



## Achint Kaur

Counsel

Max Towers  
7th & 8th Floors  
Sector 16B, Noida  
Uttar Pradesh 201 301  
India

T: +91 20 479 1000  
F: +91 20 474 2000  
E: [achint.kaur@khaitanco.com](mailto:achint.kaur@khaitanco.com)

### Practice:

Corporate and Commercial

### Education:

LL.B. (Hons.), Campus Law Centre (2005)

MBA (IIM, Kolkata) Senior Management Program

M.A. and B.A (Hons.), (Pol Sc.) (Hindu College) (2002)

IPR Certification, World Intellectual Property Rights Organization (WIPO), Geneva

Advanced Practitioner Level at International Association for Contract and Commercial Management (IACCM)

CSI (Consulting and System Integration) Diploma

### Professional Affiliations:

Bar Council of Delhi

Member of Delhi High Court Bar Association

### Sectors:

IT/ITeS

E-commerce

Manufacturing

Telecom

Hospitality

FMCG

Hospitals

Retail

Media and Entertainment

Travel and Tourism

Finance

Food and Beverage

Achint Kaur is a Counsel in the Corporate and Commercial practice group in the NCR office.

### Representative Matters:

In her areas of expertise, Achint has represented and advised the following clients:

#### Corporate and Commercial

- **Club Factory** drafted and reviewed all contracts including platform facility, seller, product supply, merchants, warehousing, logistics, importer on record related agreements for the marketplace and otherwise. Drafted policy documents including IT, security policy, risk management etc.
- **7-Eleven, Inc.** reviewed build operate and transfer (bot) agreements for their retail business; drafted and negotiated the master services agreement with Infosys. Drafted and reviewed the terms of the service agreement with Flexibility and end to end drafting, negotiation of the master services agreement with Moveinsync.
- **Reliance Brands, Reliance Industries Limited and IFC** drafted and negotiated Hotel Management Agreements, Letter of Intent, Heads of Terms etc. with Oberoi Group.
- **Oberoi Group** on end-to-end drafting and negotiation of Access Agreement and summary to produce a documentary film and broadcast by **Voltage TV** on **Channel Four**.
- **Toyota Accessories Development ME India Private Limited (TADME)** drafted and negotiated commercial agreements including development supply agreement, technology license agreement master shared services agreement, master services agreement, IT infrastructure, consumer and supply agreements and ancillary documents like purchase order, proforma invoice, credit note, sales invoice, debit note, packing list, sales return, purchase return etc.
- **Henry Ford Health Systems** drafted master technology license and franchise agreements with model hospitals.



**KHAITAN  
&CO**

*Advocates since 1911*

Music

Mining

Education

Software and Technology

Alcohol and Breweries

Automobiles

Provided corporate legal advisory on a multitude of matters.

- **Akash Institute. AESL/ BYJU** drafted corporate and contractual advisories, prepared a memorandum on franchise agreement contractual queries around termination, IP, sub-franchising, contractual remedies etc. Reviewed over 50 franchise agreements. Drafted a new structure for the franchise agreement template.
- **HCL Technologies Limited** drafted and reviewed clinical trial agreement, investigator undertaking and informed consent documents.
- **Dalmia Group and Hippo Stores** drafted the Franchisee questionnaire, Heads of Terms and the Franchise Agreement and negotiated for the franchisor PAN India and rendered general corporate advisory.
- **Gujarat Fluorochemicals Limited:** Reviewed General terms and conditions for raw materials, drafted risk sheets and reviewed specifications brochures, drafting product liability disclaimers etc.
- **Triveni Engineering** provided corporate and contractual opinions, drafted memorandums on confidentiality, IPR and termination respectively, prepared an IP Affidavit and advisories etc. reviewed license and supply agreements. end to end negotiations, drafting and execution of clean team agreement etc.
- **MakeMyTrip, IBIBO and TourHQ** Vendor Agreements for tour and travel arrangements including commissions and profit sharing etc.
- **QE Securities LLP** drafted and reviewed multifarious agreements ranging from employment agreements, non-compete, software development and the partnership agreements.
- **EGrowth Technologies:** drafted and reviewed the master services agreement for provision of Technology and Analytics for E-commerce sites for Artemis Alliance S.L.U.'s 'Havas Market' project.
- **Confidential Client** - Drafted Franchise Agreement with Ketsaal Retails and provided advisory on the product supply and claims relating to sale for retail and marketplace with respect to products to be sold on Amazon's site.
- **Sterlite** on Consulting Agreements drafting and negotiation.
- **Inbrew Beverages Private Limited** Drafted franchise agreement, the issue list, and negotiations as part of a slump sale acquisition for an alcohol and breweries business.
- **Prosegur Spain** reviewed transitional services agreement.
- **Greenlam** drafting and improvised templates of the Distribution and Trade Partner Agreements etc. Drafted policy documents for agreement signing and contract sign



off sheet. Worked on product liability advisory with Chinese and European customer claims. Rendered employment advisory with drafting of appointment letter, termination notice and employee claims responses including allegations of harassment allegation and worked on drafting the response to the state commission petition. Provided environmental advisories, prepared representation to Commission for Air Quality Management in National Capital Region and Adjoining Areas (CAQM) for Pollution Control regulations and industries resumption at full capacity. Advisory for agricultural and mustard waste to be considered as a cleaner fuel, reviewed the Draft Regional Plan 2041 for NCR definition. Worked on the factories act indirect tax advisory memorandum etc.

- **NCML (National Collateral Management Services Limited) and FCI (Food Corporation of India)** provided opinions and memorandums on Force Majeure, Exit from Concessionaire, GST, change in Law and advisories on SILO's safety procedures as well as Letters to District Magistrates etc.
- **Unisource and GMR Group** Drafted agreements including non-circumvention, supply, and subcontractor agreements.
- **Starmaker and Omnicom Media Group India Private Limited:** drafted and end to end negotiated the media services agreement for brand promotion, advertising; and other allied communication services.
- **Confidential Client** drafted and end-to-end negotiated a franchise agreement as part of a slump sale acquisition for an alcohol and breweries business.
- **PFH Oil and Gas Private Limited** Drafted an assignment and transfer agreement for assigning and transferring different mining leases across India and the participating interests therein.
- **M/s Moet Hennessy India Private Limited** Drafted the Merchant Trade cum High Seas Sale Agreement and rendered general corporate and commercial advisory.
- **Jagsonpal Pharmaceuticals Limited** drafted the supply agreement as part of an M&A transaction.
- **Nexthink** drafting a Software Development Agreement for development, implementation, and maintenance of a software solution.

#### **Corporate Disputes and Advisory**

- **Club Factory** on E-commerce, IT Guidelines, GST, Metrological Legal requirements
- **Greenlam Laminates** - Opinions and memorandums on Legal Metrology Act, tax compliance and construction cess. Provided corporate advisory on non-compete arrangements with trade partners.



- **HCL Avitas Private Limited** through opinions and memorandums on cobranding of diagnostic reports with Thyrocare
- **Firefly Networks Limited** (an Airtel and Vodafone Joint Venture) on Voluntary Winding Up, Procedure, Checklist, Timelines, Considerations and Challenges etc.
- **American Express** rendered advisory opinions on UCC 2018 and, TRAI guidelines as well as exclusions and renewal of existing consents for card transactions.
- **Capgemini** PF advisory memorandum
- **PayU Finance** - KYC advisory memorandum
- **Micron Technology Operations India** rendered corporate governance advisory for the Micron website disclaimer.

#### **Intellectual Property**

- **Starmaker** on infringement, licensing of music and literary works in the entire repertoire of sound recordings, underlying works, negotiations of license fee and royalties.

End to end contract drafting and negotiation, IPR opinions, for their Media Services, with Lyricists, Music Composers and Music Producers. Advised on Copyright Infringement issues; with **Tips, Times Music, Zee Music and T-Series** on music Licensing Agreements.

Provided opinions on Information Technology (Intermediaries guidelines) Rules, 2011, royalties, minimum guarantees, and license fee.

- **Greenlam Laminates** Advisory on Anti-Covid; Anti-Virus Anti-Bacterial TVC. Reponse to notices from Advertising Standards Council of India ("ASCI") as well as consumer complaint responses and advisory

#### **M&A and Due Diligences**

- **Aditya Birla Group** due diligence for majority acquisition of a designer fashion brand Tarun Tahiliani.
- **JK Fenner** performed due diligence for acquisition of Banko Gasket
- **Reliance Industries Limited** on Payments Bank and the 71 confidential companies' merger filings, advise etc.
- **Firefly Networks Limited** (an Airtel and Vodafone Joint Venture) drafting and end to end negotiation of acquisition related transaction documents, term sheet, SPA, transition agreement etc.
- **Greenlam Laminates** due diligence for acquisition of a company.
- **QE Securities LLP** provided structuring advisory and drafted a memorandum/opinion.



**Regulatory, FEMA, FDI, RBI, India Entry Experience**

- **HSBC Bank Plc. and Denton UK and Middle East LLP** drafted memorandums rendered corporate advisory support on cash sweep, forms of repatriation and upstreaming of funds from Indian subsidiary to foreign parent holding company and drafted the Memorandum. Drafted the FEMA and funding document.
- **Club Factory** on FDI, India Entry, end to end PPI (E-wallet) license, filings with RBI, UPI, Payment Gateway, UPI integration, Audits, Rights issue, KYC, FCGPR Filings etc. and
- **HCL Infosystems Limited and HCL Infotech Limited** on Import, export write-off, compounding, FEMA, FDI Advisory. FEMA, FDI Advisory and related meetings with AD Banks and RBI.
- **Smartpaddle Technology Private Limited** Provided FEMA, ODI Guidelines and the Company's Act advisory support on the inclusion of securities premium account within the calculation of net worth, and accordingly drafted our opinion memorandum.

**Publications and Presentations:**

Achint has authored the following contributions:

- **"M&A transactions and ESG Trends"** published by CNBC (20 July 2022)
- **"RBI Extending the Restriction on Storage of Actual Card Data (Card-on-File) to Facilitate Compliance"** published by Mondaq and Lexology (5 July 2022);
- **"SEBI Tightens Cyber Security and Cyber Resilience Framework of Mutual Funds and Asset Management Companies to Safeguard Investor Interests"** published by Mondaq and Lexology (30 June 2022);
- **"RBI Enhances Transaction Limits for Processing of Emandates for Recurring Transactions: From INR 5,000/- to INR 15,000/-"** published by Mondaq and Lexology (28 June 2022);
- **"Nomination or Opt-Out for Mutual Fund Unit Holders published"** by Mondaq and Lexology (27 June 2022);
- **"The companies (Removal of Names of Companies from the Register of Companies) Amendment Rules, 2022 - Promoting 'Ease of Doing Business'"** published by Mondaq and Lexology (23 June 2022);
- **"Reserve Bank of India amends Master Directions on KYC to extend Central KYC Records Registry"** published by Mondaq and Lexology (23 December 2020);
- **"Government's Clarification on FDI Policy on Single Brand Retail Trading for Goods Procured from SEZ"** published by Mondaq and Lexology (28 February 2020);
- **"Music Industry Trends"** published by Mint (May 2019).



## Recognitions and Accomplishments:

Achint has been acknowledged for her experience and expertise by:

- **USIBC** for the USIBC Digital Economy session, presented on "SEBI's Cyber Security and Cyber Resilience Framework for Mutual Funds and Asset Management Companies"
- **Campus Law Centre, Delhi University at the "3<sup>rd</sup> International Conference on Artificial Intelligence and International Law"** as an expert panelist and special guest, presenting views on 'Privacy Regulation of AI' and discussing relevant points on International Regulation of AI in Global Financial Space, Governance, Defence Sector, Ecological Perspective and IPR (in New Delhi on 24 and 25 June 2022)
- **SCC Online** interview published for readers on developing different facets of one's legal career graph
- **SRM University** invited as "Keynote Speaker" at the Students Orientation and presented on the "Future of the legal Profession in Covid Times with key emphasis on ensuring Consistency with Emotional and Mental Health"
- **SRM University** invited as the "Chief Guest" and delivered a Lecture on the "Versatile Career Opportunities in the legal domain" to over 1000 students
- Part of **Diversity and Inclusion Member Resource Group**
- **Ericsson**, "Key Contributor" (KC) High, award for top 5% Global performance
- **Ericsson** – part of Leadership for Professionals and "Impact of ME – Unleash your Potential" – Women Leadership
- **Ericsson** awarded multiple "Ace Awards" for end to end billion-dollar deals with Airtel (for "PAN India Managed Services", "2G", "3G", "4G/LTE", "Microwave" and "Fiber Rollout" deals)
- **Ericsson** awarded "an eye for detail" for "Managed Services Open Network" deal and "expertise in Contract Interpretation"; and
- **UnitedLex** bestowed "Pinnacle Award for Best Leader".