



Prateek Kumar

Partner

Ashoka Estate, 12th Floor
24 Barakhamba Road
New Delhi - 110 001
India

T: +91 11 4151 5454

F: +91 11 4151 5318

E: prateek.kumar@khaitanco.com

Practices:

Dispute Resolution
Restructuring & Insolvency
Environment

Education:

B.S.L., LL.B., ILS, Pune (2002)
Diploma in Internet and Cyber Laws,
Asian School of Cyber laws

Professional Affiliations:

Supreme Court Bar Association
Delhi High Court Bar Association
Bar Council of Delhi

Prateek Kumar is a Partner in the Dispute Resolution practice group in the New Delhi office. Prateek has extensively practised in the domain of commercial litigation, insolvency laws and alternate dispute resolution and has represented clients before Supreme Court of India, High Courts throughout the country, National Company Law Tribunals, Telecom Disputes Settlement Appellate Tribunal, National Green Tribunal, Appellate Tribunal for Foreign Exchange, Mines Tribunal, Consumer Courts and other Fora.

Prateek has advised a broad range of clients both Indian and foreign corporates on issues pertaining to Insolvency and Bankruptcy disputes, government tenders, bank guarantee encashment issues and offset obligations under defence contracts.

Representative Matters:

In his areas of expertise, Prateek has advised the following clients:

- **India Bulls Financial Services** on arbitration proceedings before the ICDR in New York against a private equity fund relating to call option under the SHA;
- **Multiple bidders** before the Supreme Court, National Company Law Appellate Tribunal and various benches of the National Company Law Tribunal on bids under the Insolvency and Bankruptcy Code (IBC) for Electrosteel, Amtek Auto, Bhushan Steel, IL&FS, ABG Shipyards;
- **Committee of Creditors with SBI** as the lead bank in Alok Industries matter before NCLAT and NCLT on issues of operational creditor claims, rights of descending financial creditors, priority payments, promoter guarantees, assignment of debt etc.;
- **Inox Wind** in defending an action by an operational creditor under the IBC;
- **TAQA Neyveli Power Company Private Limited**, a UAE based corporation in an ICC arbitration at London against Tamil Nadu Distribution and Generation Corporation Limited;
- Offshore and onshore companies of **Maire Tecnimont Group** on an international commercial arbitration conducted under London Court of International Arbitration Rules concerning a dispute relating to an early works contract;



- **Union of India, Ministry of Fertilizers** on arbitration proceedings against M/s Zuari Marco arising out of disinvestment of Paradeep Phoshates;
- **Tech Mahindra** before the Company Law Board in the USD 1.4 billion Satyam scam. Advised on various issues relating to Tax, Company law and Civil disputes;
- Multiple clients including **Pfizer Inc.** in successfully getting closure notices issued by the Maharashtra Pollution Control Board quashed before the National Green tribunal;
- **Bell Helicopters** in dispute pertaining to sale of helicopters to Pawan Hans. Successfully obtained injunction on invocation of bank guarantees;
- **Textron USA** on offset obligations under the Defence Procurement Policy. Successfully obtained injunction on invocation of bank guarantees against Union of India;
- **Jindal Power limited and Lafarge India Pvt. Limited** before various High Courts and Tribunals on issues pertaining to electricity laws such as capping of capacity charges in tariff fixation, targets set by Bureau of Energy Efficiency, distribution disputes and renewable sources of energy etc.;
- **AT&T Cellular** before the Supreme Court of India and the Bombay High Court with regard to notices issued by the Income Tax Authorities in a matter pertaining to the sale of idea cellular shares and Indo-Mauritian double taxation avoidance treaty. Worked in coordination with PWC on Tax advisory in the said litigation;
- **Bycell Telecommunications India Pvt Ltd.** before the Delhi High Court with regard to non-grant of FIPB approval and telecom license;
- **Star India Pvt. Ltd.** and **Mr. Rupert Murdoch** in seeking anticipatory bail before District Court and quashing of FIR before the High Court;
- **STAR India Pvt. Ltd** and **Star Den Media Services Pvt. Ltd** before the Supreme Court, High Courts and TDSAT with regard to matters pertaining to Interconnection Regulations, Tariff Fixation and other regulatory issues. Advising the client on matters before the TRAI;
- **KPMG Rechtsanwalts-gesellschaft mbH** with regard to setting up of Global Data Collector pertaining to Indian Immigration laws;
- **GIRO Bank** before the FEMA board with regard to penalty imposed on the bank arising out of transaction undertaken in England;
- **Schlumberger Asia Services Limited** on environment clearances related issues with regard to setting up of a pilot project for shale gas;
- **India Bulls Financial Companyl** before the Bombay High Court in an antisuit injunction against the continuation of arbitration proceedings in New York;



**KHAITAN
&CO**

Advocates since 1911

- **Research in Motion, Global Payments, Foster + Partners and Birla group** on a range of employment issues including termination of employees, EPF pertaining to international workmen, POSH;

Changzhou Trina Solar Energy Company Limited regarding a contractual dispute with an Indian company;
- **McCain Foods** with regard to packaging and labelling requirements under the Legal Metrology Act as well as issues pertaining to product approvals under the Food Safety and Standards Authority of India Act; and
- **Various clients** on Privacy laws and Data Protection in India.