



# Mihika Jalan

Counsel

Mumbai

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## Practice

Dispute Resolution

## Education

B.S.L. LL.B. ILS Law College,  
Pune (2014)

## Professional Affiliations

Bar Council of Maharashtra  
& Goa  
Indian Women in  
International Arbitration,  
Steering Committee  
Young ICCA, Member

Mihika is a Counsel in the Dispute Resolution practice group. She regularly represents and advises clients in domestic and cross-border commercial disputes focusing on shareholder disputes, financial services disputes, infrastructure disputes, and family-owned business disputes. She regularly appears before various High Courts in India, international and domestic arbitral tribunals, as well as the National Company Law Tribunal and National Company Law Appellate Tribunal. She also regularly advises clients on pre-litigation and litigation mitigation strategies. She has also authored various articles on various topics.

## REPRESENTATIVE MATTERS

In her area of practice, Mihika has advised and represented the following clients:

### Commercial arbitration & related litigation

- A **public listed company** manufacturing distribution structures in arbitration seated in Lima under the Rules of Lima Chamber of Commerce, with its customer in Peru, arising out of a contract for engineering, manufacture, and supply of telecommunication towers;
- A **public listed company** manufacturing distribution structures in arbitration seated in Canada, in relation to disputes with its customer in Canada, arising out of a contract for engineering, manufacture and supply of transmission poles;
- A **leading NBFC** in its arbitration against the guarantor arising from disputes in relation to default on loans by Siti Networks Limited;
- A **listed infrastructure company** in arbitration against a Government of India PSU for a hydro-electric power (HEP) project in Mizoram;
- A **listed infrastructure company** in an arbitration against the Government of Arunachal Pradesh for a HEP project in Arunachal Pradesh;
- A **Malaysian technology company**, in their disputes arising out of a share sale purchase agreement for the shares of a company incorporated in India. The share sale purchase agreements

provide for arbitration with its seat in Singapore and to be governed by the SIAC rules;

- A **listed infrastructure company** in arbitration-related litigation involving an appeal against an order denying ad-interim reliefs in a dispute over the construction of a HEP project in Arunachal Pradesh.
- A **holding company of a major Indian conglomerate** (Claimant) in its international commercial arbitration against another company and its promoter over disputes arising from share subscription agreements involving the Claimant's group company;
- A **civil engineering and construction company** in disputes arising from a concession agreement with MP Road Development Corporation Limited for four-laning, a section of State Highway No. 31 on a build-operate-transfer (BOT) basis;
- A **leading port terminal operator with global presence** in arbitrations against the board of trustees of a Major Port in India in disputes arising from a license agreement for the construction and operation of a major port terminal;
- An **Indian subsidiary of a port terminal operator headquartered overseas**, in its representations and discussions with other port terminal operators, for changes in access to rail and road facility at a major port terminal.
- A **leading port terminal operator with global presence** in arbitration-related litigation involving an challenge to an award against the board of trustees of a Major Port in India;
- A **leading Indian infrastructure company** in its arbitration against the Odisha State Road Transport Corporation in relation to dispute for building bus terminals; and
- An **Indian subsidiary of a leading European energy supplier** in an arbitration in relation to disputes arising from sale and purchase contract for coal, and execution proceedings of a consent award.

### **Proceedings w.r.t corporate governance, oppression, & mismanagement**

- One of the shareholders / ultimate beneficial owners of a **multi-billion-dollar conglomerate (based in countries outside India as well as based out of Mumbai)** in their dispute with the other shareholder(s) / ultimate beneficial owner(s) and against allegations of financial mismanagement;
- **Minority Shareholders of a public listed company (which is a flagship company of a leading Indian conglomerate)** in a petition for oppression and mismanagement before the NCLT and NCLAT;

- **Director of a public listed company, its unlisted subsidiary company in India**, raising issues of corporate governance in all the companies;
- **A fintech company and one of its co-founder and shareholder** in a petition for oppression and mismanagement filed by the other co-founder and shareholder before the NCLT; and
- **Minority shareholders of a public listed company** in the telecommunications sector in a petition for oppression and mismanagement before the NCLT, NCLAT, and Supreme Court.

### Debt Recovery & Insolvency

- **A leading NBFC** in arbitration related litigations i.e. application for interim reliefs and for appointment of arbitrator, against Siti Networks Limited before the Delhi High Court and Supreme Court in relation to default on loans;
- **A leading NBFC** before the NCLT seeking to initiate corporate insolvency resolution process against corporate guarantors and entities of an 'Association of Persons' in relation to a funding for a large real estate project in Mumbai;
- **A leading NBFC** as a financial creditor in SARFAESI proceedings against mortgagors in relation to loan extended for funding a large real estate project in Mumbai;
- **A leading NBFC** in relation to disputes arising from loan extended for developing a real estate project in Pune to the developer of the real estate project and mortgage and guarantees extended by land owner of the real estate project; and
- **A finance company** before NCLT in corporate insolvency resolution process against a Radius Group entity in relation to a real estate project in Mumbai.

### Commercial litigation & mediations

- **A foreign bank**, in defending a commercial suit before the Hon'ble Bombay High Court for recovery of money due under a letters of credit which is blocked by US bank due to international sanctions;
- **A company engaged in electrical fittings** in a pre-institution mediation for disputes arising out of a service agreement;
- **A reinsurance company** before the Hon'ble Bombay High Court for recovery of dues of the insurance company under such reinsurance; and
- **An Indian multinational food and beverage conglomerate** in defending a commercial suit filed in relation to sub-license of a copyright producer alleging copyright infringement against.

## Disputes arising from estate planning of high net worth individuals (HNIs) and family – owned businesses

- **A mother and her younger daughter**, in proceedings before the Hon'ble Bombay High Court and subsequent mediation, defending a claim by the elder daughter over shares in their deceased father's estate, including interests in family-run companies;
- **Promoter family of Indian conglomerate** on mitigative strategies to protect family property from claims to property by other coparceners (including aunt) in view of family patriarch's will;
- **Individuals based out of Mumbai and London** in court proceedings in Hyderabad against their father over their shares in coparcenary property as daughters; and
- **Individuals** in a partition suit filed before the Hon'ble Bombay High Court against their mother and brother for their claims to ancestral properties in Maharashtra and West Bengal.

## PUBLICATIONS AND PRESENTATIONS

Mihika has authored the following contributions:

- **"India Chapter, The Asia-Pacific Arbitration Review 2019"** published by Global Arbitration Review (June 2018);
- **"India Chapter, The Asia-Pacific Arbitration Review 2020"** published by Global Arbitration Review (June 2019);
- **"India Chapter, The Asia-Pacific Arbitration Review 2021"** published by Global Arbitration Review (June 2020);
- **"Online Dispute Resolution in India: Current Position And The Way Ahead"** published by NUJS Journal of Dispute Resolution (October 2022);
- **"Supreme Court's View on Validity of Exclusion Clauses in Standard Form Contracts"** published by Lexology (December 2022);
- **"Supreme Court Clarifies - Nomination Under The Companies Act Does Not Create A Third Mode Of Succession"** published by Lexology (December 2023);
- **"Fate of Arbitral Tribunal in case of unilateral fee hike: Analysis of Chennai Metro Rail case"** published by SCC Blog (2023 SCC OnLine Blog Exp 84); and
- **"Enforcing Foreign Seated Emergency Awards in India: A Procedural Workaround"** published by GNLU ADR Magazine, Vol V, Issue 1 (Aug – Nov 2024).