



Nandini Khaitan

Partner

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Practice:

Dispute Resolution

Recognition

Economic Times 40 under 40,
for 2020
Recommended Lawyer for
Dispute Resolution, Litigation
- Legal 500 for 2021

Education:

LL.M., Columbia University,
New York (2011)
LL.B., Calcutta University
(2004 - 5 year course)
B.I.T., Manipal University
(2002)

Professional Affiliations:

Bar Council of West Bengal
(2017 dated back to 2004)
Bar Council of Maharashtra &
Goa (2004 - 2017)
New York Bar (2014) (NP)
Indian Law Institute, West
Bengal chapter
(Member of the Executive
Council)
Incorporated Law Society
(Kolkata)
(Member of the Library and
Website Committee)
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")

Nandini Khaitan is a partner with the Dispute Resolution Practice group in the Kolkata office. Nandini has vast experience in commercial, environmental, intellectual property, real estate and family disputes / litigation and arbitration. Nandini also works on family matters including HUF laws and matrimonial issues. 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, District Courts of Bombay, Delhi and Kolkata and other forums. Having worked extensively with two chartered High Courts of India, she is thorough in the nuances of litigation and arbitration across Courts and has represented large multinationals and individuals across the country.

Nandini also works with various social justice issues like legal education for the underprivileged 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 organizations. She guest lectures in various law schools from time to time on arbitration and family law.

Nandini was named in The Economic Times 40 under 40 Business Leaders list for the year 2020.

Representative Matters:

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

Supreme Court

- **Medima LLC** - in their defense before The Supreme Court of India in Section 11 of The Arbitration & Conciliation, Act, 1996 which was tagged with a Special Leave Petition against Order of The Calcutta High Court refusing an anti arbitration injunction (in our clients favour). Led the litigation and was responsible for all aspects of the matter including strategy, drafting appearing in Court and briefing senior for arguments. The matter had an interesting point of law on parallel arbitration clauses. Medima was successful both in the Section 11 and the SLP. The litigation resulted in a landmark decision on the law of Section 11;
- 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 by then for which Supreme Court was first opened on a Sunday to hear arguments. Led the litigation and strategy



Incoming Vice President and Board Member of The Columbia Law School Association, New York -2021-2022

Legal committee of Calcutta Cricket & Football Club, Kolkata

Club Memberships

Calcutta Swimming Club
Calcutta Cricket and Football Club
The Bengal Club
India International Centra (in Delhi)

and was responsible for 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 high costs being imposed on the defendants by the Bombay High Court;

- **Dalmia and Dhunseri groups** in their joint 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 strategy, drafting and presenting arguments. The litigation resulted in the successful withdrawal of the urgency provisions by the State Government; and
- 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

- **Medima LLC** before The Calcutta High Court in an anti arbitration injunction application. This was a strongly contested litigation to injunct the ICC arbitration commenced in UK by our client. Led the litigation and was responsible for overall strategy, drafting, arguments. The litigation resulted in the Court declining to give a stay to the ICC proceedings both before the Single Bench and the Division Bench;
- **Unitech Developers and Projects Limited/ Candor Gurgaon Two Developers & Projects Pvt. Ltd.** before The Calcutta High Court in section 9, 34 and 37 proceedings. Was responsible for leading the Kolkata leg of the matter in both the arbitration and the Court. 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;
- **Glenmark Pharmaceuticals** before The Tripura High Court in a civil revision in a labour matter. Led the litigation and was responsible for overall strategy, filing and arguments. The litigation resulted in a stay of the Order of the Tribunal. The matter is pending final adjudication;
- **Reliance Commercial Finance Limited and Reliance Capital Limited** before The Calcutta High Court in a quashing application of criminal proceeding. The matter was urgent as the promoters had been impleaded. Led the litigation and was responsible for filing, strategy and arguments. The litigation resulted in the stay of the criminal proceeding;
- **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 matter 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. Was responsible for 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; and
- **Jindal Steel & Power Ltd.** before The Calcutta High Court in their defense for contractual damages. Led the litigation for the client and was in charge of strategy, drafting and appearing. The matter resulted in 2 of the 3 Defendants being dropped from the suit in an extremely timely manner without having to face trial and one defendant being referred to arbitration. In effect the Suit was rendered infructuous.

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; and
- **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; and

- 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** 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; and
- 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. Was responsible for all aspects of the arbitration including strategy, drafting pleadings, briefing senior 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; and
- One of the largest multinational companies in an arbitration involving a construction contract against a foreign government company in an International Commercial Arbitration based outside India. Arbitration is pending.

Continuing Legal Education/Panel discussions:

- Guest faculty at the WB National University of Juridical Sciences, Kolkata (NUJS) in 2014. **Taught a credit course on Arbitration;** Have guest lectured from time to time at NUJS and recently at Symbiosis Law College, Nagpur.

Publications and Presentations:

Nandini has recently authored the following contributions:

- **The Firm Women: A Perspective on Indian Women working in Law Firms** published Indian Advocate (Volume XLII, Women and Law Issue, 2018) and republished with permission by Bar & Bench -<https://www.barandbench.com/columns/the-firm-women-a-perspective-on-indian-women-working-in-law-firms>



(The article is cited in various women and law symposiums and had over 200k on last check in Dec 2018);

- **Fraud and Arbitration – An Attempt to Deconstruct the Russel Principles** – Published in the Nanipalkha newsletter, October, 2020. <https://www.khaitanco.com/sites/default/files/2020-11/NPAC-Newsletter-Dispute-Resolutions-October-2020.pdf>;
- **Patent illegality: Supreme Court travels a long road to tame a herd of unruly horses** - Published with The International Law Office, July, 2020;
- **Supreme Court Clears The Air On Coparcenary Rights Of Daughters Under The Hindu Succession (Amendment) Act, 2005** <https://www.mondaq.com/india/trials-appeals-compensation/977352/supreme-court-clears-the-air-on-coparcenary-rights-of-daughters-under-the-hindu-succession-amendment-act-2005>;
- Op ed piece - **Shamnad Basheer: How an affable, erudite professor influenced everyone around him** - <https://indianexpress.com/profile/columnist/nandini-khaitan/>; and
- **“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).

Panel Discussions

- Panelist for webinar on Time and Cost management in International Commercial Arbitrations. Panel included Mr Gary Born, Mr Stephen Finizio, Mr Sanjeev Kapoor, Mr Kinshuk Banerjee and Ms. Dharshini Prasad <https://youtu.be/-ynoqS8SOeA>;
- Moderator for webinar on Virtual Courts. The panel consisted of The Hon’ble Mr Justice Sanjib Banerjee, Sr. Advs. S N. Mookherjee and Mr Mukesh Lahiri. <https://www.youtube.com/watch?v=YRewVPsJAeE&t=4267s>;
- Moderator for webinar on Indian Arbitration Guideline Launch 2.0 by IAF. Panel consisted of The Hon’ble Mr Justice A.K. Patnaik (retd.), The Hon’ble Ms. Justice Maushmi Bhattacharya and Sr. Adv Mr S.N.Mookherjee <https://www.youtube.com/watch?v=QKihayGQUng> ;
- Panelist for webinar on Inclusive Contract Drafting (responsible for the arbitration and force majeure clauses) for Indian Chamber of Commerce and Merchant Chamber of Commerce;
- Co Panelist with Additional Solicitor General of India, Ms Pinky Anand for a discussion on “Decode Law 4 Women” organized by YFLO Calcutta; and
- Co panelist with former MP Priya Dutt and journalist Ms Anubha Bhonsle on Social Justice organized by Ladies Studies Group, Kolkata.

Other



**KHAITAN
& CO**

Advocates since 1911

- Advisor to Standard Indian Legal Citation (SILC) - the first Indian legal citation system.