



Nandini Khaitan

Partner

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Practices:

Dispute Resolution

Education:

- LL.M., Columbia University, New York (2011)
- LL.B., Calcutta University (2004)
- B.I.T., Manipal University (2002)

Professional Affiliations:

- Bar Council of West Bengal (2017/2004)
- Bar Council of Maharashtra and Goa (2004 - 2017)
- New York Bar (2014) (NP)
- Incorporated Law Society (Kolkata)
(Member of the Library and Website Committee)
- Indian Law Institute, West Bengal chapter
(Member of the Executive Council)
- Indian Arbitration Forum
(Convener for East India)
- Supreme Court Bar Association
- Indian Council of Arbitration

Social Justice:

- External Member of the ICC and Board of Advisors of Increasing Diversity by Increasing Access ("IDIA")
- External member of the ICC of Bengal Club, Kolkata

Nandini Khaitan is a partner with the Dispute Resolution Practice group in the Kolkata office. Nandini has vast experience in commercial, environment, intellectual property, real estate and family disputes / litigation. She has appeared at every level of the Indian judicial system, including the Supreme Court of India, High Courts, National Company Law Tribunal, National Green Tribunal and other forums. Having worked extensively with two chartered High Courts of the country (Bombay and Calcutta), she is thorough in the nuances of litigation across the country.

Nandini works with various social justice issues and is the external member of the Internal Complaints Committee set up under The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 of eminent organizations.

Representative Matters:

In her area of expertise, Nandini has advised and represented some of the following clients:

Supreme Court

- One branch of **Singhania family** (JK group) before the Bombay High Court in challenge to the Award and thereafter execution proceedings for enforcement and execution of the Award before both the Bombay High Court and Supreme Court. The only matter for which Supreme Court was opened a Sunday to hear arguments. Involved in strategy and all aspects of litigation including presenting arguments before the court. The litigation was successful at all stages from the arbitration to the challenge right up to the Supreme Court. Further, this litigation resulted in a rare Order of costs of INR 40 lakhs being imposed on the defendants by the Bombay High Court;
- **Co-owners of a property** (Dalmia and Dhunseri groups) in their challenge to the urgency provisions being invoked in a land acquisition proceeding before The Supreme Court of India. Led the litigation in the Supreme Court and was responsible for various aspects of the litigation including arguing the matter before The Supreme Court. The litigation resulted in the successful withdrawal of the urgency provisions by the State Government;



- Legal Committee of Calcutta Cricket & Football Club, Kolkata
- A HNI in the highly contested probate proceedings of his mother's will before the Calcutta High Court and The Supreme Court. Led the litigation in the final phase and was responsible for strategy and all aspects of the litigation and mediation proceedings. The litigation resulted in a win before The Calcutta High Court and ultimately a settlement before The Supreme Court through mediation (by the Supreme Court judges themselves).

High Courts

- **Reliance Commercial Finance Limited and Reliance Capital Limited** before the Calcutta High Court in a quashing application of criminal proceeding. Led the litigation and was responsible for filing, strategy and arguments. The litigation resulted in the stay of the criminal proceeding;
- **Unitech Developers and Projects Limited/ Candor Gurgaon Two Developers & Projects Pvt. Ltd.** in arbitration and subsequent challenges therefrom before the Courts in a contractual dispute arising out non-repayment of loan taken under three separate ICD agreements. Led the matter in Kolkata along with Delhi team advising on overall strategy. The arbitration and following litigations under Section 34, 37 and SLP were decided in favour of the clients.
- **Uber India Technology Pvt Ltd** before the Calcutta High Court, challenging the regulations of the state government which was preventing the company from carrying on business in the state. Led the litigation and was responsible for strategy and all aspects of the litigation. The litigation resulted in a stay (pending final adjudication) of the regulations;
- **Abu Dhabi Commercial Bank** before the High Court of Calcutta in an injunction application filed for the purpose of stopping of enforcement of an inter bank, bank guarantee. We were briefed after the injunction was granted ex parte against the banks. Led the matter and was responsible for all aspects there on. The litigation resulted in the injunction being vacated within a short time and on the strength of arguments only.
- **Linde India Limited** before the Calcutta High Court on 18 quashing applications (each for multiple years) of criminal proceedings. Was responsible for strategy and arguments. The quashing application which was pending for years for was finally heard and allowed within a short time of the matter being entrusted. 13 of the 18 matters were quashed. Multiple years in the remaining 5 petitions were also quashed;
- **Indus Towers Ltd** before the Calcutta High Court in their appeal proceedings against an order which resulted in dismissing the Company's challenge to the levy of a tax that is unconstitutional. Led the mater in the appeal stage and was responsible for all aspects of



the matter. The litigation resulted in the stay of the impugned Order. The final adjudication of the appeal is pending;

- **Nandos International Ltd** (International restaurant chain) before the Bombay High Court on their trademark litigation, including drafting pleadings, briefing senior counsels and the strategy based on a comparative law research and analysis. The litigation resulted in a landmark decision of the Bombay High Court in favor of the client;

National Green Tribunal

- **Dhunseri Petrochem & Tea Ltd** (one of the largest petrochemicals and tea companies of India) before the National Green Tribunal, Delhi in their environment litigation. Led the litigation and was responsible for strategy and all aspects of the litigation. The litigation resulted in the quashing of the closure notice of the company's petrochemical plant;
- **Football Sports Development Ltd** before the National Green Tribunal, Kolkata in an environment PIL filed against them and other parties for the purpose of stopping ISL matches from being held at an eco-sensitive area. Involved in devising a successful strategy to meet the concerns of the PIL and securing permission to continue with the matches;
- **Riga Sugar Ltd.** before the National Green Tribunal, Delhi in their environment litigation. Involved in strategizing and all other aspects of the litigation. The litigation resulted in the quashing of the closure notice of the company's sugar and distillery;

National Company Law Tribunal / NCLAT

- **Contemporary Brokers Pvt. Ltd.** before the National Company Law Tribunal, Kolkata Bench. Successfully led the matter in an application under Section 7, IBC, 2016 resulting in an order of admission despite the corporate debtor claiming disputes. An issue of whether the claim was operational or financial was also settled in the client's favor.
- A promoter of one of the largest media groups in an ongoing highly contested litigation before The NCLT, Kolkata for control over the family company. Leading the litigation and is responsible for strategy, drafting and all aspects of the litigation.

District Courts

- **Quickheal Technologies Ltd.** before the District Court at Serampore, West Bengal in a suit for infringement and damages. Led the litigation from inception, strategizing and advising from time to time. Successfully obstructed passing of an ex-parte order against client at time when client was on the verge of closing its IPO process.
- **Johnsons Controls (India) Private Limited and Johnson Controls Pte. Singapore** before the Alipore Court, Kolkata in a suit for damages. Leading the litigation from the inception, strategizing, drafting and



acting for the client in the proceedings. Was successful in preventing any interim orders from being passed against the Client. The suit and counter claim on behalf of the client are pending adjudication before the Court.

- Various individuals in their matrimonial disputes both at the district court and High Court in Mumbai and Kolkata;

Arbitration

- **Promoters of one of the largest logistics companies of India** in a family arbitration, including drafting pleadings, presenting arguments and negotiating a settlement for the client;
- **Unitech Developers and Projects Limited/ Candor Gurgaon Two Developers & Projects Pvt. Ltd** in an arbitration involving a contractual dispute arising out non-repayment of loan taken under three separate ICD agreements. Led the matter in Kolkata along with Delhi team advising on overall strategy;
- One of the largest multinational companies in an arbitration involving a construction contract against a foreign government company in an international commercial arbitration based in Dhaka. Arbitration is pending.

Continuing Legal Education :

- Nandini has recently authored the following contributions:
 - **"Debit and Credit Card Data Theft in India: Manifestation of Data Privacy and Data Protection"** published by India Law News (Volume 9, Issue 2, 2017) (August 2017);
 - **"The Firm Women: A Perspective on Indian Women working in Law Firms"** published by Bar & Bench (26 December 2018) and Indian Advocate (Volume XLII, Women and Law Issue, 2018).
- Moderated the session "Decode Law 4 Women" organized by YFLO Calcutta along with Additional Solicitor General of India, Ms Pinky Anand.
- Co panelist on Social Justice organized by Ladies Studies Group, Kolkata.
- Visiting faculty at the WB National University of Juridical Sciences, Kolkata, 2014.
- Advisor to Standard Indian Legal Citation (SILC) — the first Indian legal citation system.