



RUPESH GUPTA

Senior Lead | Legal Counsel | Advisor | Arbitrator

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BACKGROUND PROFILE:

My key areas of practice through-out have been:

- Litigation and Alternate Disputes Resolution
- Insolvency & Company Laws
- IPR, TMT & Data privacy
- Legal Advisory and Strategy
- Employment laws
- Real Estate laws and compliances
- Criminal laws and White-collar crimes

Experience:

- 14+ years of experience in handling litigation for reputed and renowned conglomerates in Delhi-NCR region.
- Handling Indian regulatory and criminal law assignments relating to IT Laws, Enforcement Directorate, Income Tax, GST Laws, Police complaints, employment and labour complaints etc.
- Handling civil and criminal litigation and rendering legal services to real estate companies, telecommunication companies, mobile companies, renewable companies and e-commerce companies etc. in Delhi-NCR region.
- Empaneled arbitrator with international arbitration centre (Tenure upto December 2024)

Brief experience in Litigation, IBC and corporate and advisory matters:

- 14+ years of experience in providing comprehensive litigation as well as alternate dispute resolution support for multinational and Indian Companies/clients.
- Advising Leap Green Energy and Azure Power on their disputes and issues.
- Representing and advising wind energy company for its matter before High Court of Delhi as well as for arbitration matter against a big O&M company for disputes in their project in Dangri, Rajasthan.

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- Represented and advised solar energy company for technical evaluation of bidding documents for their 3 projects in Gujarat.
- Advised and worked on arbitration under the aegis of SIAC, LCIA, ICC Rules and dealt with cases under Singapore and Indian laws.
- Advising a renowned mobile manufacturer on several aspects of labour, customs, IPR, criminal complaint etc. We recently are advising them on labour issues faced by them for their ex-employee termination contract and compliances, including a criminal complaint.
- Advising a renowned telecom manufacturer on several aspects of labour, visa, customs, IPR, arbitration, labour court, gratuity compliances, criminal complaint, Income tax etc.
- Advised The Fresh Connection, a US conglomerate for their recovery dues and employment requirements in India
- Drafted and contested Petitions/ Applications under Section 8, 9, 11, 16, 17, 34, 37 and 48 of the Arbitration Act, 1996.
- Advised foreign companies for their incorporation, business set-up and legal compliances in India.
- Drafted pleadings and contested consumer, civil, arbitration, employment disputes and handled criminal cases for renowned Companies and its employees.
- Advised Internet based Companies, OTT's in complying with the legal regulations, policy making, drafting CRM legal responses and replies to threatening notices.
- Advised Duet India Hotels (running hotel management for Marriott and Holiday Inn in Jaipur, Chennai India) on several labour compliances concerns from time to time for their hotels and also advised on minimum wages as well as contract labour requirements
- Handled international commercial arbitration for an investor for multi-crores claim on account of loss of equity value and breach of the terms of the agreement.
- Advised and executed multiple assignments for and with law firms from Singapore, Vietnam, Dubai, Doha, Abu Dhabi, Beijing, Xiamen, Hong Kong, Italy and Nigeria.
- Led the due diligence of a Dubai based company in order to facilitate import of silica and raw materials to South Africa.
- Advised and prepared claims for the creditor against telecom company of Etisalat Group in India.
- Represented and led mobile telecom company for a trademark infringement and passing off suit before Delhi High Court.
- Advised and led in documentation for acquisition and assignment of trademark and copyright marks of foreign companies.
- Represented and led PSUs including ONGC, NTPC before arbitration forums in procurement disputes.
- Liaison and advised multi-national companies in relation to criminal cases, FIRs and legal cases initiated and filed against the companies and their employees.

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- Advised USA based company in setting up of business, liaison office and compliances for their OPGSP services in India.
- Represented and led client in litigation for taxation relief sought against Union if India.
- Contested several high-stake arbitration matters including obtaining relief against anti-arbitration suit before High Court and Supreme Court.
- Appeared for Corporate Debtor before NCLT, NCLAT and secured dismissal of petition under Section 9 of the Insolvency and Bankruptcy Code, 2016 as well as handled notices, cases and claims under the Insolvency and Bankruptcy Code, 2016.
- Drafted and contested Petitions under Companies Act including petition for Winding up, Oppression and mismanagement of funds, reduction of Share Capital.
- Contested Writ Petition on power of IPAB under Section 15 of Patents Act.
- Drafted Suit for infringement on the principles of Personality Rights, Writ Petition challenging provisions of Copyright Act and Writ challenging Tariff for broadcasting Works in Pubic including Hotels and Restaurants.
- Contested Suit for Copyright Infringement, Suit for Trademark Infringement, Competition dispute before CCI, Compulsory License dispute for Broadcaster on power of Copyright Board, Patent Infringement Suit on behalf of Pharmaceutical Company etc.
- Drafted and contested Writ Petition challenging provisions of Copyright Act and Tariff for broadcasting Works in Pubic including Hotels and Restaurants.
- Drafted and worked on Suit for blocking website ‘Songs.pk’ and other websites involved in Piracy.
- Reviewed contracts for implementation of works at IGI Airport and International Airports at Dubai.
- Advised banking institutions for proceedings against high-value claims against the borrower and defaulters before DRT, DRAT, NCLT, NCLAT.
- Advised and represented creditors for steps challenging order of liquidation of corporate debtor.
- Represented and advised client for relief in multi crore default of financial assistances before NCLT, High Court and DRT.
- Represented and advised client for relief against notice of ‘wilful default’ and ‘fraud’ by financial institutions.
- Led the documentation and steps for preparation of resolution plan of insolvent company and challenge to ad-hoc COC approved plan under reverse IRP mechanism.
- Represented client before Delhi High Court against notice of blacklisting by NHAI.
- Assisted client in registrations and obtaining of licenses in India as per the business set-up of the MNCs in India.

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- Prepared claims under Form-B for major telecommunication company against Aircel Ltd, Reliance Group of Companies.
- Prepared Privacy Policy and Terms of Use and advised major electronic e-commerce company on IT Act, 2000.
- Advised, one of the largest dealerships of Toyota Group and they trust our local colleague for all their employment and labour needs, including arbitration matters.
- Advised a leading Apparel Group with their compliances and labour issues that arose at their factory.
- Advised a big Japanese manufacturer for their Chennai office and warehouse leasing needs in Delhi-NCR.
- Prepared and led a multi-national fruit export company in a claim for dues by way of summary suit.
- Advised a multi-national client, HQ in China, in a complaint filed under Section 200 Cr.P.C. for offences against the company under Section 500, 503 and 506 IPC.
- Represented a construction company for relief before the High Court of Delhi under the 'Sabka Vishwas (Legacy Dispute Resolution) Scheme, 2019'.
- Secured interim relief under Section 9 of the Act of 1996 for the wind generation company against a wind park maintenance company.
- Regularly advising client and updating clients on Data Privacy and Data Protection Bill.
- Led multiple litigations and advised multiple clients in their Arbitration Claims, IBC applications and replies, Legal Notices, Legal Opinions, Final Arguments note, Strategy Note and related works.
- Advised Internet based Companies, OTTs in complying with the legal regulations, policy making, drafting CRM legal responses and replies to threatening notices.
- Advised Skyee360 to set up their liaison office in India and employment contract needs.
- Prepared employment contracts and labour documents for Chinese company for their employment engagements done in India, including labour and POSH compliances.
- Leading and handling works related to intellectual property rights, dispute resolution, international commercial arbitrations, insolvency and civil litigation, FDI related transactions, due diligence, joint venture agreements.
- Leading and dealing with corporate compliance related matters including customer support responses, policy, criminal threats, local laws compliances etc.
- Leading in multiple litigations and advising clients in their Arbitration Claims, IBC applications and replies, Data Privacy, Legal Opinions, Final Arguments note, Strategy Note and related works.
- Advised and drafted Privacy policy and Terms of Use for e-commerce entity.
- Advised on the implications of Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021
- Advised and assisted in preparation of Patent Application for two companies.

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- Carried out comprehensive labour and employment laws compliances for a Company employing 2000 employees and workmen.
- Handling Income tax and Enforcement Directorate, DRI, Customs, DGST complaints against clients and advising on white-collar crime strategies.
- Led and appeared for clients in matters before Supreme Court, High Court of Delhi, Bombay (Mumbai), IPAB, Arbitral Tribunals, NCDRC, NCLT (Mumbai, Delhi and Chandigarh Bench).
- Appeared before Supreme Court, High Court of Delhi, Rajasthan (Jaipur Bench), Bombay (Mumbai and Goa Bench), Kolkata, Arbitral Tribunals, NCDRC, NCLT (Mumbai, Delhi and Chandigarh Bench).
- Briefing Senior Advocates, preparation of briefs for hearings, preparation for examination of witnesses, handling clients' queries and concerns.

- Drafted: Legal Notices, Complaints, Original Miscellaneous Petitions, Plaints, Consumer Complaints, Appeals, Revision Petitions, Share Capital Reduction Petition, Winding Up Petition, Writ Petitions, Counter Affidavits, Written Statements, Trademark Applications, Oppositions, Counter Statement, Reply to Examination Reports, Trademark assignments, Contractual Agreements, Documentation for Companies, Arbitration Claims, Special Leave Petitions, Complaint before Copyright Board, Original Miscellaneous Petitions, Plaints, Quashing Petitions, Legal Notices, Contractual Agreements, Arbitration Claims and related pleadings, IBC applications and replies, Legal Opinions, Final Arguments note, Strategy Note and related pleadings in the field of litigation.

- Appeared before Supreme Court, High Court of Delhi, Bombay (Mumbai Bench), Kolkata, Madras (Chennai Bench), Gujarat, NCLT (Delhi, Jaipur, Hyderabad, Kochi, Allahabad and Chandigarh Bench), NCLAT, Consumer Disputes Redressal Commissions, Arbitral Tribunals, Debt Recovery Tribunal, Debt Recovery Appellate Tribunal, District Courts, Labour Tribunal, Appellate Tribunal for PMLA, TDSAT, Copyright Board, Appellate Tribunal for Electricity, Central Administrative Tribunal.

- Conducted Legal Audit, Due Diligence & Drafted Reports in Delhi-NCR.

Arbitration:

In the period of 14 years of practice, I have handled/ been part of nearly 30 arbitration cases so far and the few of the arbitration matters handled and been part of are as follows:

1. Radiance Infracon Vs. GLS Infrastructure – Sole Arbitrator
2. Skyline Engineering Vs. Raheja Developers – Sole Arbitrator
3. ZTE Telecom India Pvt. Ltd. Vs. ATOS Solutions - Panel of 3 arbitrators
4. United Drilling Tools Ltd. Vs. ONGC Limited - Sole Arbitrator

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5. Vanilla Clean Power Energy Ltd. Vs. Inox Wind Ltd. – Sole Arbitrator
6. Ivy Eco energy Pvt. Ltd. Vs. Inox Wind Ltd. – Sole Arbitrator
7. ZTE Corporation Vs. ITI Limited, Pending before SC under Section 11 of Act of 1996
8. Palmview Investments Overseas Ltd. Vs. AISCO & Ors. – Panel of 3 arbitrators
9. ZTE Telecom Vs. NR Switch & Radio Pvt. Ltd. – Panel of 3 Arbitrators
10. Om Logistics vs ZTE Telecom India Pvt. Ltd. - Sole Arbitrator
11. ZTE Telecom India Pvt. Ltd. Vs. Om Logistics – Sole Arbitrator
12. Bhayana Builders Vs. Noida Cyberpark Developers Pvt. Ltd. - Sole Arbitrator
13. NTPC Limited Vs. Jindal ITF Limited - Panel of 3 arbitrators
14. PLG Group Vs. Suzlon Energy Pvt. Ltd. – Sole Arbitrator
15. Shin Etsu Ltd. Vs. Sterlite Technologies Ltd. – ICC Arbitration
16. Skyline Engineering Vs. Assotech Limited – Panel of 3 arbitrators
17. Indiabulls Finance Vs. Rohit Khaitan & Ors. - - Sole Arbitrator
18. Indiabulls Finance Vs. Savitri Khaitan & Ors. - - Sole Arbitrator
19. DHFL Vs. Dinesh Pandey & Anr. – Sole Arbitrator
20. Neo Growth Vs. Zenica Cars Pvt. Ltd. (5 cased before difference arbitrators at Mumbai) - - Sole Arbitrator
21. Bajaj Finance Ltd. Vs. Zenica Lifestyle Ltd. – Sole Arbitrator
22. Magna Carta Vs. Zenica Lifestyle Ltd. – Sole Arbitrator
23. United Petro Vs. Zenica Lifestyle Ltd. – Sole Arbitrator
24. Volkswagen Finance Pvt. Ltd. Vs. Zenica Cars Pvt. Ltd. (4 cased before difference arbitrators) - Sole Arbitrator
25. Tata Capital Finance Services Ltd. Vs. Zenica Lifestyle Ltd. – Sole Arbitrator
26. Tata Capital Finance Services Ltd. Vs. Zenica Cars Pvt. Ltd. – Sole Arbitrator
27. Equitas Small Finance Bank Ltd. Vs. Zenica Lifestyle Ltd. – Sole Arbitrator
28. Indiabulls Consumer Finance Ltd. Vs. Zenica Lifestyle Ltd. – Sole Arbitrator
29. Indiabulls Consumer Finance Ltd. Vs. Zenica Cars Pvt. Ltd. – Sole Arbitrator
30. Reliance Capital Vs. FICCI – Sole Arbitrator

Memberships:

- Delhi High Court Bar Association
- Singapore International Arbitration Centre (ySIAC)
- Mumbai Centre for International Arbitration
- China International Economic & Trade Arbitration Commission (CIETAC)
- Registered legal practitioner with BCD – Year 2007

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