



## Shalini Sati Prasad

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### Practice Areas

Dispute Resolution

ADR

### Sectors

Construction and Engineering

Energy: Power and Hydrocarbons

Hospitality, Tourism and Retail

Employment & Labour Benefits

Telecommunications and Broadcasting

Transportation and Logistics

Petrochemical, Oil & Gas

Banking & Financial Services

### About

Shalini brings with her ten+ years of experience in advising and working on complex commercial and civil disputes, employment and labour issues and arbitrations (both domestic and international).

Shalini has graduated from Lady Shri Ram College for Women, Delhi University with Honours in Political Science. Thereafter, she received her law degree from Campus Law Centre, Faculty of Law, Delhi University.

Apart from handling litigation across fora, she focuses and enjoys handling complex contractual disputes and arbitrations (international and domestic) and related advisory. She also focuses on POSH, labour and employment law related issues (white and blue collar) and environment law matters, including pre-litigation strategic advisory. Her fora of practice primarily include the Supreme Court of India, Delhi High Court, National Green Tribunal (Principal Bench, New Delhi) National Company Law

Tribunal, Delhi Bench, National Company Law Appellate Tribunal, and Arbitral Tribunals (both domestic and international).

Shalini has also been ranked as a 'Recommended Lawyer' for 'Dispute Resolution (Litigation)' in the Legal 500 Rankings 2023.

She is currently advising and has been appointed as the External Member of the Internal Complaints Committee (constituted under the POSH Act) of various multinational companies.

## Experience

Some of the key assignments in these areas handled and being handled by Shalini amongst others, cover the following:

### Commercial/Criminal Litigation & Advisory:

- Advised and represented a big Indian conglomerate in the latest landmark judgment passed by the constitution bench of the Supreme Court of India in '**Cox & Kings Ltd. v. SAP India Private Limited**' [2023 SCC Online SC 1634], wherein the law relating to application of '*Group of Companies Doctrine*' in arbitration proceedings was discussed and settled. Further, advised and represented the client before a three-member Arbitral Tribunal in arbitration proceedings being conducted under the aegis of ICC.
- Advised and represented an Indian unicorn operating in the hospitality space before the Supreme Court of India and National Company Law Appellate Tribunal (NCLAT), New Delhi in the appeal proceedings relating to insolvency admitted against the client with multiple parties (other Hotel Partners and Federation of Hotels & Restaurants Association of India) proposing to intervene and opposing the setting aside of insolvency process.
- Advised and represented an international oil exploration group of companies engaged in geophysical survey and processing of seismic data for hydrocarbon exploration before the Delhi High Court for setting aside of termination and blacklisting orders passed by Directorate General of Hydrocarbons (DGH), Ministry of Petroleum & Natural Gas, Government of India.
- Advised and represented an international rail manufacturing company before the High Court of Delhi in its disputes pertaining to challenging an arbitral award filed by Delhi Metro Rail Corporation.
- Advised and represented an international leader in the telecom business, in respect of its Indian business, in various litigations arising out of employment disputes, defamation issues and complaints under the Prevention of Sexual Harassment of Women at Workplace Act.
- Advised and represented a power sector undertaking of the Government of India in relation to its commercial contracts & service matters.
- Advised and represented a pioneer in agriculture technology and innovative crop- solutions in respect of various regulatory as well as commercial disputes related to the Fertilizer and Insecticides industry before various High Courts in the country and regulatory authorities.
- Advised and represented a client in a dispute related to ownership of an island off the Goan coast involving application of Portuguese Civil Code and Transfer of Property Act, and relevant laws applicable to Gentile Hindus of Goa before the Supreme Court of India.

**Arbitration:**

- Advised and represented a global market leader involved in construction of metro projects before a 3 Member Arbitral Tribunal in two separate domestic seated *ad hoc* international commercial arbitrations against Delhi Airport Metro Express Private Limited (DAMEPL) on outstanding claims for work done under the Power Supply, Distribution Traction Electrification and Control (PST) and Signaling and Train Control Systems (SIG) Contract executed for the high-speed metro airport line from New Delhi Railway Station to Dwarka Sector 21 passing through the Indira Gandhi International Airport Terminal 3.
- Advised and represented a global market leader in electrical, manufacturing and construction industry before a 3 Member Arbitral Tribunal in an arbitration proceeding against a leading manufacturer of Cooling Towers in relation to a contract for detail engineering civil works, supply and erection of three Natural Draught Cooling Towers (NDCT) on turnkey power project in Dahej, Gujarat. By and under a favourable Arbitral Award, claims on account of Liquidated Damages (LD) for delay in execution of the project and other risk purchase and mitigation measures undertaken were awarded in favour of the Client.
- Advised and represented a global oil exploration company before a 3 Member Arbitral Tribunal in a domestic seated *ad hoc* international commercial arbitration against Directorate General of Hydrocarbons (DGH), Ministry of Petroleum and Natural Gas, Government of India in respect of disputes under Agreement to carry out speculative geophysical survey in West Coast and East Coast of India.
- Advised and represented an international manufacturer of rails in arbitration proceedings initiated under a Contract for supply of 19,000 MT of Head Hardened Rails for Delhi Metro Phase III Project, in a domestic seated *ad hoc* international commercial arbitration and obtained a favourable Arbitral Award against Delhi Metro Rail Corporation.
- Advised and represented an international manufacturer of rails in arbitration proceedings initiated under a Contract for supply of 8000 MT of Head Hardened Rails for Delhi Metro Phase III Project and argued the matter before a 3 Member Arbitral Tribunal in a domestic seated *ad hoc* international commercial arbitration and obtained a favourable Arbitral Award against Delhi Metro Rail Corporation.
- Advised and represented a government owned company involved in Gas Exploration and Supply in relation to various disputes with several buyers arising out of Long Term RLNG Contracts with respect to downstream supplies.
- Advised and represented an Indian leader involved in EPC business, in relation to various disputes pertaining to delays and defaults, risk purchase measures, claim analysis and imposition of liquidated/unliquidated damages etc.
- Advised and represented a 'Maharatna' Public Sector Enterprise of Govt. of India, one among the largest power transmission utilities in the world, in relation to disputes arising out of contract for supplies for construction & laying of grids.

## Entertainment Law:

- Advised and represented an International Media House in relation to various regulatory and policy related matters before the Supreme Court, obtaining John Doe Orders qua IPL broadcast rights before the High Court of Delhi and various other regulatory matters before the TDSAT.
- Advised, represented and negotiated for and on behalf of an International Media House having its presence in India as a Pay Television Channel in relation to its regulatory and contractual issued pertaining to statutory broadcasting and networking compliances, Production Agreements, Global and Domestic Ad Sales Promotion Agreements, Talent Agreements and domestic and international Content Acquisition Agreements.

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## FMCG Advisory:

- Advised a world leader in manufacturing beverages on issues pertaining to differential pricing in separate states of India, in view of the amendment to Rule 18 (2A) of the Legal Metrology Rules 2017, read with statutory provisions of the Legal Metrology Act 2009.
- Advised an Indian conglomerate involved in production and supply of fast-moving consumer goods on various issues relating to compliances under the Legal Metrology Act and Rules.
- Advised and represented a UK based world leader in manufacture of fast-moving consumer goods on issues related to criminal action initiated by special task forces.

## Awards and Recognition

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'Recommended Lawyer' for 'Dispute Resolution (Litigation)' in the Legal 500 Rankings, 2023

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## Memberships

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Supreme Court Bar Association

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Delhi High Court Bar Association

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Young International Arbitration Group (YIAG), London Court of International Arbitration

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## Publications

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*"Role of a Respondent in proceedings under Section 34 of the Arbitration and Conciliation Act, 1996"* published in **Mondaq & Lexology** [28 February 2022] and **International Law Office - Arbitration & ADR Newsletter - India** [17 March 2022].

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*"NCLAT: Termination of a PPA during subsistence of moratorium is in violation of the IBC"* published in **Mondaq** [07 August 2020].

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*"The dynamic nature of workplace in a work from home era: Operation of the Sexual Harassment of Women at Workplace Act, 2013"* published in **Bar and Bench** [31 May 2020].

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*“Performance of contracts in times of COVID 19: Determination of the relevant period of the force majeure event”* published in **Lexology** [13 April 2020].

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*“Terminating arbitrator’s mandate- can parties proceed with truncated tribunal?”* published in **ILO** [25 July 2019].

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*“Clarity in arbitral proceedings- legislation post pronouncement of arbitral award”* published in **ILO** [07 February 2019].

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*“Analysis of Section 11(6A): A conundrum”* published in **International Law Office - Arbitration & ADR Newsletter - India**, [11 October 2018] and **Lexology** [11 October 2018].

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*“Arbitration and Conciliation (Amendment) Bill 2018: Coherence or Chaos”* published in **International Law Office - Arbitration & ADR Newsletter - India**, [13 September 2018] and **Lexology** [13 September 2018].

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*“Procedural Amendments Affecting Vested Substantive Right of a Litigant Are Prospective in Application Unless Specifically Made Applicable Retrospectively”* published in **Mondaq** [17 May 2018].

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*“SC: Scope of Interference of Courts While Appointing Arbitrators Limited to Determining Existence of Arbitration Agreement”* published in **Mondaq** [16 November 2017].

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*“SC: Arbitrator Cannot Award Pendente Lite Interest When Specific Provision in Contract Bars Payment of Interest”* published in **Lexology** [10 October 2017] and **Mondaq** [10 October 2017].

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*“SC: Employee of a party allowed as ‘arbitrator’ in proceedings initiated prior to 2015 Amendment to the Arbitration and Conciliation Act”* published in **Lexology** [21 September 2017] and **Mondaq** [20 September 2017] and republished in **Resolution, New Zealand Dispute Resolution Centre (NZDRC)** [15<sup>th</sup> Issue, November 2017].

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## **Education**

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B. A. (Hons.) in Political Science, Lady Shri Ram College for Women, Delhi University

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Ll.B., Campus Law Centre, Faculty of Law, Delhi University

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## **Languages Spoken**

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English

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Hindi

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