



Jeevan Ballav Panda

Partner

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Practice/s

Dispute Resolution;
Employment, Labour &
Benefits

Education

BA LL.B. (Hons.) from
Hidayatullah National Law
University, Raipur, (2008)

Professional Affiliation/s

Empaneled as an Arbitrator
at the India International
Arbitration Centre (IIAC) and
Presolv360.

Member of Delhi High Court
Bar Association.

Member of Incorporated Law
Society of Calcutta, Calcutta
High Court

Life Member of Orissa High
Court Bar Association.

Member of National Green
Tribunal Bar Association
(Principal Bench), New Delhi.

Member of International Law
Association (Regional
Branch), New Delhi, India.

Bar Council of West Bengal
(2008)

Jeevan Ballav Panda is a Partner at Khaitan & Co, with over 18 years of experience spanning dispute resolution and employment and labour law. Based in the firm's Delhi NCR office, he advises and represents leading domestic and multinational clients in complex commercial disputes, arbitrations and contentious and advisory employment matters.

He represents leading domestic and multinational clients in complex civil, contractual and commercial disputes across sectors including railways, infrastructure, construction, power and energy, insurance, petroleum and hospitality. He regularly appears before courts, tribunals and arbitral forums, and advises clients on dispute strategy and high-stakes pre-litigation matters.

Jeevan has extensive experience advising on employment and labour matters, including industrial disputes and trade union issues, business transfers and closures, disciplinary proceedings, workplace sexual harassment matters, social security and regulatory compliance. He also advises on employment structuring and terminations, as well as the drafting and enforceability of restrictive covenants, including confidentiality, non-solicitation and non-compete provisions.

He is empanelled as an arbitrator with the India International Arbitration Centre (IIAC) and Presolv360 and has previously served as an arbitrator with the Delhi International Arbitration Centre (DIAC). He is also a regular speaker and contributor on developments in dispute resolution and employment and labour law.

REPRESENTATIVE MATTERS

In his areas of expertise, Jeevan has represented and advised clients on the following key matters:

Arbitration:

- **Siemens AG & Siemens Limited** before a 3-Member Arbitral Tribunal in two separate domestic seated adhoc international commercial arbitration against Delhi Airport Metro Express Private Limited (DAMEPL) on outstanding claims for work done under the Power Supply, Distribution Traction Electrification and Control (PST) and Signalling and Train Control Systems (SIG) Contract executed for the high-speed metro airport line from New Delhi Railway Station to Dwarka Sector 21 passing through the Indira Gandhi International Airport Terminal 3;

- **Siemens Limited** before a 3-member arbitral tribunal in a domestic seated adhoc arbitration against Paharpur Cooling Towers Limited in relation to disputes under a Contract for detail engineering civil works, supply and erection of three Natural Draught Cooling Towers on turnkey power project in Dahej, Gujarat;
- **Voestalpine Schienen GmbH (now known as Voestalpine Rail Technology GmbH)** before 3-member arbitral tribunals in two separate domestic seated adhoc international commercial arbitration against Delhi Metro Rail Corporation Limited in respect of Contracts for supply of Head Hardened Rails for Delhi Metro Phase III Project; and
- **GX Technology Corporation, USA (An ION Group Company)** before a 3-member arbitral tribunal in domestic seated adhoc international commercial arbitration against Directorate General of Hydrocarbons (DGH), Ministry of Petroleum and Natural Gas, Government of India in respect of disputes under Agreement to carry out Speculative Geophysical Survey in West Coast and East Coast of India.

Litigation

- **OYO Hotels and Homes Private Limited (OYO Hotels)** before the Supreme Court of India and National Company Law Appellate Tribunal (NCLAT), New Delhi in the appeal proceedings relating to insolvency admitted against OYO Hotels with multiple parties (other Hotel Partners and Federation of Hotels & Restaurants Association of India) proposing to intervene and opposing the setting aside of insolvency process;
- **MyPreferred Transformation and Hospitality Private Limited** before the Delhi High Court wherein, the Court held that place of arbitration was akin to the seat of arbitration and in the absence of any contrary indicia, the Delhi High Court will have the jurisdiction to appoint an Arbitrator notwithstanding an exclusive jurisdiction clause added by way of an addendum providing for Bangalore Courts to have exclusive jurisdiction. Judgment reported in **2021 SCC OnLine Del 1536**;
- **GX Technology Corporation (An ION Group Company)** engaged in geophysical survey and processing of seismic data for hydrocarbon exploration before the Delhi High Court for setting aside blacklisting order passed by Directorate General of Hydrocarbons (DGH), Ministry of Petroleum & Natural Gas, Government of India for alleged breach of agreements. Successfully represented **Voestalpine Rail Technology GmbH** before the Delhi High Court and obtained similar injunction orders against Delhi Metro Rail Corporation (DMRC);
- **McLeod Russel India Limited** before the Supreme Court tagged with the lead matter **Cox & Kings Ltd. Vs SAP India Pvt. Ltd.** where the Five Judges' Constitution Bench unanimously concluded that the Group of Companies Doctrine has an independent existence as a principle of law which is substantially entrenched in the Indian arbitration jurisprudence considering its relevance in determining the intention of the parties in complex transactions involving multiple parties and multiple agreements. The earlier judgment of the Hon'ble Supreme Court in Chloro Controls judgment [(2013) 1 SCC 641] to the extent that it traces the Doctrine to the phrase 'claiming through or under' as given under Section 8 of the Act was held to be erroneous and against the well settled principles of contract in commercial law. Judgment reported in **2023 SCC OnLine 1634 (SC)**;
- **Voestalpine Schienen GmbH (now known as Voestalpine Rail Technology GmbH)** before the Supreme Court challenging the Panel of Arbitrators provided by Delhi Metro Rail Corporation (DMRC) in relation to an International Commercial Arbitration seated in New

Delhi on the grounds of independence and impartiality. The judgment is the first landmark judgment on interpretation of the legislative intent of the 2015 Amendment to the Arbitration and Conciliation Act, 1996 in the context of appointment of 'neutral', 'impartial' and 'independent' arbitrators. Judgment reported in (2017) 4 SCC 665;

- **GAIL (India) Limited** before the Supreme Court and successfully defending challenge made by HRD Marcus, a US based multinational, to the mandate of the nominee arbitrator of the PSU and the presiding arbitrator. The judgment laid down the law on the issue as to whether an arbitrator can be said to be independent and impartial if he/she has acted as an arbitrator in a prior arbitration between the same parties arising from the same contract involving similar issues. The judgment also laid down the broad principles of law relating to Sections 12, 13 and 14 read with the 5th and the 7th Schedule of the Arbitration and Conciliation Act, 1996 post the 2015 Amendment. Judgment reported in 2017 (10) SCALE 371; 2017 (5) Arb. LR 1 (SC); and
- **Essel Mining & Industries Limited (Aditya Birla Group)** before the Supreme Court for modification of an order suspending mining operations of 102 entities arising out of a Public Interest Litigation alleging illegal mining of iron ore and manganese in the State of Odisha. Judgment reported in (2016) 11 SCC 455.

Employment

- **BT (India) Private Limited** before the Delhi High Court in a writ petition and obtained favorable orders against the Ministry of Labour and Employment, Government of India, and the Provident Fund authorities directing them to consider the company's application for grant of exemption under the Employees' Provident Funds Scheme 1952 that was pending for more than 8 years. In view of the writ petition and during its pendency, the authorities notified an order of exemption in favour of the company and the writ petition was disposed off in less than 4 months.
- Advised and represented **General Mills India Pvt. Ltd.** before the Bombay High Court in successfully challenging summons issued under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 seeking to reopen inquiries for 2008-2019. The Court quashed the summons and directed immediate disbursal of over INR 336 crores from the company's provident fund corpus to 2,500+ employees, including pending transfer cases, castigating the authorities for delay and affirming that the corpus belonged solely to employees. The judgment brought closure to a two decade-long dispute and upheld the client's bona fides;
- Represented **FIS Payment Solutions** and **CMS Info Systems Ltd.** before the Calcutta High Court in securing injunctions restraining trade unions from obstructing operations and access at over 1,500 ATMs across West Bengal, ensuring uninterrupted functioning and public access;
- Represented **Tata Communications Ltd.** before the Delhi High Court and secured an interim stay on an order appointing unrecognized union members as "protected workmen" under the Industrial Disputes Act, 1947. Also represented the client before the Madras High Court, Bombay High Court and Supreme Court of India in matters involving similar issues;
- **A leading MNC in the BPO Sector** before the Central Government Industrial Tribunal (CGIT) in an appeal under Section 7I of the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (EPF Act) challenging an order passed by the Regional Provident Fund Commissioner (RPFC), Gurugram under Section 7A of the EPF

Act. The CGIT was pleased to pass an *ad interim* order staying the impugned order passed by the RPFC, Gurugram and admitted the appeal for consideration;

- Advising a **leading IT multinational** in proceedings before the Regional Provident Fund Commissioner, Gurugram under Section 7A of the EPF Act involving its exempted Provident Fund Trust and a principal claim of approx. INR 280 crores. Successfully secured an order directing re-audit of the establishment by a special squad, superseding the earlier enforcement report.
- **Air India Limited** in carrying out a comprehensive due diligence of all employment related litigation pending before multiple courts and forays pan-India and advising on litigation strategy;
- **Tata Consumer Products Limited** in an advisory mandate involving transfer of employees and corresponding accumulations from exempted Provident Fund Trust of Tata Coffee Limited to the exempted Provident Fund Trust of Tata Consumer Products Limited consequent upon a scheme of amalgamation;
- **Hilti Manufacturing India Private Limited** before the Gujarat High Court in a writ petition securing police protection orders at its factory premises in Navsari, Gujarat to ensure free ingress and egress and access to the premises by employees and stakeholders as well as for movement of machinery, raw materials, vehicles, etc;
- **Bio Veda Action Research Centre (Biotique)** before the Himachal Pradesh High Court in a writ petition and obtained orders setting aside the impugned order passed by Central Government Industrial Tribunal, Chandigarh directing deposit of 50% of the amount assessed by the Regional Provident Fund Commissioner, Shimla under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952; and
- **FIS Payment Solutions and Services India Private Limited** before the Calcutta High Court in multiple writ petitions before the Calcutta and Siliguri Bench and obtained favourable orders setting aside impugned orders passed by the Controlling Authority under the Payment of Gratuity Act, 1972 fastening liability on principal employer in respect of gratuity dues of workers engaged by contractors.

Publications and Presentations:

Jeevan has authored/ co-authored the following contributions:

- **"Forgiven, Not Forgotten: The Supreme Court's Directives in a Time-Barred POSH Case to 'Haunt Wrongdoer Forever'"** published by *Legal Era Online* (7 October 2025);
- **"An Exclusive Jurisdiction Clause in an Employment Contract: Is It Actually a Case of Mighty Lion versus Timid Rabbit?"** published by *SCC Times (Experts Corner)* (31 July 2025);
- **"Non-compete and Non-solicitation Clauses in Employment Contracts — What Indian Employers Need to Know"** published by *Lexology* (10 July 2025);
- **"Resolving Ambiguities: Exclusive Jurisdiction vis-a-vis Seat, Venue and Place of Arbitration"** published by sec Online Blog, Experts Corner [2024 SCCOnline Blog Exp 29], (09 April 2024);
- **"Evolving MSME Jurisprudence: A Look at Important Decisions from 2023"** published by *Livelaw* (27 January 2024);

- "Interim Awards in Arbitration: Complexities and Distinctions" published by Livelaw (13 September 2023);
- "Employer' under the POSH Act: The Jurisdictional Debate between the Internal Committee & Local Committee" published by Bar & Bench (10 August 2023);
- "Are you ready for India's New Employment Laws?" published by Association of Corporate Counsel, (31 January 2023);
- "Regulation of Inquiries under Section 7-A of the EPF Act - The Need of the Hour?" published by sec Online Blog, Experts Corner [2022 SCCOnline Blog Exp 44], (01 June 2022);
- "Juxtaposing Seat of Arbitration vis-a-vis Exclusive Jurisdiction Clauses: Judicial Trend Thus Far" published by SCCOnline Blog, Op Ed Section, (7 August 2021);
- "Civil or Criminal Liability: Are legal cases the new pressure tactic?" published by BW Legal World (17 November 2020);
- "The dynamic workplace in a work from home era: Operation of the Sexual Harassment of Women at Workplace Act, 2013" published by Bar & Bench (31 May 2020);
- "Applicability of Force Majeure and Frustration to Lease Deeds: A Critical Analysis in light of Covid-19" published by SCCOnline Blog, Op Ed Section (20 April 2020);
- "Appointment of Arbitrators & Unilateral Arbitration Clauses: The Debate Continues" published by Dispute Resolutions - The Bi-Monthly Newsletter of the Nani Palkhivala Arbitration Centre, Volume 3 Issue 1 (February 2020);
- "Enforcement of foreign awards: Does violation of legal provision equate to contravention of fundamental policy" published by the International Law Office - Arbitration & ADR Newsletter - India, (18 April 2019);
- "Liquidated Damage Clauses: Did Kailash Nath Dilute the Saw Pipes Position?" published by Bar & Bench (14 March 2019);
- "Liquidated Damages Saga: What does Fateh Chand, Maula Bux and Saw Pipes lead to?" published by Bar & Bench (20 December 2018);
- "SC: Employee of a party allowed as 'arbitrator' in proceedings initiated prior to 2015 Amendment to the Arbitration and Conciliation Act" published by Lexology (21 September 2017) and Mondaq (20 September 2017) and republished in Resolution, New Zealand Dispute Resolution Centre (NZDRC) (15th Issue, November 2017);
- "Claiming Both Liquidated Damages And Risk Purchase Costs: A Myth Or A Reality?" published by Mondaq (03 June 2016).

Recognitions and Accomplishments:

Jeevan has been acknowledged and recognized for his experience and expertise by:

- India Business Law Journal (IBLJ) as a distinguished **A-List lawyer** for **Arbitration & ADR, Litigation and Labour & Employment** for the years 2023-24, 2024-25 and 2025-26;
- Benchmark Litigation Asia-Pacific as one of **"Top 40 under 40"** from India for **"Labour and Employment"** for the years 2024, 2025 and 2026;
- Asialaw Lawyer Ratings as a **"Notable Practitioner"** for **"Labour & Employment"** for the year 2025;
- The Legal 500 (Legalease) Asia Pacific as a **"Recommended & Key Lawyer"** for **"Labour and Employment"** for the years 2021, 2022, 2024, 2025 and 2026 and for **"Dispute Resolution: Litigation"** for the year 2023;
- Benchmark Litigation Asia-Pacific as a **"Litigation Star"** for **"Labour & Employment"** for the years 2023, 2024, 2025 and 2026;
- Asian Legal Business (ALB) as one of **"India's 50 Rising Stars"** in ALB's India Rising Stars Ranking 2021 and as one of **"India's Super 50 Lawyers"** in 2020 and 2021.