



Saman Ahsan

Partner

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Practices:

Dispute Resolution

Education:

B.A., LL.B., (Hons), (2009)

Professional Affiliations:

Bar Council of Uttar Pradesh

Sectors:

Education

Mining and Natural Resources

Pharmaceuticals and Healthcare

Saman Ahsan is a Partner in the Dispute Resolution Practice Group in the New Delhi office. Prior to joining Khaitan & Co, Saman worked in the litigation and international commercial arbitration team of a reputed law firm, in London.

Saman has rich experience of over a decade in the field of dispute resolution and has advised clients on a wide variety of claims under Indian arbitration laws, SIAC, LCIA, ICC, and HKIAC. She regularly advises clients on issues relating to enforcement of foreign decrees and awards in India, service of foreign summons in India and bilateral investment treaties entered into with India. Saman has previously advised clients on complex disputes arising out of shareholder agreements, construction contracts, production sharing agreements etc.

Saman also regularly represents clients before the Supreme Court of India and various High Courts of the country in connection with their disputes in the field of pharma and healthcare, natural resources, environment, education and other regulatory laws.

Representative Matters:

In his areas of expertise, Saman has represented and advised the following clients:

Arbitration and Commercial Litigation:

- **A leading Japanese telecom investor** on its enforcement proceedings for enforcement of a 1.1 billion USD arbitral award against an Indian telecom company in connection with breach of clauses relating to buy back of shares;
- **Two Hong Kong based foreign based investors** (including an FVCI) in their dispute with Indian parties in connection with procuring an exit from the Indian companies at the agreed exit price;
- **A leading Malaysian-Singaporean private healthcare group** on various litigation aspects in connection with its investment into an Indian Group of Hospitals;



- **A New York based private real estate investment firm** on litigation aspects in connection with its acquisition of overseas hotels of an Indian conglomerate;
- **A leading cement manufacturing company in India** in its dispute with a British-Swiss multinational commodity trading and mining company for breach of coal supply agreements;
- **Foreign Clients** on issues relating to enforcement of bilateral investment treaties in the Indian context;
- **Foreign Clients** on issues relating to enforcement of foreign subpoenas in India, enforcement of foreign sanctions in India and issues relating to procedure of civil and criminal trials in India;
- **A leading aluminum company** on its arbitration dispute against the Government of India regarding disinvestment of a government undertaking; and
- **A leading Japanese courier company** on its dispute with its Indian joint venture partners and representing the client before the National Company Law Tribunal in proceedings relating to oppression and mismanagement

Mining and Natural Resources:

- **Steel and cement manufacturing companies** on various issues arising out of the 2015 Amendments to the Mines and Minerals (Development and Regulation) Act 2015, including auction and transfer of mineral concessions;
- **Power and steel companies** on various issues arising out of the Coal Mines (Special Provisions) Amendment Act 2015 including issues relating to compensation for prior allottees, surrender of coal mines, utilization of coal, and encashment of performance bank guarantees;
- **A leading cement and steel company** on their disputes challenging the validity of Rule 8(4) of the Mineral (Other than Atomic and Hydro Carbons Energy Minerals) Concession Rules 2016 before various High Courts and the Hon'ble Supreme Court;
- **A leading steel making company** on its disputes with Chhattisgarh State Government on imposition of cess and royalty; and
- **An Indian client** in a litigation involving the participating interest and operatorship of an oilfield before various foras including Hon'ble Supreme Court, Hon'ble High Court of Delhi and in ad-hoc arbitration proceedings.

Pharmaceutical and Healthcare:

- **Indian pharmaceutical companies** on their disputes against Union of India regarding ban of Fixed Dose



Combination Drugs before the Delhi High Court and the Supreme Court;

- **Indian pharmaceutical companies** on their disputes against National Pharmaceutical Pricing Authority regarding fixation of prices of various drugs under drug price control orders including prices of medical devices;
- **A leading US based biopharmaceutical company** on a Public Interest Litigation alleging differential dosages in India and United States; and
- **A leading pharmaceutical company in India** on (i) its dispute with a Chinese manufacturer of API for defective quality (ii) various class action suits filed against it in the United States.

Education:

- **A leading educational institution** in litigation challenging the constitutional validity of the Right of Children to Free and Compulsory Education, 2009 before the Hon'ble Supreme Court;
- **A Rajasthan based association of private unaided schools** on matters of fee fixation; and
- **An association of in-service doctors** in a Constitution Bench matter before Supreme Court, pertaining to reservation for in-service doctors in post graduate medical degrees.

Publications and Presentations:

Saman has been very active in the publication space. Her publications include:

- India Chapter of "**Challenging and Enforcing Arbitration Awards 2019**" for 2018 and 2019 published by Global Arbitration Review;
- India Chapter of "**International Public Procurement - December, 2018**" published by Center for International Legal Studies, Matzenkopfgasse 19, 5020, Salzburg, Austria;
- The Legal500: International Comparative Guide on Litigation & Dispute Resolution published by Legal500 (July 2018);
- Article titled '*Delhi High Court dismisses anti-arbitration suit filed by the government of India*' published by Mondaq and Lexology (May 2018);
- Article titled '*An Examination of the Proposed Essential Commodities (Control of Unethical Practices In Marketing Of Drugs) Order, 2017*' published by Mondaq, in November 2017);



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- Article titled '*Substantial changes introduced in New Model Bilateral Investment Treaty*' published by ILO (February 2016); and
- Article titled '*Amendments to the Law of Arbitration India*' published by Mondaq (October 2015).