



Sudip Mullick

Partner

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Practices:

Construction Contracts
Construction Disputes
(Arbitration)
Real Estate

Education:

B.Com., LL.B., Calcutta University
(1994)

Professional Affiliations:

Bar Council of Maharashtra and
Goa
Incorporated Law Society,
Kolkata

Sectors:

Hospitality
IT and ITES
Railways
Retail
Oil and Gas

Sudip Mullick is a Partner in the Real Estate and Construction Practice Group in the Mumbai office. His expertise lies in real estate matters, construction contracts and disputes arising out of construction contracts. He also spearheads the Hospitality practice in the Firm

Sudip has often appeared before various courts and in arbitration proceedings for developers, contractors, corporate and institutional clients on disputes pertaining to real estate, construction contracts and other commercial contracts.

Sudip is an independent Non-Executive Director on the Board of the Emaar MGF Land Limited as well as on the Board of Neosym Industry Limited.

Representative Matters:

In his areas of expertise, Sudip has represented and advised several clients, some of which have been mentioned below:

Real Estate:

- **A Fortune 500 multinational company** on the acquisition of 135 acres of land in Andhra Pradesh;
- **A Fortune 500 multinational company** on sale of property in Mumbai, admeasuring 4595.06 square metres together with commercial and residential buildings;
- **Borosil Glassworks Limited** on sale of industrial land admeasuring about 74,112.72 square meters in north Mumbai and acquisition of residential space (in a building called Samudra Mahal) in south Mumbai;
- **CESC Properties Limited** on acquisition of two commercial premises in 'Godrej BKC' situated at BKC, Mumbai;
- **Dolphin Laboratories** on purchase of factory premises at Raghunathpur, West Bengal;
- **Elpro International** on sale of commercial space admeasuring about 1,50,000 sq ft in a mall in Pune;



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- **Flexoplast Abrasives (I) Ltd** on sale of its industrial plot admeasuring 8 acres together with a factory constructed thereon situated in MIDC, Aurangabad;
- **GKW** on acquisition of land admeasuring 1.5 acres in Bengaluru;
- **Inox Leisure Limited** on a leave and license arrangement with Runwal Group for a premises admeasuring 58,800 square feet in the mall known as "R City" in Mumbai; and
- **Mahindra Holidays & Resorts India Limited** on acquisition of a land parcel admeasuring about 7.50 acres together with a beach resort admeasuring about 80,000 square feet built up area constructed thereon known as "Bhaasuram Resorts" situated at Trivandrum, Kerala.

Townships and IT parks:

- **Azorim Investment Development and Construction Company Limited, Israel** on a joint venture and development of a premium residential apartment project in Faridabad, Haryana;
- **Azorim Cyprus Limited** on a joint venture for development of Information Park on 11.23 acres of land in Greater Noida, UP; and
- **Hindustan Motors Limited** on setting up and development of Integrated IT Township and real estate development in a joint venture to develop 314 acres of property.

FDI in Real Estate:

- **Green Lagoon** on acquisition of agricultural lands of approx 1300 acres in Maharashtra for development of a hill station, tourism destination and township; and
- **Intek Partners** on development of Special Integrated Township in Nagpur, Maharashtra and Thane in Mumbai for transaction value of INR 300 million.

Real Estate Venture Capital Funds:

- **Horizon Venture Capital Fund** on investment in Devbhumi Realtors Private Limited for development of a commercial complex, multiplex, service apartments, SEZ, IT/IES park in 30 acres at Knowledge City Hyderabad and 30 acres at Amonara special township in Maharashtra for commercial use.

Retail Trade Sector:

- **Food World Supermarkets Limited** on development of commercial space in Mumbai;
- **Giant Hypermarket** and **GKB Optical**s on development and licensing for retail space in Mumbai; and
- **Spencer and Company Limited** on development of a shopping plaza and licensing of retail space in Chennai.



Construction Contracts:

- **Amazon Corporate LLC** on their construction contracts;
- **CESC Limited** on setting up of the Budge 2x250 MW thermal power project in West Bengal, India and coal based power projects - 40 MW and 250 MW;
- **Electrosteel Integrated Limited** on the construction of 220 KV Double Circuit Transmission Lines on Lattice Structure on a turnkey basis;
- **Infrastructure Development Finance Corporation (IDFC)** on the construction of the six-laning road project in Andhra Pradesh;
- **Konkola Copper Mines Plc** on contract for sinking of new shafts, deepening of existing shafts together with other ancillary facilities for a mining project in Zambia;
- **South Asian Petrochem Limited** on setting up of a petresin plant at Haldia (West Bengal) for a petrochemical project; and
- **Vedanta Alumina Limited** on construction of Railway Sliding & Linkage from Brindamal Railway Station to the Aluminium Plant at Jharsuguda, Orissa, together with the Aluminium Smelter and Captive Power Plant.

Construction Disputes:

- **Inox Leisure Limited** on a construction dispute with the Goa State Infrastructure Development Corporation;
- **Isolux Ingenieria S.A., Spain** on their claims against Mumbai Railway Vikas Corporation Limited with respect to their claims under the EPC contract for the design, supply, erection, testing & commissioning of a traction substation and feeding and switching posts in Mumbai;
- **Scomi Engineering BHD** on their claims against MMRDA for the construction of the Monorail System in Mumbai Metropolitan Region;
- **Walchandnagar Industries Limited** on an arbitration proceeding against M/s Trimex Sands Private Limited arising out of an agreement for setting up a beach sand mineral separation plant in Hyderabad, India;
- A **Scheduled commercial bank** on their disputes with an Indian developer with respect to a real estate project in India;
- An **Indian subsidiary of an Italian Engineering Company** on a dispute arising with its sub-contractor due to delay by the sub-contractor in completion of the certain works pertaining to construction of a Polypropylene and Polyethylene Plant;
- An **Indian subsidiary of an Italian Engineering Company** on dispute arising out of pending payments from the Owner concerning supply and erection contracts executed in respect of a Power Plant;



- **A Texas based services company** catering to the global oil and gas industry on certain disputes with an Indian public sector undertaking arising out of commissioning of a sub-sea production system in India;
- An **American engineering, procurement and construction corporation** on their disputes with an Indian company regarding the construction of a regassification facilities project;
- **Indian arm of Japanese Engineering Company** in an arbitration against an Indian Company in respect of revamping of an existing petrochemical plant.
- A **consortium comprising of a Japanese engineering company and an Indian EPC company** in an international commercial arbitration for claim of outstanding payments under a contract against an Indian company. The project was for setting up India's largest petrochemical complex (Naphtha Cracker Unit) with the help of 16 (sixteen) EPCC contractors; and
- An **Indian pharma company** on a dispute arising out of a construction contract executed with an Indian Entity in respect of a pharmaceutical plant being set up in Dahej, Gujarat.

Publications and Presentations:

Sudip has authored the following contributions:

- "**MahaRERA To Have Jurisdiction Even Where Agreement For Sale Is Cancelled Prior To RERA** published in Mondaq (June 2018)
- "**What Arun Jaitley's budget can do to help India's struggling real estate sector**" (with Abhiraj Gandhi) published in Quartz India (January 2018)
- "**Ergo on Salient features of the government of Maharashtra notified rules under RERA**" (with Amit Wadhvani) published in Lexology and Mondaq (May 2017)
- "**Two-tier Arbitration Clauses**" (with Niharika Dhall) published in ILO (May 2017)
- "**Changes in Arbitration Norms for Construction Companies**" published in Property Times (February 2017)
- "**REP - Opinion**" on RERA published in India's Most Reputed Real Estate Brands, (2016);
- "**Conflict Resolution**" (with Niharika Dhall) published in the Financial Chronicle (October, 2016);
- "**Dispute Resolution in the Construction Industry**" (with Yigal Gabriel and Niharika Dhall) published in the Property Observer (September, 2016);
- "**An Alternative Dispute Resolution for Variations in Construction Contracts**" published in Institute of Construction Claims Practitioners, Lexology, Mondaq and the Construction World Magazine (July, 2016);



- **"Dealing with Dispute"** published in the Construction World Magazine (June, 2016);
- **"Ground realities to be considered while framing Rules under RERA"** published in Construction Opportunities, Mondaq and Lexology (June 2016);
- A chapter on **"Variations in Construction Contracts"** published in the Construction World Magazine, Lexology and Mondaq (June, 2016);
- **"Modes of Dispute Resolution in the Construction Sector"** published in the EPC World Magazine and Mondaq (June, 2016);
- **"Does Attempt to Regulate the Real Estate Sector Help?"** - published in ET Realty, Mondaq and Lexology (April, 2016);
- **"Salient features of the Real Estate (Regulation and Development) Bill, 2016"** published in Lexology and Mondaq (March, 2016);
- **"Employment & Labour Law in India"** published in the 5th edition of the European Lawyer Reference Series (2014);
- **"Employment & Labour Law in India"** published in the 4th edition of the European Lawyer Reference Series (2012);
- **"Acquisition of Immovable Property in India"** published in the Commercial Property section of the European Lawyer Reference Series (2010); and
- He has also spoken on **"Construction Contracts – A Legal Perspective"** at the conference on Legal Issues in Infrastructure held at Grand Hyatt, Mumbai (September 2016).

Television Interviews:

- Interviewed by MBTV Magicbricks for The Property Show with E Jayashree Kurup, Editor-in-chief, MBTV. Sudip was interviewed for his opinion on **"Budget 2019: Industry Status to Real Estate?"**, (February 2019);
- Interviewed by MBTV Magicbricks for The Property Show with E Jayashree Kurup, Editor-in-chief, MBTV for opinion on **"Legal perspective on real estate issues like structural defects, maintenance chargers, occupancy certificate, compensations and RWAs for home buyers"** (December 2018);
- Interviewed by Bloomerquint where he discussed changes brought by RERA shift in Developer's mindset (May 2018);
- Interviewed by CNBC TV 18 on the issue of Homebuyers in the Lavasa Project approaching MahaRERA for delay in possession by Lavasa;
- Interview with Economic Times on the **Real estate industry** under the RERA Regime (November 2017);
- Webinar with Magic Bricks on **Insolvency Code and Impact on RERA** (August 2017);



- Interviewed by CNBC TV 18 as part of the panel discussion for their show on **"Builder Insolvency an escape from RERA?"** (August 2017);
- Interviewed by CNBC TV 18 as part of the panel discussion for their show on the Benami Act which discussed the recent amendments brought about by the Benami Transactions (Prohibition) Amendment Act 2016 (June 2017); and
- Interviewed by Magic Brick Now on RERA (March 2016).

Publications and Presentations:

- **"Mumbai flat sales down, yet prices stay up due to high taxes, premiums"** published in the Times of India (May 2019);
- **"Mumbai: Fund crunch forces builders to eye JVs, take up slum rehab"** published in the Times of India (April 2019);
- News coverage **"Looking for realty milestones in the journey of the Indian republic"** published by the Hindustan Times (January 2019);
- Article pertaining to future of malls in India - **"Ghost Malls in search of right retail formula"** published in the Business Standard (September 2018);
- **"Can pre-RERA regime pacts' force majeure clause hold water"** published in the ET Reality (July 2018);
- **"IBC Ordinance: Relief to Home Buyer on Financial Express"** published in the Financial Express (July 2018);
- **"Government must focus on digitisation of property records: Haryana RERA chairman"** published in ET Reality (20 July 2018);
- **"15 states still don't have a RERA website"** published in Live Mint (May 2018);
- "One year after coming into force, RERA remains a work in progress" in Business Standard (May 2018)
- "What to do when builder fails to give Occupancy Certificate", Times of India (February 2018)
- Home buyers' guide on how to file a RERA complaint in Economic times (January 2018)
- RERA report card: 26 states and UTs notify rules; 20,000 projects registered with regulatory authorities - Money Control
- Bought a home? 10 reasons why Dakhil Kharij is crucial - Magicbricks (December 2017)
- GST in Real Estate: Is one sector, one tax possible? - Times of India (November 2017)
- To move court or go to RERA: What should home buyers do?
ET Realty (November 2017)



- 9 facts you did not know about insolvency -Times of India (October 2017)
- 'Do plotted development need just OC or both OC & CC?' - Economic Times (September 2017)
- 9 things to keep in mind if you buy a completed project today Times of India (September 2017)
- Maharashtra property market: Big setback for 50,000 homebuyers, errant builders making situation worse' - Financial Express (September 2017)
- 'Jaypee Infra insolvency: Can homebuyers get relief under RERA? Financial Express and Money Control (September 2017)
- Gifting of property. A property can be transferred in many ways, including a gift deed. A gift can be made only by the donor, provided it is attested by two witnesses. There must be acceptance of such a gift by the donee (recipient) during the life time of the donor. Times of India, New Delhi (September 2017)
- Are interim RERA authorities set up by states illegal? - Money Control (August 2017)
- MahaRERA may take suo motu action against realtors for registration non-compliance. - Economic Times (August 2017)
- Jail for home buyers under RERA: was it required? Economic Times (July 2017)
- Builders will have to give 5-year warranty against structural flaws as per RERA - Economic Times (July 2017)
- Real estate reeling under teething issues of RERA implementation' - Business Standard, Noida (July 2017)
- "Mumbai's Taj Mahal hotel joins global league, acquires image trademark"- Hindustan times, Chandigarh (July 2017)
- Why you must rent out your flat on licence not lease, ET Realty, New Delhi (June 2017)
- Exiting a project under RERA may cost dearly" - Economic Times, New Delhi (June 2017)
- Can older projects benefit from RERA - Hindustan Times (May 2017)
- Advent of RERA makes builders anxious - Economic Times (May 2016)
- Advent of RERA perturbs builders - Times of India, Goa (May 2016)
- Maharashtra Govt asks cops to crack whip on errant builders - Economic Times (July 2016)
- Why are UP laws silent on quantum of punishment? Hindustan Times, New Delhi (August 2016)



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- Implementing RERA norms will ensure timely project completion: Unitech Buyers - Hindustan Times, New Delhi (August 2016)
- Who pays if builders don't have the money? - Hindustan Times, New Delhi (August 2016)
- How to protect your rights if a sale agreement is dishonoured? - 99acres (September 2016)
- SC directing Parsvnath to deposit Rs 12 crore in line with RERA norms - Hindustan Times (September 2016)

Recognition and Accomplishments:

- Sudip was recognised as Dispute Resolution Star in the Benchmark Litigation;
- He was named as a leading individual in the Real Estate and Construction Sector by Legal 500 in their 2018 rankings;
- He has been recognised by Chambers and Partners in the Real Estate field; and
- In 2014 the Chambers Practice coverage featured Sudip as the Rising Star- Individual category for his expertise in projects.