in Court litigations.
- We have successfully represented infrastructure companies in litigations arising from investment disputes, insurance claims, consumer litigation, bank guarantee claims amongst other related disputes.
- We are on retainer with a well known hospital group from Jharkhand providing end to end solutions including advising and assisting them on their legal requirements for the infrastructure sector.



## INSURANCE |

### Our Practise

We have extensive experience working with the insurance industry. We have amongst our client's insurance companies – public sector and private, brokers, third parties, surveyors and other insurance consultants. We specialise in providing services to the non-life sector, having represented them in court litigation and arbitrations in the gamut of portfolios ranging from marine, fire, motor, financial products and liability policies. We have also advised and provided consultancy services on product development, foreign market, review of policy clauses and claims. We regularly engage with the insurance sector and this is one of our core practise areas. We are known for in-depth understanding of the concerned industry, clear and detailed opinions and reports, strength of civil litigation (including consumer) and commitment to develop specialised services for the insurance sector.

### Work highlights

- We are on retainer by several insurance companies – public sector and private, and we represent them in courts, tribunals and arbitrations on a daily basis.
- We prepared comprehensive opinion on the Directors and Officers Liability Policy analysing the product and its clauses with different laws, directives and policies in India.
- We have successfully represented companies in defending complex marine claims, fire claims, financial claims, liability claims amongst other categories of claims.
- We have successfully represented a consumer complaint against one of the premier life insurance companies on behalf of a very senior official from a top company in India.
- We have represented the insurance industry to develop a standard test on Lok Adalat settlements before the Punjab and Haryana High Court at Chandigarh.



## INTELLECTUAL PROPERTY RIGHTS |

### Our Practise

We have extensive experience of dealing with intellectual property laws in India. We regularly advise companies on pre-litigation measures to safeguard intellectual property. We have also successfully represented various companies to protect their intellectual property rights. We have partnered with a patent attorney enabling us to provide end-to-end solutions for companies and individuals to its patents related services. We also have experience of dealing with different authorities involved in with intellectual property rights. We are well-known for industry knowledge, flexible billing models and ease of accessibility.

### Work highlights

- We have successfully represented a popular restaurant chain in Delhi in a litigation before the Delhi High Court to protect its trademark rights.
- We have worked with several companies from the technology sector towards patenting of their applications.
- We have successfully pursued a copyright claim on behalf of an author.
- We have successfully completed several assignments regarding registration of trademarks of companies ranging from the food and beverages sector to the technology industry.

## — MEDIA AND TECHNOLOGY |

### Our Practise

We have worked with several companies from the media and technology sector on a range of issues including entity formation, advisory services to litigation-based services. We have experience of working with established media houses as well as start-up technology companies. We have successfully defended media companies in defamation claims and intermediary liability claims. At ASP we have dealt with companies in the technology sector ranging from software companies, security system, entertainment audio systems, utility equipments in the construction sector to tourism companies. We are well-known for industry knowledge, flexible billing models, cost effective solutions and experience of working with entrepreneurs.

### Work highlights

- We have successfully defended an internet media company in a high-stakes litigation filed against it by a leading soft beverage company.
- We have structured and prepared agreements for a medical tourism company conducting e-commerce transactions.
- We have extensive experience of preparing agreements relating to the technology sector and we regularly service our clients in this regard.
- We have successfully pursued data theft claims for retainer clients and regularly advise clients on the Information Technology Act, 2000.



## PERSONAL LAWS AND PROPERTY |

### Our Practise

We have extensive experience of dealing with property related disputes and disputes pertaining to personal laws. We have prepared several wills, gift deeds, tenancy agreements and other related documents and provide legal services regarding registration and mutation of property. We also litigate property claims on behalf of clients. We have also successfully represented clients in matters relating to divorce, maintenance, custody, guardianship etc. We are known for easy, simple and pragmatic solutions and litigation-based support.

### Work highlights

- ✦ We have successfully represented clients in a complex property litigation involving division of property worth over 500 crores.
- ✦ We are pursuing a case of partition of property on behalf of some family members who own a popular restaurant chain in Delhi.
- ✦ We have advised and prepared wills and other deeds for several clients.
- ✦ We have been involved in a landmark case on custody and maintenance before the Supreme Court of India.
- ✦ We have experience of representing clients in divorce petitions; consent-based and through adversarial litigation.

## INITIATIVES |

*At animesh sinha and partners we firmly believe that our contributions must span beyond the contours of our practice areas. This is why we regularly engage with academic institutions, participate in conferences and other knowledge sharing programs.*

### Conference

Considering our participation with the infrastructure and construction industry we felt the need for an event where different actors connected with the industry could participate and share ideas. Accordingly we organised a conference on the construction and real estate sector in the years 2010 and 2011 with participation from senior lawyers, lawyers from foreign jurisdictions, industry experts, esteemed judges, experts from other related industries and consumers. The brief details of the conference are as follows:

- 1st conference on Legal Risks in Real Estate and Construction Sector, India and Internationally 2010 organised at National Law University, Delhi. [The team was then working under the umbrella of Accendo Law Partners.]
- 2nd conference on Legal Risks in Real Estate and Construction Sector, India and Internationally 2011 organised at Russian Centre, Delhi. [The team was then working under the umbrella of Advani & co.]
- Mr Animesh Sinha participated and presented a paper on Remote Sensing Satellites: Legal Issues in Emerging Technology at the International Conference on Current Developments in Air and Space Law organised by the National University, Delhi.



## INITIATIVES |

### Teaching

We firmly believe active participation in teaching programs not only benefit the students but also the instructors. Through our participation in various teaching programs we have been able to stay in touch with the latest academic developments. The teaching assignments also provide an opportunity to assess assignments with fresh perspective. Keeping in view these advantages we have been involved in the following teaching programs:

#### ▸ Oriental Insurance Co. Ltd. Staff Training College

Taught courses to executive level officers on Legal Aspects of Insurance and Evolution on the Concept of Insurance (January 2013), Legal Aspects of Insurance (April 2013) and Liability under Law of Torts and related Insurance Products and Liability under Company Law and related Insurance Products (June 2014)

#### ▸ National Law University, Delhi

Taught special courses titled Decoding Civil Litigation System in India (Autumn 2011 & Spring 2012), Legal Drafting (Autumn 2012 & Spring 2013), and Dealing with Contracts (Spring 2013 & Autumn 2013).

#### ▸ Amity Law School, Delhi

Taught courses (visiting lecture) on Law of Outer Space (2009), Law of Income Tax (2010), and Law of Insurance (2010).

## INITIATIVES |

### Moot Courts

We also regularly participate in moot court competitions across the country. Our participation is not limited to judging events but we also endeavour to provide academic inputs by drafting moot court problems, conducting workshops and writing on the subject. We regularly participate in the following mooting competitions:

Regularly invited to judge moot various court competitions, including, **Philip C. Jessup Moot**; **Oxford-Price Media Moot**; **Bar Council of India Moot**; **IICLAM Moot**; **Gujarat National Law University International Trade Law Moot**; **K.K. Luthra Memorial Moot**; **UKCL Corporate Moot Court**; **Sarin & Sarin Air and Space Law Moot**; **Amity National Moot**; **FDI International Arbitration Moot Court**; and **Damodaram Sanjivayya National University Competition Law Moot Court**.



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