



Diwakar Maheshwari

Partner

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Practice Area:

Dispute Resolution
Arbitration
Insolvency & Bankruptcy
White Collar Crime
Labour & Employment

Education:

B.A.B.L.,(Hons) (2004)
NALSAR, Hyderabad

Professional Affiliation:

Mumbai High Court Bar Association

Diwakar is a Partner in the Litigation and Dispute Resolution practice in New Delhi. Amongst other areas of practice, Diwakar has extensive experience in handling Civil, Corporate and Commercial Litigation (including white collar crime), Arbitration, Insolvency & Bankruptcy related matters. He regularly represents his clients before Supreme Court of India, various High Courts across India and Quasi-judicial authorities.

Diwakar is frequently consulted by his clients for tactical and key strategic advice in relation to contentious matters. He also plays an instrumental role in advising his clients on undertaking preventive measures in commercial contracts. Diwakar regularly advises clients of Foreign law firms based in various jurisdiction in relation to Indian laws. He is member of the Firm's core "Employment and labour benefit practice" and "Distressed M&A, special situations and restructuring Practice"

Diwakar is an avid writer and has authored articles on various commercial issues, which have been published at National and International publication.

Representative Matters:

Dispute Resolution matters in various areas:

- Representing and advising **BMW AG/BMW India** in litigation across India (Arbitration, Consumer Disputes and White Collar Crime Proceedings in Hyderabad High Court and Preventive Advisory).
- Representing and advising **Harley Davidson India** in litigation across India (Dealership dispute, Consumer disputes, Settlement Proceedings).
- Representing and advising **Benetton India** in litigation (Arbitration, liquidation proceedings, White Collar Crime proceedings, consumer disputes and Preventive Advisory).
- Representing and advising **TBEA Shenyang Transformers Group Co Limited** in relation to its ongoing dispute with Alstom Projects India Limited (International Commercial Arbitration and the Supreme Court of India).
- Representing and advising **TBEA Shenyang Transformers Group Co Limited** in relation to its dispute with Essel Group. (Arbitration).
- Representing and advising **Osram India** in relation to ongoing dispute with GAIL (Arbitration and Delhi High Court)



- Representing and advising **Mashreq Bank psc, Dubai/ Al Ghurair Group, Dubai** in relation to dispute with their customer based in India (Insolvency proceedings in Calcutta High Court and preventive advisory)
- Representing and advising **Vossloh Group, Germany** in relation to a much contested shareholders dispute initiated by their Indian Counterpart (Arbitration and related other proceedings in Hyderabad Court)
- Representing and advising **Stancroft Trust**, a UK based entity, in relation to enforcement of an award passed by ICC, London. (White collar crime Proceedings, High Court - Delhi, Allahabad and the Supreme Court of India).
- Representing and advising **Laxmi Ventures Limited** in relation to recovery and SARFAESI proceedings initiated by State Bank of India (Delhi High Court)
- Representing and advising **India Infoline Group** and its directors before the Trial Court, Delhi High Court as well as Supreme Court of India (White Collar Crime proceedings, Civil proceedings, Arbitration Proceedings) - *The Supreme Court in this matter delivered a landmark judgment on the issue of Vicarious liability of Directors in Criminal proceedings.*
- Representing and advising **Hindustan Engineering India Limited** in relation to its ongoing corporate dispute with the Spicejet Limited (earlier known as Modiluft Limited and thereafter Royal Airways Limited) and its erstwhile promoters, i.e., SK Modi and family before of Trial Court, High Court - Delhi and Calcutta, Supreme Court of India (Civil Proceedings, Contempt Proceedings, White Collar Crime Proceedings).
- Representing and advising **R.K. Associates** in the investigation initiated by Central Bureau Investigation in relation to the **Rail Neer Scam** (White Collar Crime Proceedings)
- Representing and advising **Reliance Broadcast Network Limited** in relation to its ongoing dispute with Delhi Metro Rail Corporation (Arbitration proceedings, Civil Proceedings before Delhi High Court and Supreme Court of India).
- Representing and advising **ITE Group PLC, UK** in relation to its dispute with its Indian counterpart arising due to breach of contractual terms (Calcutta High Court).
- Represented and advised **Shiv-Vani Oil & Gas Exploration Services Limited** in insolvency proceedings initiated by bond holders upon the issuance of FCCB's by the client. (Delhi High Court, Queen's Bench Division, Commercial Court, UK).
- Represented and advised **Phillips Carbon Black Limited (RPG Group Company)** in their dispute with Yantas Yavuzlar Plastik AS, Turkey. (International Arbitration proceedings before the Singapore International Arbitration Centre)
- Representing and advising **Singapore Telecommunications Limited** in relation to liquidation proceedings initiated against their Indian Counterpart (Delhi High Court).
- Representing and advising **Raisina Hotels Private Limited** in relation to dispute pertaining to real estate in hospitality (Arbitration proceedings, Civil Proceedings, White Collar Crime Proceedings)



- Represented and advised **Mahindra Holiday and Resorts Limited** in relation to Consumer disputes (Appellate Authority of Consumer Forum).
- Represented and advised **GKW Group** in relation to dispute with Prakash Industries Limited (Arbitration proceedings, Liquidation Proceedings – Chandigarh High Court, White Collar Crime Proceedings)
- Represented **Dr Vijay Mallya, Chairman UB Group** in relation to the criminal proceedings initiated by the Enforcement Directorate (Supreme Court of India)
- Representing and advising **Lilavati Hospital (Mumbai)** on behalf of the K.K. Mehta Family (Supreme Court of India)
- Represented **Sun Pharmaceutical Industries Limited** in relation to allegations of violation of SEBI Insider Trading regulation pertaining to the USD 4 Billion acquisition of Ranbaxy (Supreme Court of India)
- Representing and advising **United Breweries Holding Limited/Kingfisher Airlines Limited** in relation to its ongoing dispute with various local and International lenders and creditors (Supreme Court of India, Delhi High Court, Lower Court, Competition Commission of India, Competition Appellate Tribunal)
- Representing and advising **SREI Infrastructure Finance Limited**, in relation to a contractual dispute arising out of a tender matter (Arbitration Proceedings and Delhi High Court).
- Representing and advising **Asim Ghosh (Former CEO of Vodafone)**, in relation to a Public Interest Litigation filed in relation to the Hutchinson-Vodafone Deal (Delhi High Court).
- Represented and advised **Albert David Limited** in relation to a drug ban notification issued by Government of India banning its flagship drug. (Delhi High Court).
- Represented and advised **Broadcast Solutions, Singapore** in relation to the proceedings filed by their Indian Counterpart (Delhi High Court, Custom Authorities)
- Represented and advised an **Australian Cricketer (Royal Challenger Bangalore IPL Team)** in relation to criminal proceedings initiated against the said cricketer (Delhi High Court)
- Represented and advised **Bhushan Steels Limited** and its directors relation to complaints received by Registrar of Companies and SEBI on account of non-payment of dividend, which resulted in initiation of criminal proceedings by them (Delhi High Court)
- Represented and advised **Houghton Hardcastle India Limited** in relation to violation of guidelines issued by Foreign Investment Promotional Board (Delhi High Court).
- Represented and advised **Dex Group, New Delhi**, in relation to corporate litigation, real estate litigation, family litigation (Arbitration proceedings, Company Law Board, Delhi High Court)
- Represented and advised various **Aditya Birla Group Companies (Hindalco Industries Limited, Aditya Birla Chemicals Limited)** in liquidation proceedings. (High Court – Hyderabad and Bangalore)



- Represented and advised **Deepak Marda, former Managing Director of Cinepolis India** in relation to representation in shareholder dispute with Cinepolis Group, Mexico (Supreme Court of India)
- Represented and advised **Rawani Constructions** in relation to its dispute with NTPC pertaining to staff housing project in Orissa (Arbitration)

Preventive Litigation Advisory in various areas of law

Diwakar, on a regular basis, advises on various legal and commercial issues in relation preventive litigation & contractual dispute, employment issues, white collar crime laws and legal advisory under various areas of law to his clients, namely, **BMW, UBER, Benetton India, Innodata India, HCL Technologies, United Health Group, inVentive Health Inc, Dentsu Media, Monster Inc, USA & Monster India, IKEA India, Oswal Group, HILL International, Euronet UK, LG Electronics, Indian Golf Union, Venture Web, Siemens India, Minitab Inc, Buler India, CaseWell Drilling, Qmax Solution Inc, G4S, Kingfisher Airlines Limited, Hyderabad Industries, Sharp Clinical Services (UK), Seven Trent Laboratories, Bank Audi, Syria, Byblos Bank, Iraq, General Directorate of National Roads and Motorways, a Polish Government entity, PT Makmur Sejahtera Wisesa, Indonesia, NTT Communications Corporation, Japan, Global Steel Wire, S.A, Spain, Inatech Group, UK, et al**

Advising International Law Firms

Diwakar also advises International law firm's in various jurisdictions globally in relation to the issues involving their clients pertaining to Indian law, namely, **Eversheds LLP, UK, Dechert LLP, UK, Bird & Bird, Poland, Allen & Gledhill LLP, Singapore, Mori Hamada & Matsumoto, Tokyo, Solunion Servicios de Crédito, Spain, Wedlake Bell LLP, UK, CMS Cameron McKenna LLP, Weil, Gotshal & Manges LLP.**