



Susmit Pushkar

Partner

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Practices:

Dispute Resolution
White Collar Crimes
Competition

Education:

LL.M., Harvard Law School
(2009) (Focus: Corporate &
Constitutional Law)

B.A.LL.B (Hons.)
National Law Institute University,
Bhopal, India (2004)

Professional Affiliations:

Advocate-on-Record,
Supreme Court of India;

Bar Council of Delhi;

Indian Council of Arbitration;

The Inter-Pacific Bar Association
(IPBA)

Susmit Pushkar is a Partner in the Dispute Resolution practice group and is based out of the New Delhi office. Susmit has diverse and rich experience in advising Clients across industries and laws. He regularly appears before the trial courts, the High Courts and the Supreme Court of India.

Susmit advises corporate houses in relation to investigations by government agencies (e.g. Serious Fraud Investigation Office, Central Bureau of Investigation, Enforcement Directorate, Economic Offence Wing) alleging bribery, money laundering, corporate fraud and various other offences; representing Clients through trial in criminal courts and appellate proceedings. He assists clients in their internal corporate investigations relating to corporate fraud, whistleblowing and harassment. Susmit is part of the Competition practice group of the firm and advises clients in relation to competition litigation, including cartel and abuse of dominance.

Susmit regularly handles high stake and complex litigation involving multiple stakeholders and regulatory bodies. Over the last 14 years, Susmit has represented clients across several industries in their commercial, corporate, shareholders and other disputes before courts and arbitral tribunals, including international commercial arbitrations (e.g. ICC, SIAC, LCIA, GAFTA). He has led several constitutional challenges of legislations before the writ courts. Susmit brings considerable and valuable multi-dimensional experience in his areas of practice.

Chambers & Partners notes Susmit as being *"increasingly recognised in the market for 'some stellar work' in the dispute resolution and white-collar crime spaces"*. He has been nominated as the Vice-Chair for the Inter-Pacific Bar Association (IPBA) Committee on Anti-Corruption and the Rule of Law for 2018-2020. He regularly speaks in seminars on legal issues impacting the industry.

Representative Matters:

In his areas of expertise, Susmit has represented and advised the following clients:

White Collar Crimes

- **Hindalco Industries Ltd & Managing Director** in relation to advisory and representation before Supreme Court of India for quashing of summoning Order passed by CBI Special Court, Patiala House, New Delhi against the former Prime Minister of India, Chairman of Aditya Birla Group and other



accused in relation to allocation of Talabira II Coal Block *inter alia* on charges of criminal conspiracy and criminal misconduct under the Prevention of Corruption Act;

- **Uber** in relation to representation before trial courts in relation to allegations of offence committed by key management personnel (KMPs) under the Motor Vehicles Act;
- **Uber** in relation to representation before the Delhi High Court for quashing criminal charges against the company and KMPs;
- **BMW** in relation to representation before the Supreme Court of India for quashing criminal complaint against the company;
- **Bourn Hall** in relation to advisory pertaining to corporate internal investigations involving KMPs;
- **Leading Consulting Firm** in relation to advisory pertaining to allegations by investigating agencies of wrongdoing in brand valuation of a leading airlines;
- **Indian ductile iron manufacturer** in relation to advisory pertaining to allegations of corruption, conspiracy, cheating, etc. in coal block allocation;
- **Indian steel manufacturer** in relation to advisory pertaining to allegations of corruption, conspiracy, cheating, etc. in coal block allocation;
- **Independent Power Producer** in relation to advisory pertaining to allegations of conspiracy, cheating, criminal misconduct in coal block allocations;
- **Israel Military Industries Ltd (IMI)** in relation to advisory pertaining to allegations of corruption in procurement of defence contract, blacklisting proceedings by the Ordnance Factory Board;
- **Siemens Ltd** in relation to advisory in respect of the internal corporate fraud by employees, disclosure requirements, etc.;
- **Global EPC company** in relation to advisory pertaining to inquiry by multilateral development bank;
- **Global IT supplier** in relation to advisory pertaining to allegations of corruption in supply to PSUs;
- **British Engine manufacturer** in relation to advisory pertaining to allegations of corruption, conspiracy, cheating, tax fraud, etc. in supply of engines to public undertakings;
- **DLF Ltd** in relation to representation for prosecuting under Negotiable Instruments Act, 1881;
- **Denso India Ltd** in relation to advisory on offences under Legal Metrology Act, 2009;



- **Deepak Marda**, former Managing Director of Cinepolis India in relation to representation for prosecuting individuals for cheating, criminal intimidation, defamation, etc.;
- **Sharp Ferro Alloys** in relation to representation before Delhi High Court for quashing criminal charges against the company, promoters and directors.

Corporate & Commercial Disputes

- **Uber** in relation to advisory and representation before Delhi High Court against its rival Ola (ANI Technologies) for damages in tort for fraudulent bookings on Uber's Platform across India;
- **Molson Coors India** in relation to advisory with respect to the ban imposed by the State of Bihar on consumption of liquor;
- **Astro Entertainment Network** in relation to advisory and representation before the National Company Law Tribunal (NCLT) concerning dispute in relation to its USD300 million investment in the e-commerce and listings business; representing before Delhi High Court to pursue winding up of investee company, owners of Askme.com;
- **Severn Trent Water Purification Inc.** in relation to representation in ICC arbitration pertaining to joint venture disputes with its Indian joint venture partner; representation before Supreme Court of India, reported as *Chloro Controls India Pvt Ltd v. Severn Trent Water Purification & Others (2013) 1 SCC 641*;
- **Israel Military Industries Ltd (IMI)** in relation to disputes with Government of India over investments in the Indian defense sector, encashment of bank guarantees, blacklisting in relation to proposed establishment of BMCS Factory at Nalanda, Bihar; representation before Delhi High Court, reported as *Israel Military Industries Ltd v. Union of India (2013) 201 DLT 1*;
- **Israel Military Industries Ltd (IMI)** in relation to arbitral disputes with Government of India over supply of Assault Rifles; representation before the Supreme Court of India;
- **Bourn Hall India** in relation to advisory and representation before various authorities pertaining to disputes with various ex-employees;
- **Lalea Trading Ltd** in relation to representation in its arbitral dispute relating to USD 50 million investment in a real estate project in India; representation before Delhi High Court, reported as *Lalea Trading Ltd v. Anant Raj Projects Pvt Ltd & Another (2013) 198 DLT 339*; representation in arbitration proceedings against Anant Raj Limited;
- **KLA India Public Ltd** in relation to representation in ICC arbitration against Chinese buyer;



- **Himalya International Ltd** in relation to representation in SIAC arbitration pertaining to joint venture disputes with its American joint venture partner;
- **Indo Sino Trade Pte Ltd** in relation to representation in SIAC arbitration against Indian buyer;
- **Srivastava Group of Companies** in relation to representation in arbitration against Chinese buyer;
- **Sharp Ferro Alloys Ltd** in relation to representation in arbitration against Chinese buyer;
- **Unified Telecom Pvt Ltd** in relation to representation before Delhi High Court and in arbitration against BSNL;
- **Unison Hotels Ltd** in relation to representation in arbitration over fire insurance claim of INR 1 billion;
- **Deepak Marda**, former Managing Director of Cinopolis India in relation to representation in shareholder dispute with Cinopolis Group, Mexico and arbitration arising in relation thereto;
- **Genpact India** in relation to representation before Delhi High Court for sanction of schemes of amalgamation;
- **Tandberg Asia Pte Ltd** in relation to representation before Bombay High Court for winding up a listed company;
- **Kingfisher Airlines Ltd** in relation to representation in various consumer disputes, employee claims and general corporate advisory;
- **British Telecom** in relation to representation before Courts and industrial tribunal in Gurgaon and Delhi in relation to employee issues;
- **JK Group** in relation to representation before arbitral tribunal for claims against public sector undertakings arising out of supply of seeds;
- **ICICI Bank** in relation to representation before National Consumer Disputes Redressal Commission (NCDRC) in relation to various consumer disputes.

Real Estate, Infrastructure, Natural Resources & Regulatory

- **Uber** in relation to advisory and representation before Delhi High Court & Supreme Court against the Government of NCT of Delhi and Public Interest Petitioners in relation to various issues including surge pricing, ban on operations, challenge to the Citi Taxi Scheme, etc.;
- **DLF Ltd and its sister concerns** in relation to its various disputes in different real estate projects, shopping malls, housing projects;
- **Totem Infrastructure Ltd** in relation to its various disputes pertaining to several road construction, housing, and other projects;



- **Rawani Constructions** in relation to its dispute with NTPC pertaining to staff housing project in Orissa;
- **Infinite Computer Solutions Ltd** in relation to representation before Supreme Court of India over land acquisition issues;
- **Hindalco Industries Ltd** in relation to the constitutional challenge to the Coal Mines (Special Provisions) Ordinance, 2014 before Delhi High Court with regard to coal block auction;
- **UltraTech Cement Ltd** in relation to the constitutional challenge to the Coal Mines (Special Provisions) Ordinance, 2014 before Delhi High Court with regard to compensation to prior allottee of coal block;
- **Essel Mining & Industries Ltd** in relation to representation and advisory with respect to iron ore mines;
- **Srivastava Group of Companies** in relation to representation before Mining Tribunal pertaining to Iron ore mines;
- **Hindustan Chemicals Co** in relation to representation before Appellate Tribunal for Electricity for wind power project;
- **Sharp Ferro Alloys** in relation to representation before Supreme Court of India in relation to Electricity Tariff Regulations;
- **Sistema Shyam Teleservices Ltd** in relation to advisory pertaining to cancellation of 2G Telecom Licenses by Supreme Court of India.

Indirect Taxation

- **Heidelberg Cement, Ballarpur Industries and other companies** in relation to representation before Supreme Court of India challenging constitutionality of entry tax legislations in Uttar Pradesh, Orissa;
- **Hindalco Industries Ltd** in relation to representation before Calcutta High Court challenging constitutionality of entry tax legislation in West Bengal;
- **SABMiller India Ltd** in relation to representation before Supreme Court of India and Gwalior High Court challenging constitutionality of provisions pertaining to levy of penalty for transit loss, bottling fee, etc. under Madhya Pradesh Excise Act;
- **United Breweries Ltd** in relation to representation before Supreme Court of India challenging imposition of penalty, charges under Bihar State Excise Act;
- **Vossloh Cogifer Turnouts India Pvt Ltd** in relation to representation before Delhi High Court challenging constitutionality of the amended Section 35F of the Central Excise Act, 1944 and before CESTAT challenging assessment orders seeking to include value of rails



supplied by Indian Railways for purposes of payment of duty on clearance of railway switches;

- **Orient Paper Industries Ltd** in relation to its challenge to the levy of market fee on domestic import of bamboo within the State of Madhya Pradesh;
- **TNT India Pvt Ltd** in relation to representation before CESTAT and Delhi High Court challenging imposition of duty, interest, penalty and suspension of courier license etc. by customs authorities on allegations of illegal import of memory cards;
- **TNT India Pvt Ltd** in relation to representation before CESTAT challenging imposition of duty, interest, penalty and suspension of courier license etc. by customs authorities on allegations of illegal export of red sanders;
- **Sonear Ply and sister companies** in relation to representation before CESTAT challenging imposition of excise duty, interest, penalty, etc. by excise authorities on allegations of undervaluation of goods;
- **KLA India Public Ltd** in relation to representation before CESTAT challenging imposition of customs duty, interest, penalty, etc. by customs authorities on allegations of export of prohibited basmati rice.
- **Gurumehr Constructions** in relation to representation before Supreme Court of India defending levy of service tax and CENVAT credit with respect to supply of free goods by service recipient.

Competition & Antitrust

- **Inox Leisure Ltd** in relation to representation before the Delhi High Court challenging action of the Competition Commission of India (CCI) in relation to the merger of PVR and DT Cinemas and alleged breach of undertakings;
- **Reliance Jio** in relation to representation before CCI against cartel by the incumbent telecom operators in not granting the points of interconnect;
- **Automobile manufacturer** in relation to proceedings before the Delhi High Court challenging CCI's judgment levying penalty for exclusive agreements with dealers for sale of auto parts;
- **Automobile manufacturer** in relation to advising on competition law assessments in relation to tie-in arrangements and resale price maintenance;
- **Japanese spare parts manufacturer** in relation to representation before CCI and Director General (DG);
- **Great Eastern Energy Corporation Ltd** in relation to the constitutional challenge to Section 26 of the Competition Act, 2002 before Delhi High Court arising out of investigation initiated by Competition Commission of India on allegations of abuse of dominant position.