



## **Peshwan Jehangir**

Partner

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### **Practices:**

Dispute Resolution

### **Education:**

B.Sc., LLB., Government Law  
College, Mumbai (2005)

### **Professional Affiliations:**

Bar Council of Maharashtra &  
Goa  
Bombay Bar Association

Peshwan is a Partner with the Litigation and Dispute Resolution practice team. He has vast experience in the field of dispute resolution and has handled various international and domestic arbitration matters and a large variety litigation matters before various courts in India, as well as the securities appellate tribunal, and National Company Law Tribunal / company law board and National Green Tribunal. Apart from the various commercial and contractual disputes he has handled, he also has extensive experience in matters relating to corporate restructuring such as schemes of mergers, demergers, arrangements, reduction in share capital, etc.

Peshwan has represented and advised clients in several criminal matters under various provisions of the Indian penal code, companies act, drugs and cosmetics act, legal metrology act, negotiable instruments act, Maharashtra ownership of flats act and the Andhra Pradesh protection of depositors of financial establishments act.

The clientele Peshwan has represented include various leading multinationals and industrial houses of the country, including government authorities, prominent infrastructure, private equity firms, pharmaceutical, automobile, real estate, hospitality, advertising, public sector undertakings and ship building companies.

### **Representative Matters:**

#### Arbitrations:

- **Mumbai Metropolitan Regional Development Authority**, in various disputes arising out of the implementation of a Metro railway along the Versova-Andheri-Ghatkopar corridor, including regarding claims for damages due to delays and costs escalations, fixation of fares for the Metro, as well as various disputes arising out of a shareholder's agreement entered into between the implementing authority and consortium members;
- A leading **Engineering, Procurement and Construction (EPC)** contractor in recovering payments under a sub-contract for building a multi cargo all weather direct berthing port facility in Gujarat. Peshwan advised on a two-pronged strategy of initiating winding up proceedings for non-payment of admitted amounts and invoking



arbitration for a total claim of approximately INR 46 Crores against the counterparty against various other claims;

- An **Indian promoter** in disputes arising out of the shareholder's agreement, wherein the foreign private equity investor sought to exercise its put option, the indemnity and the guarantee rights and had sought payment of AED 137,500,000. The matter involved three multi-jurisdictional disputes, with two governing laws, being of India and Mauritius. The arbitration were conducted under UNICITRAL and LCIA Rules of arbitration in Dubai and Mumbai;
- The **Indian promoter** sellers on recovering the outstanding payments from the buyer under a share purchase agreement for 100% sale of their equity in the company providing credit card payment services across India. The matter involved invoking of arbitration under Singapore International Arbitration Centre Rules in Singapore for a claim of USD 10,071,590 plus applicable interest thereon and advising on settlement negotiations where the client recovered entire USD 10,071,590 with interest;
- A **large French conglomerate** invested in a Joint Venture in India. The Indian JV partner has initiated various disputes and claims for alleged breaches of the Shareholders Agreement entered into between the parties. The Indian JV partner had sought an amount of Euro 1,597,000 from our Client, which we were successfully able to defend in its entirety;
- Various **leading motor vehicle manufacturers/distributors** in India, in multiple disputes that have arisen out of distributorship agreements entered into with various of its dealers.
- Various **leading real estate developers** on disputes arising out of development agreements and ancillary documents thereto.
- Various **NBFCs and Financial institutions** in recovery of outstanding financial dues.

#### Civil Litigation

- **Tech Mahindra Limited**, challenging the constitutional validity of The Payment of Bonus (Amendment) Act, 2015;
- **Tech Mahindra Limited**, challenging various actions taken by the Employee Provident Fund Department;
- **Indian Beauty and Hygiene Association (IBHA)**, challenging the vires of an amendment to the Legal Metrology (Packaged Commodities) Rules seeking mandatory marking of cosmetic products with a red or green dot, indicating the source and/or ingredients as vegetarian or non-vegetarian;
- A **leading international medical equipment manufacturer** and its Indian subsidiary in multiple litigation proceedings filed by and against them in London and Mumbai, where



we successfully defended the client in suits filed by the Indian distributor in Bombay High Court for enforcement of an alleged oral contract and for an anti-suit injunction. We are assisting clients in execution of a decree passed in the courts of United Kingdom against the Indian distributor;

- **MAN Industries (India) Ltd.** in recovering payments of EUR 24 million under an agreement for the manufacture and supply of SAW pipes to Kish Persian International Procurement Company in Iran and procured an order requiring the Iranian party to provide necessary documents to the client and deposit INR 125 crores with the Court towards payment to the client, against which the ship was allowed to sail with the consignment. The payment was received by the client.

#### Criminal Litigation

- A **leading real estate developer**, in defending criminal proceedings for alleged violation of the Maharashtra ownership of flats act and various provisions of the Indian penal code;
- Various **automotive manufacturers, manufacturers of car care products, pharmaceutical companies and textile manufacturers** on various notices and criminal proceedings filed against them and their directors for alleged violation of the Legal Metrology Act and Rules framed thereunder;
- A **leading pharmaceutical Company**, in defending criminal proceedings for alleged violation of the Drugs and Cosmetics Act and Rules framed thereunder.

#### National Company Law Board (Insolvency)

- Various **corporate debtors** in insolvency proceedings initiated under the Insolvency and bankruptcy code.
- Various **financial and operational creditors** in insolvency proceedings initiated under the Insolvency and bankruptcy code.
- Various **resolution applicants** in insolvency proceedings initiated under the Insolvency and bankruptcy code.
- Various corporate houses and shareholders, in cases of oppression and mismanagement of companies filed before the Company Law Board / National Company Law Board;

#### Corporate Restructuring

- **KPIT Technologies Limited, KPIT Engineering Limited and Birlasoft (India) Limited (Birlasoft)** in relation to the Composite Scheme of Arrangement in relation to the merger of Birlasoft (India) Limited with KPIT Technologies Limited and as part of the same scheme, demerger of engineering business of KPIT Technologies Limited into KPIT Engineering Limited.
- **Metropolis Group** in relation to the Scheme of Amalgamation in relation to the merger of Bacchus



Hospitality Services and Real Estate Private Limited, Metropolis Healthcare (Chandigarh) Private Limited, Metropolis Healthcare (Jodhpur) Private Limited, Final Diagnosis Private Limited, Golwilkar Metropolis Health Services (India) Private Limited with Metropolis Healthcare Limited

- **Motilal Oswal Securities Limited and Motilal Oswal Financial Services Limited** in relation to the Scheme of Amalgamation in relation to the merger of Motilal Oswal Securities Limited with Motilal Oswal Financial Services Limited
- **Madhurima Holdings Mauritius Limited and M/s Madhurima International Private Limited** in relation to the Scheme of Amalgamation of M/s Madhurima Holdings Mauritius Limited (Mauritius) with M/s Madhurima International Private Limited (India)
- **Greatship Global Holdings Limited, Greatship (India) Limited**, in relation to the Scheme of Amalgamation of Greatship Global Holdings Limited (Mauritius) with Greatship (India) Limited (India)
- **Cairn India Limited (“Carin”) and Vedanta Limited (“Vedanta”)**, in relation to in relation to the Scheme of Amalgamation of Cairn with Vedanta;
- **Reliance Communications Limited (“RCL”)** in connection with demerger of MTS Wireless Business of Sistema Shyam Telecommunications Limited to RCL;
- **Crompton Greaves Limited’s (“CGL”) and Crompton Greaves Consumer Electronics Limited (“CGCL”)** in relation to the demerger of CGL’s consumer electronic business to CGCL;
- **Sterlite Technologies Limited (“STL”) and Sterlite Power Transmissions Limited (“SPTL”)** in connection with demerger of STL’s Power Transmission Business to SPTL;
- **Mahindra Engineering Services Limited (“MES”) with Tech Mahindra Limited (“TML”)** in relation to the merger of MES into TML;
- Scheme of Amalgamation of **Infotel Telecom Limited and Rancore Technologies Private Limited with Reliance JioInfocomm Limited** under sections 391 to 394 of the Companies Act, 1956.

Reduction in Share Capital

- Reduction of Share capital of **Wisdom Equities Management Private Limited** under Section 78 and Section 100 to Section 104 of the Companies Act, 1956;
- Reduction of share capital of **Prag Agro Limited** under Section 78 and Section 100 to Section 104 of the Companies Act, 1956.



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#### SEBI / Securities Appellate Tribunal

- The acquirers who made voluntarily made a public announcement to acquire shares of Golden Tobacco Limited, in a hostile attempt to take over the target company before the Hon'ble Securities Appellate Tribunal and thereafter in the Supreme Court challenging an order passed by SEBI disallowing our client's application to withdraw the open offer;
- Various employees of a public listed company, who had received orders passed by SEBI, holding that they were in violation of Regulation 13(4) and 13(5) of the SEBI (Prohibition of Insider Trading) Regulations;
- Assisting various companies and its personnel in suitably responding to various show cause notices and orders passed by SEBI and representing them before the regulator;

#### **Publications and Presentations:**

Peshwan has co-authored articles in various Indian and international legal journals. His contributions include:

- **"Put and Call options in India: Do these exit options really exist?"** Published by Asia Pacific Regional Forum News, News Letter of International Bar Association Legal Practice Division (IBA); and
- **"The Viewpoint - Arbitrability of Oppression/ Mismanagement Disputes"** published by Bar & Bench.

#### **Recognitions and Accomplishments:**

Gold medal holder of the International Award for Young People (formerly the Duke of Edinburgh's Award Scheme).