



Amar Gupta

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Practice Areas

Litigation and Arbitration

Sectors

Banking & Financial Services

Petrochemical, Oil & Gas

Construction and Engineering

Mines & Minerals

Real Estate

Technology, Media & Sports

About

Amar is amongst the founding members of JSA's Disputes Practice. He has in past served as the Practice Chair and a member of the Firm's Executive Committee.

Amar has extensive experience in commercial litigation, arbitration and he regularly appears and argues at various Courts and Tribunals. He has conducted high profile litigations before the Supreme Court of India, High Courts, National Company Law Tribunals and other Tribunals. Several of the legal proceedings Amar has acted in, have resulted in landmark judgments reported in reputed journals. Amar is often invited as an expert in his areas of practice in seminars and conferences.

He is recognized for his creative litigation strategy in complex disputes. He has extensive experience in managing multijurisdictional disputes. He also counsels clients on dispute avoidance and resolution, conflict of law, and enforcement matters.

He has wide experience in conducting domestic and international arbitrations, ad hoc as well as institutional, in a broad range of industries, including Oil & Gas, Real Estate, Commodities and IT.

He also sits as arbitrator. He is a member of the ICC Commission on Arbitration and ADR, and the Executive Committee of ICC India. He has testified as an expert on Indian Law in legal proceedings.

Amar also advises and assists clients in internal investigations and investigations of white-collar offences under anti-corruption laws and their prosecution. He also assists in defending companies and their key officers against investigation and prosecution under laws relating to economic offences.

He is also currently focusing on Insolvency Law. He has represented and advised Financial Creditors, Operational Creditors as well as Resolution Professionals. He also represents clients in Environmental Law proceedings.

Chambers and Partners has constantly ranked Amar as one of the finest litigation lawyers. They have also mentioned that *“Amar Gupta is regularly called upon by Indian and foreign corporates for his broad disputes expertise. Based in New Delhi, he advises on both litigation and arbitration, with skills in regulatory and finance-related matters as well as insolvency disputes.”*

Benchmark Litigation (Asia Pacific) has recognized Amar as a Litigation Star for Commercial and transactions disputes for two consecutive years 2022, 2023.

Experience

- Currently advising and representing Yamuna Expressway Industrial Development Authority in all its complex land acquisition cases, cases relating to cancellation of lease, demolition of unauthorized construction, title disputes and challenges against its administrative decisions in writ jurisdiction.
- Advising and representing Anheuser Busch InBev in its litigation with its former business partner before various Courts in Bangalore and in arbitration proceedings.
- Currently advising and representing Yum Restaurants (owns Pizza Hut brand) in matters under Food Laws, Legal Metrology Act and Municipal and other Regulations
- Advising and representing Canon India in legal matters concerning its business operations.
- Advises Phillips India and Reckitt Benckiser (India) on dispute avoidance and litigation strategy for their operations in South Asia, and on contentious issues in relation to business arrangements/contracts.
- Advising and representing Reckitt Benckiser (India) in matters under Drug Laws and price regulation.
- Advising and representing ATC India and Indus Tower, two leading mobile tower companies, in their disputes matters.

Arbitrations

- Representing a JV Partner in a Petrochemical company in an arbitration by its Partner for denial of control and loss of profit claim. The proceedings involve multi-million-dollar claim.
- Representing ATC India and Indus Tower in their multiple arbitrations against their customers for recovery of dues and lock-in period claims.

- Representing a German JV Partner in arbitration proceeding initiated by its Indian partner in Automobile sector.
- Representing Technip India, a global leader in energy projects, technologies, systems, and services, in enforcing its claims against its customers for Extra Work and Extension of Time claims.
- Defending Minosha India (authorized distributor of Ricoh Japan) in multiple arbitration by its former business partner.
- Representing Yamuna Expressway Industrial Development Authority in multiple arbitration proceedings relating to its claims against real estate project developers under the Lease/Concession Agreement.
- Represented a multi-national Real Estate Company in arbitration proceedings against its Indian partner involving multi-million-dollar claim.
- Advised a leading multi-national Company in Oil & Gas sector in disputes under Production Sharing Contract and cost recovery claims.
- Advised on issues relating to interpretation of Joint Venture and Construction Contract to Foundation Company of Canada Limited (now “Aecon Construction Group Inc.”) in relation to major hydro power project; and conducted arbitration for enforcing claim for extension of time, refund of money retained on account of price discount etc. for JV Company in the same project.
- Enforcement of arbitral claims arising under Drilling Agreements concerning both on-shore and off-shore drilling operation on behalf of Hitech Drilling Services India Limited (it has since been acquired by Aban Lloyd Group).
- Represented a leading telecom Company in an arbitration against Union of India involving disputed under telecom license.

JV/Shareholders' Disputes

- Representing a German JV Partner in “mismanagement and oppression” proceeding and arbitration proceeding by its Indian partner in Automobile sector.
- Defended a major shareholder of a Petrochemical company in “mismanagement and oppression” proceedings before the Company Law Board, Calcutta High Court and the Supreme Court of India.
- Represented a foreign Joint Venture partner in Real Estate sector in proceeding against mismanagement by the Indian partner.
- Represented a Japanese company in disputes and litigation with its Indian JV partner. The litigation also involved proceedings for quashing of malicious criminal prosecution of the Japanese directors under special jurisdiction of the High Court.
- Represented key faction in inter-se disputes of large business houses (Pure Drinks Group, Modi Group and others).
- Represented a telecom major in multi-jurisdictional dispute to gain control. The disputes were litigated before NCLT (then Company Law Board), High Courts at Delhi, Bombay, and Madras, and the Supreme Court.

- Represented a group of foreign investors in proceeding for enforcement of their Shareholders' rights.
- Represented a key telecom company in court proceeding for hostile acquisition of a regional cellular operator.

Restructuring & Insolvency

- Conducted proceedings for restructuring through court sanctioned Scheme of Arrangement for Bharti Group, Flex Group of Companies, Fidelity Business Services India Private Limited, Nokia and other corporate groups and companies.
- Representing Yamuna Expressway Industrial Development Authority, a creditor, and a stake holder, in insolvency resolution process of a very large Infrastructure Project (including Delhi-Agra Expressway).
- Defended a large Real Estate company (the Corporate Debtor), in proceedings for initiation of insolvency resolution proceeding by financial creditors/home buyers.
- Represented a captive power company in pursuing its objections against a resolution plan which proposed alteration of terms of the Power Purchase Agreement.

Constitutional remedies against arbitrary state actions

- Represented Canon India Private Limited and PepsiCo India in pursuing successful constitutional challenge to decisions of Indirect Tax Tribunals.
- Advising the promoter group in collaboration with the Firm's Direct Tax team in proceedings under General Anti-Avoidance Rules (Income Tax Act) in pursuing constitutional remedy.
- Represented Yamuna Expressway Industrial Development Authority in defending the challenge to its policy decision for collection and payment of additional compensation to landowners in a large batch of proceedings initiated by the allottees. The matter involved complex questions of constitutional law including the question of precedence off policy decision over private contracts. The issue was finally decided by the Supreme Court through a landmark judgment.
- Represented Reckitt Benckiser and Abbot India in constitutional challenge against price control orders under Drug Laws.

Special remedy against criminal prosecution

Defended Directors and other key officials of multiple clients (PepsiCo India, Reckitt Benckiser, Maruti Suzuki Ltd, Canon India and others) against wrongful prosecution under criminal laws, and for offences under food laws, legal metrology act, allegation of criminal offences in relation to contractual relationship. Successfully obtained order of quashing of such prosecution through constitutional remedies and/or through proceedings under special jurisdiction of the High Court.

Memberships

Executive Committee of ICC India

ICC Commission on Arbitration

Indian Council of Arbitration

Bar Council of Delhi

Publications

“NFT as property: A legal analysis” published in Legal Era, Nov-22

India chapter in “International Civil Procedure” published by Juris Publishing Inc

India chapter in “Enforcement of Money Judgments” published by Juris Publishing Inc

“Seat and the law of arbitration” published in ICC India Arbitration White Paper

“Enforcement of foreign awards in India” published in ICC India Arbitration White Paper

“Allow Internet the same constitutional rights as print media” published in Fortune India, Feb-20

“International Arbitration - Trends and Developments (India)” published in Chambers Global Practice Guides - International Arbitration, 13 September 2017
