



Kabir Bogra

Partner

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Kabir is Partner with the Firm's International Trade & Regulatory Practice Group and leads the Aerospace & Defence Practice of the Firm.

Practice/s

Defence & Aerospace
Regulatory Affairs
International Trade

Education

B.A. LL.B. (Hons.) National
Law School of India
University, Bangalore
(2004)

Professional Affiliation/s

Bar Council of Delhi

With over 22 years of experience, he advises governments, public and private corporations, conglomerates and financial sponsors on strategic legal matters through the business lifecycle on areas including commercial contracts, regulatory affairs, customs & international trade and indirect tax. He assists companies navigate public procurement opportunities, establish and scale manufacturing operations, and reduce commercial risks by managing legal and regulatory policy environment. Additionally, he provides guidance and handhold companies in navigating regulatory and judicial investigations.

He frequently contributes to national and international publications, teaches master classes, undertake trainings and advises Aerospace & Defence Committees of the Indo French Chamber of Commerce & Industry and UK India Business Chamber of Commerce.

REPRESENTATIVE MATTERS

In his areas of practice, Kabir has represented and advised the following clients:

- Led the corporatisation of the Ordnance Factory Board, for the Department of Defence Production, Ministry of Defence (MoD). The transaction was the largest corporatisation undertaken in India and involved transition of 41 factories into 7 defence public sector undertakings, advising on constitutional, parliamentary and departmental procedures, establishing corporate governance norms, transition and restructuring of workforce of 82,000 employees, transition of all commercial and technology transfer agreements to resultant entities, continuity of existing programmes and devising a common compliance programme for all 7 entities.
- Advising a US based aerospace OEM on (i) establishing operations in India; (ii) lease of pre-production HALE UAVs to the MoD; (iii) supply of PBL based MRO services to the MoD; and (iv) supply of technical consulting services to Defence Research & Development Organization.

- Advising a France based aerospace OEM across its various aerospace and defence business interests in India, including (i) meeting its offset obligation in relation to supply of aircrafts; (ii) establishment of wire harness manufacture facility for its global supply; (iii) participation as engine supplier for a prospective aerial platform programme; and (iv) acquisition of a US aerospace and defence company's flight control development centres in India.
- Advising a Canada based aircraft OEM on (i) participation in a bid for supply of multiple aircraft platforms for intelligence, surveillance and reconnaissance operations; and (ii) co-development of platform technologies with government appointed laboratories.
- Advising an Israel based defence OEM across all its industrial projects in India, including (i) participating in engineering, procurement and construction of nitro-cellulose nitro-glucose based propellant manufacturing factory; (ii) relocation of intermediate technologies development operations in radars, missile approach warning missile systems (MAWS) and electronic warfare (EW), to India; and (iii) restructuring of subsidiaries and joint venture entities in India to indigenise intellectual property and reduce joint venture partner dependencies.
- Advising a US based autonomous technology company on (i) structuring a collaboration with the Ministry of Defence for development of autonomous technologies for field application; and (ii) establishing a production line for the resultant products.
- Advised a Europe based aerospace OEM in (i) participation in the bid for 126 Medium Multi Role Combat Aircrafts, 111 Naval Utility Helicopter (NUH) programme and 123 Naval Multi Role Helicopters (NMRH); (ii) establishing a helicopter design research & development centre in India to support the NUH; and (iii) internal investigation to identify impropriety in bid participation and violation of integrity pact with respect to the NUH programme.
- Advised a Europe based aircraft company on (i) sale of 77 training aircrafts to the MoD; (ii) implications of failure to achieve offset obligations; (iii) contractual dispute with Indian Offset Partners (IOP); (iv) disqualification of offset credits and blacklisting; (v) criminal investigation for violation of the integrity pact; and (vi) operational structure to service existing equipment during the period of blacklisting.
- Advised a UK based naval solutions company on (i) supply of New Torpedo Defence Systems (NTDS) and Integrated Advanced Anti-Submarine Defence Systems (IADS), for USD 125 Million; (ii) subcontracting arrangements for manufacture of winches and indigenization of software for both NTDS and IADS programmes; (iii) implications of failure to achieve offset obligations; (iv) disqualification of offset credits; and (v) represent operational structure to service existing equipment during the period of blacklisting.
- Advised an Israel based defence OEM on (i) participation in bid for supply of anti-tank guided missile systems; (ii) sub-contacting

arrangements in pursuance of the contract; and (iii) implications of blacklisting proceedings initiated against its IOP.

- Advised an Israel based loitering munitions manufacturer on (i) establishing a joint venture for manufacture of loitering munitions in India; (ii) formulation of strategy for localisation of intellectual property to qualify as indigenous design; and (iii) exchange control issues related to its operations.
- Advised a US based conductive weapon technology company on (i) establishing its operations in India including seeking all regulatory approvals; (ii) advising on procurement regime of the Ministry of Home Affairs/ homeland security; and (iii) establishing the internal compliance manual to ensure future compliance.
- Advised a US based defence OEM on (i) participating in a criminal investigation; (ii) advising on legal risks which may arise for the client by offering to participate in the investigation; (iii) witness preparation and review of the conduct and historical documentation of the client to advise on the matter.
- Advised a US based munitions manufacturer on (i) export of NATO specification munitions from India; and (ii) negotiated a supply contract with a Defence Public Sector Enterprise.
- Advised an India based defence OEM on (i) resolving a contractual dispute with a US based defence OEM with respect to the simulator business; and (ii) evaluate the regulatory regime for establishing a trading and eventual manufacturing of drone jamming business in India.
- Advised an India based industrial conglomerate on (i) acquisition of a munitions manufacturer based in South Africa; and (ii) structuring the transaction to transfer the intellectual property rights to be compliant with Indian procurement regulations.