



# Arva Merchant

## Partner

Chennai

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### Practices:

Dispute Resolution  
Real Estate

### Education:

LL.M., University College  
London, London (2008)  
B.S.L., LL.B., ILS Law College,  
Pune (2007)  
Course in Insolvency and  
Bankruptcy Laws, Indian  
Institute of Corporate Affairs,  
Ministry of Corporate Affairs,  
Gurgaon (2019)

### Professional Affiliations:

Bar Council of Maharashtra &  
Goa  
Society of Construction Law,  
India

### Sectors:

Healthcare  
Electricals  
Water  
Automobiles  
Manufacturing  
Real Estate  
Infrastructure  
Power  
Telecommunication  
Information Technology  
Heavy Equipment  
Renewable Energy  
Trusts

Arva Merchant is a Partner in the Dispute Resolution and Real Estate practices. Her practice focusses on commercial and civil litigation and arbitration. She also advises clients on real estate aspects in transactions and conducts due diligence during acquisition.

Arva works on cases of national import, appearing before the Supreme Court of India. She appears before the Supreme Court, High Court of Madras, arbitration tribunals, National Company Law Appellate Tribunal, National Company Law Tribunal and Real Estate Regulatory Authority.

She is also part of the Firm's voluntary initiative, ARISE - Diversity, Equity and Inclusion, working on rights of persons with disabilities and gender issues, and was instrumental in creation of the Firm's Handbook on Rights of Persons with Disabilities in collaboration with a connected NGO.

## Representative Matters

In her areas of expertise, Arva has advised and represented several prominent clients including:

### Dispute Resolution

- A **water solution company headquartered in USA and Singapore and its Indian subsidiary** on arbitrations and disputes concerning its projects in India;
- A **leading global French company manufacturing electrical meters** on a pre-dispute advisory and for assessment of potential claims for a pan-India infra project. The matter involved study of complex contractual documents and policies at French and India level;
- Successfully represented **Japanese multinational conglomerate operating in sectors of photography, medical care, imaging, optics, office equipment, electronics, biotechnology and chemicals**, on an expected arbitration claim and recovery of dues for goods supplied, and ultimately on client's amicable exit from a joint venture

relationship. Work involved detailed advisory on various litigation, procedural and substantive, aspects of arbitration law and its cross-section with Indian Civil Procedure Code and Company Law together with commercial strategy;

- **HTL International and its subsidiaries in India** on commercial and employment matters and recovery of claims and general advisory on aspects of commercial law;
- **A Japanese multinational group working producing air conditioners and purifiers**, on corporate and contractual claims involving high value civil commercial suits / arbitration and intricate questions on jurisdiction, international arbitration and technical regulations and company law;
- Successfully represented **Sojitz (Thailand) Company Limited** on recovery of contractual claim against an established manufacturer of auto parts for supply of goods;
- A **major telecommunications giant** on a labour matter before the Madras High Court involving questions on interpretation of law around status of protected workmen;
- An **American enterprise software company creating and working with software for management of subscription-based services provided to commercial undertakings**, in a potential dispute with its advisor before regulatory authorities;
- A **prominent charitable and religious trust**, before the Supreme Court in the Nine-Judge Bench's *Sabarimala* Review.
- A **Scandinavian leading bank headquartered in Finland**, in dispute relating to supply and financing of purchase of potassium involving questions of international trade law and international finance in a suit filed by the buyer;
- A **global technology and business process services company**, in a claim for recovery of dues in relation to an immovable property;
- A **gas engines manufacturer, based in Austria with operations in India**, on questions of compliance under the company law and remedies in case of defaults before the regulator;
- An **automobile / heavy vehicles manufacturer and its India facilities**, for disputes with its distributors and other commercial aspects;
- A **homegrown cement company**, holding rights over large extents of land for mining purposes on intricate and unprecedented interpretation of land acquisition laws and rights of owners of surface and mining leases;
- Successfully represented **Saregama India Limited** before the Madras High Court in a writ petition challenging provisions of Copyrights law;

- An **engineering business with worldwide operations, manufacturing industrial fans, compressors, steam turbines and other heavy equipment**, on various litigations against tax and revenue departments and / arbitration against purchasers for recovery of claims;
- A **Spanish manufacturer of wind energy generators, wind energy service and systems**, on strategic and legal advice for contractual disputes and arbitration claims against its vendors;
- A **leading renewable energy group and limb of a global investor**, on litigation connected to its power generating plant involving aspects of electricity law, land laws, environmental regulations and public interest;
- **Asian Paints Limited** in litigation related aspects during its acquisition of a paint and chemical manufacturing plant;
- **Aspee Agro Equipment Private Limited** on a claim for recovery of monies against an IT service provider;
- Successfully represented **Shaze Luxury Retail Private Limited** on a claim for recovery of security deposit in relation to a leased property before the Madras High Court and Arbitration Tribunal;
- **Essar Group** on a commercial arbitration against a contractor in an infrastructure project;
- Successfully represented **Batliboi & Co. Limited** on a domestic commercial arbitration against a Public Sector Undertaking; and
- **Alpha Industries Sdn Bhd (9196-P)**, Malaysia, on a cross border commercial dispute adjudicated in India.

### **Real Estate**

- **Sundaram Clayton Limited**, on due diligence of real estate and regularly advise on various legal issues concerning land laws in Tamil Nadu;
- **TVS Motors Limited**, on due diligence of real estate, various legal issues concerning land laws in Tamil Nadu;
- An **employee-owned global manufacturer headquartered in United Kingdom, of adhesives polymers, chemicals**, in establishing a unit in Tamil Nadu on land and building related aspects;
- **Emerald Haven Realty Limited, TVS Group**, on joint development of real estate projects, drafting / negotiating joint development agreements;
- **Reliance Consumer Products Limited**, on land and building related aspects in acquisition of businesses;

- **Crompton Greaves Consumer Electricals Limited**, on real estate matters in its acquisition of a majority stake in Butterfly Gandhimathi Appliances Limited;
- **HTL International, Singapore and its subsidiaries in India**, on commercial leasing, warehousing and overall real estate related advisory;
- **Tata Consumer Products Limited**, on treatment of immovable assets across several Indian states during its corporate restructuring;
- **Tata Communications Limited**, on several real estate aspects and transaction involving complex contractual and regulation related issues.
- **TRL Krosaki Refractories Limited**, on detailed advisory on sale of its assets and documentation;
- **Actis**, during its investment with **Mahindra Lifespaces Developers Limited** on diligence and documentation for land in Mahindra World City;
- **Hiranandani Group**, on its acquisition of real estate in Tamil Nadu;
- **Qualcomm India Private Limited**, on commercial / office leasing and connected aspects;
- **Purvankara**, for due diligence and documentation, during its proposed acquisition of land in Tamil Nadu;
- **EverYondr**, on due diligence and documentation, during its proposed acquisition of land in Tamil Nadu;
- **Blackstone Group**, on commercial leasing and drafting negotiating of lease deeds for their office spaces in Chennai;
- **Asian Paints Limited**, on real estate matters and due diligence in its proposed acquisition of a manufacturer in Tamil Nadu;
- **Scotts Sierra Investments LLC**, on real estate matters and due diligence in its proposed acquisition of a coir peat and fiber entity;
- **Torrent Power**, conducted due diligence on real estate assets of an energy company in the renewable power sector located across five Indian states; and
- **Birla Group**, on aspects of SIPCOT transactions and legal issues during the sale of its stake.

## Publications and Presentations:

Arva has authored the following contributions:

- **"Import of Board Resolutions in Corporate Dispute Resolution"** published by Lexology and Mondaq (April 2023);
- **"Unconscionable enrichment and right of restitution"** published by Lexology and Mondaq (November 2021);
- **"E-Bills of Lading the Smart Choice Going Forward?"** published by Legal Era (November 2021);
- **"Challenge under section 16 of the Arbitration and Conciliation Act 1996 - interim order or interim award?"** published by Lexology (September 2021); and
- **"Binding Nature of Letter of Intent - Dependent on Terms and Nature of Contract"** published by Lexology and Mondaq (August 2021).