



## Jeevan Ballav Panda

Partner

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### Practices:

Dispute Resolution  
Employment, Labour & Benefits

### Education:

B.A. LL.B. (Hons.) from  
Hidayatullah National Law  
University, Raipur, (2008)

### Professional Affiliations:

Empaneled as an Arbitrator at the  
India International Arbitration  
Centre (IIAC).

Member of Delhi High Court Bar  
Association.

Member of Incorporated Law  
Society of Calcutta, Calcutta High  
Court.

Life Member of Orissa High Court  
Bar Association.

Member of National Green Tribunal  
Bar Association (Principal Bench),  
New Delhi.

Member of International Law  
Association (Regional Branch),  
New Delhi, India.

Bar Council of West Bengal  
(2008).

Jeevan Ballav Panda is a Partner in the Dispute Resolution and Employment, Labour & Benefits practice group in the Delhi NCR office, with over 16 years of experience in commercial litigation, arbitration, and employment law. He is an empanelled Arbitrator at the India International Arbitration Centre (IIAC) and previously at the Delhi International Arbitration Centre (DIAC), having acted in multiple disputes.

Jeevan specializes in handling complex civil and contractual disputes, commercial litigation, and arbitration, providing strategic advisory for pre-litigation matters, particularly in the railway, construction, infrastructure, power, energy, petroleum, and hospitality sectors.

Additionally, he advises on labour and employment issues, including trade union matters, business transfers/closures, contract structuring, disciplinary inquiries, sexual harassment, compliance audits, social security (such as provident fund inquiries and exemptions), industrial disputes, terminations, transfers, and the enforceability of restrictive covenants like confidentiality, non-solicitation, and non-compete agreements.

### Representative Matters:

In his areas of expertise, Jeevan has represented and advised clients in the following key matters:

#### Arbitration:

- **Siemens AG & Siemens Limited** before a 3-Member Arbitral Tribunal in two separate domestic seated adhoc international commercial arbitration 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 Signalling 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;
- **Siemens Limited** before a 3-member arbitral tribunal in a domestic seated adhoc arbitration against Paharpur Cooling Towers Limited in relation to disputes under a Contract for detail engineering civil works, supply and erection of three Natural Draught Cooling Towers on turnkey power project in Dahej, Gujarat;
- **Voestalpine Schienen GmbH** before 3-member arbitral tribunals in two separate domestic seated adhoc international commercial arbitration against Delhi Metro Rail Corporation Limited in respect of Contracts for supply of Head Hardened Rails for Delhi Metro Phase III Project;
- **GX Technology Corporation, USA (An ION Group Company)** before a 3-member arbitral tribunal in domestic seated adhoc 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.

**Litigation:**

- **OYO Hotels and Homes Private Limited (OYO Hotels)** before the Supreme Court of India and National Company Law Appellate Tribunal (NCLAT), New Delhi in the appeal proceedings relating to insolvency admitted against OYO Hotels 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;
- **MyPreferred Transformation and Hospitality Private Limited** before the Delhi High Court wherein, the Court held that place of arbitration was akin to the seat of arbitration and in the absence of any contrary indicia, the Delhi High Court will have the jurisdiction to appoint an Arbitrator notwithstanding an exclusive jurisdiction clause added by way of an addendum providing for Bangalore Courts to have exclusive jurisdiction. Judgment reported in **2021 SCC OnLine Del 1536**;
- **GX Technology Corporation (An ION Group Company)** engaged in geophysical survey and processing of seismic data for hydrocarbon exploration before the Delhi High Court for setting aside blacklisting order passed by Directorate General of Hydrocarbons (DGH), Ministry of Petroleum & Natural Gas, Government of India for alleged breach of agreements. Successfully represented **Voestalpine Rail Technology GmbH** before the Delhi High Court and obtained similar injunction orders against Delhi Metro Rail Corporation (DMRC);
- **McLeod Russel India Limited** before the Supreme Court tagged with the lead matter **Cox & Kings Ltd. Vs SAP India Pvt. Ltd.** where the Five Judges' Constitution Bench unanimously concluded that the Group of Companies Doctrine has an independent existence as a principle of law which is substantially entrenched in the Indian arbitration jurisprudence considering its relevance in determining the intention of the parties in complex transactions involving multiple parties and multiple agreements. The earlier judgment of the Hon'ble Supreme Court in Chloro Controls judgment [(2013) 1 SCC 641] to the extent that it traces the Doctrine to the phrase 'claiming through or under' as given under Section 8 of the Act was held to be erroneous and against the well settled principles of contract in commercial law. Judgment reported in **2023 SCC OnLine 1634 (SC)**.
- **Voestalpine Schienen GmbH** before the Supreme Court challenging the Panel of Arbitrators provided by Delhi Metro Rail Corporation (DMRC) in relation to an International Commercial Arbitration seated in New Delhi on the grounds of independence and impartiality. The judgment is the first landmark judgment on interpretation of the legislative intent of the 2015 Amendment to the Arbitration and Conciliation Act, 1996 in the context of appointment of 'neutral', 'impartial' and 'independent' arbitrators. Judgment reported in **(2017) 4 SCC 665**;
- **GAIL (India) Limited** before the Supreme Court and successfully defending challenge made by HRD Marcus, a US based multinational, to the mandate of the nominee arbitrator of the PSU and the presiding arbitrator. The judgment laid down the law on the issue as to whether an arbitrator can be said to be independent and impartial if he/she has acted as an arbitrator in a prior arbitration between the same parties arising from the same contract



involving similar issues. The judgment also laid down the broad principles of law relating to Sections 12, 13 and 14 read with the 5th and the 7th Schedule of the Arbitration and Conciliation Act, 1996 post the 2015 Amendment. Judgment reported in **2017 (10) SCALE 371: 2017 (5) Arb. LR 1 (SC)**;

- **Essel Mining & Industries Limited (Aditya Birla Group)** before the Supreme Court for modification of an order suspending mining operations of 102 entities arising out of a Public Interest Litigation alleging illegal mining of iron ore and manganese in the State of Odisha. Judgment reported in **(2016) 11 SCC 455**.

#### Employment:

- **BT (India) Private Limited** before the Delhi High Court in a writ petition and obtained favorable orders against the Ministry of Labour and Employment, Government of India, and the Provident Fund authorities directing them to consider the company's application for grant of exemption under the Employees' Provident Funds Scheme 1952 that was pending for more than 8 years. In view of the writ petition and during its pendency, the authorities notified an order of exemption in favour of the company and the writ petition was disposed off in less than 4 months. Successfully represented **General Mills India Private Limited** before the Bombay High Court and obtained similar orders against the Provident Fund authorities directing them to allow the transfer-in and transfer-out of Provident Fund Accumulations from the exempted Provident Trust Fund and allow online operation on the EPFO Online Portal while the grant of exemption under the Employees' Provident Funds Scheme, 1952 was pending;
- **FIS Payment Solutions and Services India Private Limited** before the Calcutta High Court restraining the Trade Unions (All Bengal Contract Security Workmen's Union & 5 Ors.) from obstructing the free ingress and egress of the members of the public and officials in around 348 ATMs spread across the State of West Bengal and interfering in any manner with the day-to-day functioning and operations. Successfully represented **CMS Info Systems Limited** before the Calcutta High Court and obtained similar restraint orders against Trade Unions involving around 1248 ATMs spread across the State of West Bengal;
- **Tata Communications Limited** before the Delhi High Court in a writ petition and obtained an interim stay order on the impugned order passed by the Assistant Labour Commissioner - Central (Delhi), appointing members of a union that had not been recognized by the client establishment as 'protected workmen' under the Industrial Disputes Act 1947;
- **A leading MNC in the BPO Sector** before the Central Government Industrial Tribunal (CGIT) in an appeal under Section 71 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (EPF Act) challenging an order passed by the Regional Provident Fund Commissioner (RPFC), Gurugram under Section 7A of the EPF Act. The CGIT was pleased to pass an ad interim order staying the impugned order passed by the RPFC, Gurugram and admitted the appeal for consideration;
- **A leading MNC in the IT Sector** before the Regional Provident Fund Commissioner at Gurugram in proceedings initiated under Section 7A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 in respect of its exempted Provident Fund Trust and defending a principal claim of approximately INR 280



Crores as per initial report by the Enforcement officers in their preliminary report. As of now, we have been successful in getting an order for re-audit of the establishment by a special squad in supersession of the earlier report of the enforcement officers;

- **A leading Airline** in carrying out a comprehensive due diligence of all employment related litigation pending before multiple courts and foras pan-India and advising on litigation strategy;
- **Tata Consumer Products Limited** in an advisory mandate involving transfer of employees and corresponding accumulations from exempted Provident Fund Trust of Tata Coffee Limited to the exempted Provident Fund Trust of Tata Consumer Products Limited consequent upon a scheme of amalgamation;
- **Hilti Manufacturing India Private Limited** before the Gujarat High Court in a writ petition securing police protection orders at its factory premises in Navsari, Gujarat to ensure free ingress and egress and access to the premises by employees and stakeholders as well as for movement of machinery, raw materials, vehicles, etc;
- **Bio Veda Action Research Centre (Biotique)** before the Himachal Pradesh High Court in a writ petition and obtained orders setting aside the impugned order passed by Central Government Industrial Tribunal, Chandigarh directing deposit of 50% of the amount assessed by the Regional Provident Fund Commissioner, Shimla under Section 7A of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952; and
- **FIS Payment Solutions and Services India Private Limited** before the Calcutta High Court in multiple writ petitions before the Calcutta and Siliguri Bench and obtained favourable orders setting aside impugned orders passed by the Controlling Authority under the Payment of Gratuity Act, 1972 fastening liability on principal employer in respect of gratuity dues of workers engaged by contractors.

### **Publications and Presentations:**

Jeevan has authored/ co-authored the following contributions:

- **"Resolving Ambiguities: Exclusive Jurisdiction vis-à-vis Seat, Venue and Place of Arbitration"** published by SCC Online Blog, Experts Corner [2024 SCC OnLine Blog Exp 29], (09 April 2024);
- **"Evolving MSME Jurisprudence: A Look at Important Decisions from 2023"** published by LiveLaw (27 January 2024);
- **"Interim Awards in Arbitration: Complexities and Distinctions"** published by LiveLaw (13 September 2023);
- **"'Employer' under the POSH Act: The Jurisdictional Debate between the Internal Committee & Local Committee"** published by Bar & Bench (10 August 2023);
- **"Are you ready for India's New Employment Laws?"** published by Association of Corporate Counsel, (31 January 2023);
- **"Regulation of Inquiries under Section 7-A of the EPF Act - The Need of the Hour?"** published by SCC Online Blog, Experts Corner [2022 SCC OnLine Blog Exp 44], (01 June 2022);



- **"Juxtaposing Seat of Arbitration vis-à-vis Exclusive Jurisdiction Clauses: Judicial Trend Thus Far"** published by SCC Online Blog, Op Ed Section, (7 August 2021);
- **"Civil or Criminal Liability: Are legal cases the new pressure tactic?"** published by BW Legal World (17 November 2020);
- **"The dynamic workplace in a work from home era: Operation of the Sexual Harassment of Women at Workplace Act, 2013"** published by Bar & Bench (31 May 2020);
- **"Applicability of Force Majeure and Frustration to Lease Deeds: A Critical Analysis in light of Covid-19"** published by SCC Online Blog, Op Ed Section (20 April 2020);
- **"Appointment of Arbitrators & Unilateral Arbitration Clauses: The Debate Continues"** published by Dispute Resolutions - The Bi-Monthly Newsletter of the Nani Palkhivala Arbitration Centre, Volume 3 Issue 1 (February 2020);
- **"Enforcement of foreign awards: Does violation of legal provision equate to contravention of fundamental policy"** published by the International Law Office - Arbitration & ADR Newsletter - India, (18 April 2019);
- **"Liquidated Damage Clauses: Did Kailash Nath Dilute the Saw Pipes Position?"** published by Bar & Bench (14 March 2019);
- **"Liquidated Damages Saga: What does Fateh Chand, Maula Bux and Saw Pipes lead to?"** published by Bar & Bench (20 December 2018);
- **"SC: Employee of a party allowed as 'arbitrator' in proceedings initiated prior to 2015 Amendment to the Arbitration and Conciliation Act"** published by 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);
- **"Claiming Both Liquidated Damages And Risk Purchase Costs: A Myth Or A Reality?"** published by Mondaq (03 June 2016).

### **Recognitions and Accomplishments:**

Jeevan has been acknowledged for his experience and expertise by:

- **Benchmark Litigation Asia-Pacific** as one of **"Top 40 under 40"** from India for **"Labour and Employment"** for the year 2024;
- **India Business Law Journal (IBLJ)** as a distinguished **A-List lawyer** for **Arbitration & ADR, Litigation and Labour & Employment** for the years 2023-24 and 2024-25;
- **The Legal 500 (Legalease) Asia Pacific** as a **"Recommended & Key Lawyer"** for **"Labour and Employment"** for the years 2021, 2022, 2024 and 2025 and for **"Dispute Resolution: Litigation"** for the year 2023;
- **Benchmark Litigation Asia-Pacific** as a **"Litigation Star"** for **"Labour & Employment"** for the years 2023 and 2024;
- **Asian Legal Business (ALB)** as one of **"India's 50 Rising Stars"** in ALB's India Rising Stars Ranking 2021 and as one of **"India's Super 50 Lawyers"** in 2020 and 2021.