



Anushka Sharda

Partner

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Practice:

Dispute Resolution

Education:

B.S.L., LL.B., ILS, Pune
(2009)

Diploma in Internet and
Cyber Laws, Asian School of
Cyber laws

Diploma in Intellectual
Property Law, Asian School
of Cyber laws

Professional Affiliation:

Bar Council of Maharashtra
& Goa

Anushka Sharda is a Partner in the Dispute Resolution practice group of the Firm.

Anushka specialises in a variety of commercial and contractual disputes. She has represented clients in disputes pertaining to corporate and commercial transactions, data privacy, intermediary liabilities, shareholders agreements, government contracts/tenders, government policy, debt recovery, construction contracts and environment law.

Anushka regularly advises on cross border litigations and multi- jurisdictional disputes. Her forte is representing clients in arbitrations, enforcement proceedings and tech disputes. She has led and appeared in arbitrations administered under the rules of SIAC, LCIA, ICC, MCIA as well as ad-hoc arbitrations. Anushka also regularly appears before Supreme Court of India, State High Courts, National Company Law Tribunal and Consumer Commission.

Anushka represents and advises tech majors including social media platforms, search engines, ITES companies across the world on disputes and issues related to intermediary liability, content moderation, termination of user accounts, data requests, data privacy, electronic signatures, web-scraping etc.

Representative Matters

In her areas of expertise, Anusha has represented and advised prominent clients which include:

Technology Sector

- A **US based tech major, Microsoft Corporation**, in disputes and issues involving intermediary liabilities, software licensing agreements, government contracts and enforcement of a foreign award;

- A **Social Media Intermediary, Telegram FZ LLC**, in issues and litigation arising out of content moderation and data requests;
- A **US based video communications platform, Zoom Video Communications**, on data requests, intermediary obligations, e-commerce rules and potential consumer disputes;
- A **cloud-based communications enterprise, Ring Central**, in litigation involving data requests pertaining to an Indian entity;
- A **French carpooling aggregator, Comuto SA (BlaBlaCar)** in petitions filed in India to ban car-pooling platforms; and
- An **Indian tech major** in disputes arising in connection with implementation of a Tech Project on behalf of the Government at a nationwide level for processing filings made with the Government.

Arbitration

- A **US based helicopter manufacturer, Bell Helicopter Textron Inc**, in an international commercial arbitration pertaining to sale of helicopters to an Indian PSU and invocation of bank guarantees;
- A **Japanese company, Riken Corporation**, in disputes with its Indian joint venture partner before various fora including National Company Law Tribunal, arbitration and Delhi High Court;
- A **power generator** whose majority shareholding is held by the United Arab Emirates government, TAQA Neyveli Power Company Private Limited, in its disputes against the Indian fuel supplier in relation a claim for liquidated damages;
- A **Swiss company, Europaische Holding Intercito GMBH**, in resisting an anti-arbitration injunction suit and in enforcement and execution of a foreign award delivered in arbitration proceedings administered under ICC Rules;
- A **French company** in an ad hoc international arbitration to defend damages claimed by its Indian joint venture partner for alleged breach of the shareholders agreement; and
- A **PE Fund** in an international commercial arbitration conducted under London Court of International Arbitration Rules concerning a dispute with respect to the exit of one of the joint venture shareholders from the joint venture company.

Litigation

- Government Companies like **Indian Oil Corporation Limited, IRCON and Steel Authority of India Limited** in disputes (including arbitrations and writ petitions) arising out of public tenders and government contracts;
- **Jindal India Thermal Power Limited** in a writ petition to challenge modification of tender conditions by the government post completion of bidding and restrain forfeiture of earnest money deposit;
- Multiple companies of **Zuari Group** in writ petitions challenging arbitrary rejection of subsidy claims;

- A **reputed Travel Agency** in a writ petition to challenge termination of concessionaire agreement by the government basis security inputs;
- Multiple clients including **Pfizer Inc.** in successfully getting closure notices issued by the Maharashtra Pollution Control Board quashed before the National Green tribunal; and
- **Standard Chartered Bank** in recovery proceedings and related litigation arising before Supreme Court.

Publications and Presentations:

- **"The way forward for digital media platforms in India"**, published by Money Control on 7 September 2021;
- **"Supreme Court orders an independent investigation into the Pegasus Spyware Attack"**, published by Lexology on 1 November 2021;
- Presented in several webinars conducted by USIBC on digital updates including on right to be forgotten in India, amendments to Intermediary Guidelines, Supreme Court's Judgment on Pegasus software;
- Video presentation of a case study of Cairn Energy v. Indian Government published by Mondaq;
- **"Interim orders in international commercial arbitrations – an Indian perspective"** published by Lexology;
- **"Pendency of challenge to an arbitral award - a bar to insolvency proceedings"** published by Lexology;
- **"Domain Name Registrars Could be Held Liable Under Trade Marks Act: Delhi High Court"** published by Lexology;
- **"Debt Enforcement And Relief In Times Of COVID-19: Recent Updates On Indian Court Orders"** published by Mondaq
- **"Rules Of The Game Cannot Be Changed Midway – High Court Holds That Tender Conditions Cannot Be Changed Once The Bidding Process Is Over"** published by Mondaq
- **"Supreme Court Reinforces Timelines Under RDB Act"** published by Mondaq;
- **"SC Declares 2015 Amendment Act To Be Prospective; Carves Out An Exception For Section 36"** published by Mondaq; and
- Interviewed by Live Mint on Intermediary Liability.