

INDIA LEGAL UPDATE is a journal of Singhania & Partners which offers a legal perspective on the new business climate and opportunities in India in keeping with the existing laws, current happenings and events in Corporate India.

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"I voted for the US-India nuclear agreement because India is a strong democracy and a natural strategic partner for the US in the 21st century."

*—Barack Obama,
President of United States*

Catapulting India's Economic Growth to the Next Orbit

By Ravi Singhania

The Indian economy is poised for achieving robust growth. As one of the leading destinations for foreign investment, its positive indicators include a stable 8% GDP, rising foreign exchange reserves which are close to \$166 billion and a booming capital market. It is envisaged that FDI inflows will increase to more than \$12 billion during this fiscal year.

About 44% of the top 100 Fortune 500 companies already have a presence in India. With the manufacturing and service sectors driving the economy on an accelerated growth path, India may touch the coveted 10% annual growth mark. Propellers of GDP for the first quarter of this fiscal year have been trade, hotels, transport, the communication sector, which grew by 9.5% and the electricity sector, which grew by 5.4% in the first quarter.

"I am here because I believe that in our interconnected world, increased commerce between the U.S. and India can be and will be a win-win proposition for both nations."

*—Barack Obama,
President of United States*

The new power policy is committed to provide electricity to all by 2012. Nuclear energy will play a pivotal role in accomplishing this goal. The recently passed Nuclear Liability Act and the 123 Agreement between USA and India would pave the way for bringing India out of its nuclear apartheid. Major expansion of the nuclear energy sector will provide an opportunity for both domestic and international companies to avail the huge untapped potential that the nuclear industry has in India. The Nuclear Liability Act would bring in a nuclear governance structure in India, which would match international standards and would attract the global nuclear industry to participate in Indian projects and would open up the country's US\$150 billion nuclear power industry to global equipment suppliers.

The Indian economy is all set to catapult into the next higher orbit because of the positive change in the form of improved infrastructure, though we still have a long way to go. 100% FDI is allowed under the automatic route in most sectors. Relaxing of the regulatory environment has majorly contributed to the acceleration of the inflow of FDI into the country. Further, the Government is considering some changes in the FDI Policy in the retail and insurance sectors. Once this happens, it will give a substantial push to the Indian Economy and the Foreign Direct Investments.



Nuclear Power: Legal Framework and Basics of the Nuclear Liability Bill

By Rohit Jaiswal & Aakanksha Agarwal

India has grown tremendously in a number of diverse areas over the past decade and one of the many spheres has been nuclear energy. India's nuclear energy programme is poised for a major expansion, which will create huge opportunities for participation in the global nuclear industry. Nuclear energy capacity will increase to 20GW by 2020 and 25% of electricity will be generated from nuclear power by 2050. The recently passed Nuclear Liability Bill completes India's journey to end apartheid in the nuclear field.

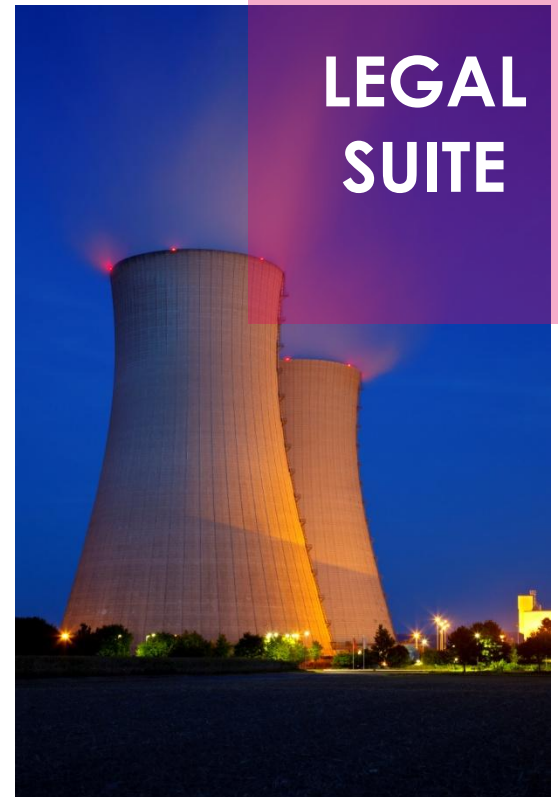
The Indian industry has gained valuable experience and has reached a stage of maturity in the manufacturing of equipment, internal components and handling of mega package contracts for nuclear reactors.

Legal Provisions Relating to the Nuclear Sector

India as a nation is based on a quasi-federal structure in which the Centre decides the laws pertaining to atomic energy. The Atomic Energy Act, 1962 provides for the development, control and use of atomic energy for the welfare of the people of India for other peaceful purposes and for matters connected therewith.

According to the Atomic Energy Act, the Central Government retains wide-ranging control in the following areas:

- Production, development, use and disposal of atomic energy and associated matters.
- Control over radioactive substances or radiation generating plant for public and operators' safety, and for safe disposal of radioactive wastes.
 - Harnessing and securing materials useful for atomic energy, including mining and production of nuclear fuel/uranium concentrate.
- Framing rules to be followed in places where radioactive substances or any radiation generating plant or equipment are manufactured, produced, mined, treated, stored or used.
- Policy for nuclear energy development.



LEGAL
SUITE

India's nuclear energy programme is poised for a major expansion. This chapter covers:

1. *Legal Provisions Relating to Nuclear Sector*
 2. *Background of the Regulatory Framework*
 3. *The Atomic Energy Regulatory Board (AERB)*
 4. *The 123 Agreement between USA and India*
 5. *The Nuclear Liability Bill*
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Background of the Regulatory Framework

In 1948 India took its first step in forming a commission for nuclear energy and established the Atomic Energy Commission. Its goal was to lay down various policies and guidelines on nuclear energy. These were then to be executed by the Department of Atomic Energy (DAE).

Since its inception, the nuclear programme has laid strong emphasis on developing local capabilities and institutions. The institutions, which have played a key role in the nuclear programme, are the Atomic Minerals Directorate for Exploration and Research, Bhabha Atomic Research Centre (BARC), Tata Institute of Fundamental Research (TIFR), Indira Gandhi Centre for Atomic Research (IGCAR) and the Institute for Plasma Research.

Government-owned industrial units in the atomic sector include the Heavy Water Board for the production of heavy water, the Nuclear Fuel Complex for the manufacture of nuclear fuel, zircaloy components and stainless steel tubes and the Board of Radiation and Isotope Technology for the processing and sale of radioisotopes and related equipment and research.

The prominent public sector enterprises include the Nuclear Power Corporation of India Limited (NPCIL), which designs, develops and operates all the nuclear power plants based on thermal reactors, Bharatiya Nabhikiya Vidyut Nigam Limited (BHAVINI), which is developing fast breeder reactors and Uranium Corporation of India Limited (UCIL), which is responsible for mining and processing of uranium ore.

The Atomic Energy Regulatory Board (AERB)

The AERB was constituted on November 15, 1983 and is empowered to lay down safety standards and frame rules and regulations, which are envisaged under the Atomic Energy Act. The key stages of AERB relating to nuclear power plants and research reactors are siting, construction, commissioning, operation and decommissioning. The guidelines that are followed in respect of

plant site involve selection, design and construction of nuclear equipment, procurement of nuclear fuel, plant operation, fuel cycle and waste management.

The 123 Agreement between USA and India

The Indo-U.S. civilian nuclear agreement, also known as the 123 agreement, refers to the bilateral accord for civil nuclear cooperation between the United States of America and India. The 123 Agreement between India and USA has put an end to technology denial regimes against India that has been in place for three decades and has ended India's nuclear isolation. It has opened the doors for India to have civil nuclear cooperation as an equal partner with the USA and the rest of the world. The Agreement has been a major contributor to our energy security. The Agreement provides for full civil nuclear energy cooperation covering nuclear reactors and aspects of the associated nuclear fuel cycle including enrichment and reprocessing. The Agreement provides for nuclear trade, transfer of nuclear material, equipment, components and related technologies and for cooperation in nuclear fuel cycle activities. The Agreement provides for the development of a strategic reserve of nuclear fuel to guard against any disruption of supply during the lifetime of India's reactors. The 123 Agreement does not affect India's right to conduct nuclear tests in any manner.

Thus the 123 Agreement is an effort by the Government to make India self-reliant in nuclear technology and overcome the power crisis facing the country. Some of the salient features are:

- USA will not interfere with India's nuclear programme for military purposes.
- USA will help India to negotiate with IAEA for an India specific fuel supply agreement.
- USA will help India to have strategic reserves of nuclear fuel as a contingency measure against future disruption of supply. Both the countries agreed that nuclear trade between the two nations should be mutually beneficial.

The Nuclear Liability Bill

To facilitate nuclear commerce and attract U.S. private companies involved in nuclear commerce, the Civil Liability for Nuclear Damage Bill also known as Nuclear Liability Bill has been recently passed by the Lok Sabha and is set to become an Act in due course.

The Bill has defined the financial and legal liabilities upon the involved groups, manufacturers, operators and the Government in case a nuclear accident occurs. In this case, the suppliers and builders will be the U.S. private companies and the operator will be the Indian government controlled Nuclear Power Corporation of India Limited (NPCIL). India has an ambitious and indigenous nuclear power program to achieve the goal of 20,000 MWe electricity produced through nuclear energy by 2020 which will be further increased to 60,000 MWe by 2032. In this way, India will produce 25 percent of its electricity from nuclear power plants by 2050. Presently, India is producing 3981 MWe of electricity through nuclear power. The share of nuclear power can be increased with the involvement of foreign private involvement in manufacturing and supply of nuclear reactors. After the enactment of the Nuclear Liability Bill, India will join the international convention on liability in the civil nuclear arena. The bill shall necessitate suitable amendments in the Atomic Energy Act 1962 which will pave the way for private investment in the Indian nuclear power programme. The motive behind the bill is also to legally and financially bind the supplier and the Government to provide relief to the affected population in case of a nuclear accident.

Conclusion

As the Indo-US Nuclear deal has been passed, it is expected that the Indian nuclear power industry will undergo a significant expansion in the coming years. This agreement will allow India to carry out trade of nuclear fuel and technologies with other countries and significantly enhance its power generation. The signing of the Indo – US nuclear deal has created significant opportunities for several players across the entire power supply chain, with an estimated investment opportunity of US\$ 10 billion over the next five years.

Nuclear power has come of age with comprehensive capabilities in all areas of nuclear power and is poised for a large expansion program. The challenge is to pursue the three-stage program, develop and commercially deploy technologies for utilization of thorium and ensure the country's long-term energy security. The fruition of international cooperation will open up a plethora of opportunities in export of nuclear goods, equipment and services.



Appointment of Arbitrator- An Exception by Supreme Court

By Madhu Sweta and Joju Kynady

FACTUAL MATRIX

The Petitioner (Denel Proprietary Limited) is a company wholly owned by the Government of the Republic of South Africa, duly incorporated as per the laws of the Republic of South Africa. The Respondent (Bharat Electronics Limited) is a Government Company duly registered under the Companies Act, 1956, it has its registered office at Pune, Maharashtra and is a Government of India Enterprise, under the Ministry of Defence.

In the year 2004, the Respondent placed certain purchase orders with the Petitioner for supply of various electronic equipments. Clause 10 of the purchase orders contained an Arbitration Clause providing for arbitration in case of any dispute arising relating to the rights and obligation of parties. The arbitration clause provided for appointment of 'Managing Director or his nominee' of the Respondent as an Arbitrator.

The Petitioner duly performed its obligations as per purchase orders and raised invoices amounting to GBP 34,895.75. The said delivery of goods was accepted by the Respondent. However, the Respondent refused to make the payment on the grounds that directions had been issued by the Ministry of Defence, Government of India to withhold payment of the said invoices to the Petitioner and that being a "Government Company" under the Ministry of Defence, the Respondent was unable to settle the amounts due to the Petitioner.

The Petitioner sent a legal notice to the Respondent stating that Clause 10 of the purchase orders provides for arbitration in case of dispute. Since Clause 10 provides only for appointment of 'Managing Director or his nominee' of the Respondent Company as an Arbitrator, instead of a mutually agreed independent Arbitrator, the said clause is invalid. Accordingly, the Petitioner requested the Respondent for appointment of a mutually agreed independent Arbitrator to adjudicate the disputes between the parties.

The Respondent refused to accept the proposal of the Petitioner stating that they were not willing to refer the dispute to an Arbitrator as the direction issued by Ministry of Defence was in full force and the Respondent was also protected under Section 56 of the Indian Contract Act, 1872 (Doctrine of frustration).

Hence, the Petitioner invoked the jurisdiction of Hon'ble Supreme Court by filing an Arbitration petition under Section 11(6) of the Arbitration and Conciliation Act, 1996 seeking appointment of an Arbitrator.



COURT ROOM

Denel (Proprietary Limited) Vs Bharat Electronics Ltd.Anr.

Case no: Arbitration Petition No. 16 of 2009.

Court: Supreme Court of India.

Decided on: 10th May, 2010

Act: Section 11 (6) of the Arbitration and Conciliation Act, 1996.

Singhania & Partners LLP on behalf of the Petitioner- Denel Proprietary Limited.

LEGAL ASPECT

The Petitioner argued that the Respondent was not justified in denying the dispute to be referred to arbitration as envisaged in Clause 10 of the purchase orders on the grounds that they are prohibited from making payment under the directions issued by the Ministry of Defence.

Also if Clause 10 is adhered to, which stipulates referring the dispute to the Managing Director or his nominee, the Petitioner genuinely apprehends that it may not get justice due to the palpable reasons of bias, as the Managing Director is an appointee of the Government of India and cannot go against the directions issued by the Government of India. Thus, it would be appropriate to appoint an independent sole arbitrator. Reliance was placed on the judgment of *Indian Oil Corporation Ltd. & Ors Vs Raja Transport Pvt. Ltd.* [(2009) 8 SCC 520] wherein it was held that if any circumstance exists to create a reasonable apprehension about the impartiality or independence of the agreed or named arbitrator, then the court has the discretion not to appoint such a person.

It was further contended that it is evident from the invoices and correspondences exchanged between the parties that the Respondent has not disputed the liability of payment to the Petitioner. Since the Respondent is avoiding payment to the Petitioner; there is a valid dispute to be referred to arbitration.

DECISION

The Hon'ble Supreme Court dwelled on the power of the Courts under Section 11(6) of the Arbitration & Conciliation Act, 1996 read with Clause 10 of the purchase orders. Reference was made to *Datar Switchgears Ltd V. Tata Finance Ltd & Anr* [(2000) 8 SCC 151] and *Bhupinder Singh Bindra V. Union of India and Anr* [AIR 1995 SC 2464], wherein while considering the powers of the Court to appoint an Arbitrator under Section 8 of Arbitration Act, 1940, the Hon'ble Court held that the Court cannot interpose and interdict the appointment of an Arbitrator, whom the parties have chosen under the terms of the contract unless legal misconduct of the Arbitrators, fraud, disqualification etc are pleaded and proved.

Considering the peculiar facts of the present case, the Hon'ble Court held that the Arbitrator sought to be appointed under the arbitration clause is the Managing Director of the Respondent Company against whom the dispute was raised. Moreover, the Respondent being a Government Company, the Managing Director or his nominee would be bound by the directions/instructions issued by the superior authorities. Hence, it was evident that the Managing Director or his nominee would not be in a position to independently decide the disputes.

Thus, the Hon'ble Court held that in the light of the peculiar facts and circumstances of this case, it would be in the interest of both the parties and to do complete justice, an Arbitrator other than the Managing Director of the Respondent Company or his nominee is appointed to settle the dispute.

CONCLUSION

The Hon'ble Court, without disturbing the settled principles of law i.e. the Court cannot interpose and interdict the appointment of an Arbitrator whom the parties have chosen under the terms of the contract, has taken a fresh view and held that if any circumstance exists which creates reasonable apprehension about the impartiality or independence of the agreed or named Arbitrator, the Court is not powerless and has the discretion to appoint an independent person as an Arbitrator.





To obtain or not to obtain PAN - a Catch-22 situation for Non-Residents

By Sunil Kumar and Ami Ranjan

INTRODUCTION

A recent amendment in the Income Tax Act, 1961 (Act) has imposed a procedural compliance requirement on non-residents. The query boils down to an anxious concern whether non-residents must obtain a Permanent Account Number (PAN) whenever a payment is made to them from India. A look at the legal provision itself is the best way to clear the fog and provide relief from the acute distress.

Section 206AA was introduced in the Act by the Finance Act, 2010 which provides that any person, who is entitled to receive any sum/income/amount on which tax is deductible under Chapter XVIIIB (TDS) of the Act, should furnish his Permanent Account Number (PAN) to the person responsible for deducting such tax. In other words, if TDS has to be deducted on any amount to be paid to any person, then such a person is mandatorily required to obtain PAN. In case PAN is not obtained, the tax would be deducted at a higher rate than otherwise chargeable.

A recent amendment in the Income Tax Act, 1961 has imposed a procedural compliance requirement on non-residents. The issue is whether it is mandatory for non-residents to obtain PAN, if they are receiving any income/sum/amount from India.

ISSUE

This has raised an issue whether it is mandatory for non-residents to obtain PAN, if they are receiving any income/sum/amount from India.

CHARGEABILITY

The critical point to note is that Section 206AA itself reads that PAN has to be obtained only when tax on income is deductible under Chapter XVIIIB. It follows from the wording that if the tax is not deductible under Chapter XVIIIB, PAN is not required to be furnished by the person receiving the payment. Therefore, the determining factor would be whether the income received is chargeable to tax under Chapter XVIIIB. If the answer is in the affirmative then PAN has to be obtained and if the answer is in the negative, PAN is not required.

PAYMENT TO NON-RESIDENTS – CHARGEABILITY OF TAX

Under Chapter XVIIIB, Section 195 deals with deduction of tax in case payment is being made to non-residents and provides that any person responsible for paying to a non-resident, any sum chargeable under provisions of the Act, shall at the time of payment deduct income tax at the rates in force.

A combined reading of Section 195 and Section 206AA leads to the conclusion that PAN has only to be obtained when the sum which is being paid to a non-resident is chargeable to tax under the provisions of the Act.

The issue of deduction of tax under Section 195, when the payment is being made by a resident to a non-resident, had long been a controversial issue with the various High Courts being of divergent opinions.

The Karnataka High Court in Samsung Electronics in December, 2009 relying on the Supreme Court decision in Transmission Corporation's case, had held that in case of every payment to a non-resident, tax was required to be deducted at source with reference to the gross amount. If the assessee thinks that the income is not chargeable to tax, the assessee can make an

application to the Assessing Officer (AO) under Section 195 (2) or 195 (3), as the case may be, and obtain an order under Section 197 of the Act. In case no application is made under the said Sections, then the TDS has to be deducted with reference to the gross amount.

In effect, Karnataka High Court made it compulsory that for any payment to be made to non-residents, the tax has to be deducted unless an order under Section 197 has been obtained from the appropriate AO.

CONFUSION

Karnataka High Court held that tax has to be deducted unless an order under Section 197 is obtained. Further, Section 206AA provides that no certificate shall be granted under Section 197 unless the application itself contains the PAN of the Applicant.

The net result being to determine whether any tax has to be deducted on the payment to be made to a non-resident, an application has to be filed under Section 195 (2) or Section 195 (3) to obtain an order under Section 197. As per Section 206AA, even to obtain an order under Section 197, PAN has to be obtained by a non-resident. This is a Catch 22 situation and the affected party can hardly be blamed for feeling that it is caught in a bind.

Thus, even if a certificate has been obtained under Section 197 that tax is not deductible under Chapter XVIIIB on the income/sum/amount to be remitted to the non-resident, the non-resident would still be mandatorily required to obtain PAN because obtaining PAN is a pre-requisite for filing an application under this Section.

SUPREME COURT RULING

The Supreme Court has in G.E. India Technology Centre Private Ltd., decided on 9th September, 2010, has overruled the Karnataka High Court decision and held that the most important expression in Section 195 (1) consists of the words "chargeable under the provisions of the Act". If the income is not chargeable under the Act, there is no liability on the payer to deduct any tax on that amount. The assessee is not required

to file an application under Section 195 (2) or 195 (3) if the income is not chargeable under the Act and this can be determined by the assessee himself.

POSITION POST SUPREME COURT RULING

Going forward, it is not required to mandatorily obtain a certificate under Section 197 to determine whether any tax has to be deducted on the payment to be made to a non-resident. Therefore, if the assessee or the payer himself determines there is no liability to deduct tax under Section 195, PAN is not required to be obtained by the non-residents.

The Central Board of Direct Taxes could issue a clarification in the light of the Supreme Court ruling.



News Quest

Indian Government on FDI in the multi-brand retail sector: Currently FDI in multi-brand retail is prohibited in India, while 51% is allowed in mono-brand retail and 100% in cash and carry. In July 2010 the Department of Industrial Policy and Promotion (DIPP) had sought comments on the opening of FDI in multi-brand retail from various stakeholders, which include not only the likes of WalMart India and French retail major Carrefour, but also different associations of small retailers who are opposed to the move. An inter-ministerial committee in the Department of Consumer Affairs comprising of micro, small and medium enterprises, agriculture, finance, commerce and industry, rural development and consumer affairs is currently examining the views. All stakeholders are looking forward to the Government's decision.

India, UK trade could touch \$24 bn by 2015; India and the UK can more than double their bilateral commerce to \$24 billion in the next five years by increasing trade and investment cooperation in sectors like energy, sciences and IT, a FICCI Grant Thornton survey said. "In 2009-10, the trade was valued at \$10.6 billion. India seeks to double its bilateral trade with UK to \$24 billion in the next five years, an ambitious but achievable target," it said. With some big ticket acquisitions, India is now a major investor in the UK and with its growing energy and infrastructural requirements in urban as well as rural areas; India offers huge opportunities to the British companies. On the other hand, Britain offers the Indian automobile industry opportunity for acquisition and gaining access to the EU market.

Indian Economy will soon show 9% growth, says Pranab Mukherjee, the Indian Finance Minister, addressing the India Economic Summit (IES) 2010. This expectation stems from the revival in investment and private consumption demand, impressive growth in merchandise exports since November-December 2009, favorable capital market conditions and improvement in capital flows besides manufacturing sector buoyancy reminiscent of the pre-slowdown years. The challenge now is to find the means to cross the 'double digit growth barrier' in the coming year or two.





Bilateral cooperation between India and Germany in the food-processing sector: India is set to witness the next revolution in the food - processing industry. This sector is expected to grow by 20 per cent and value-addition to increase by 35 per cent as India has set an investment target of ₹ one lakh crore by 2015. Germany being one of the leading producers of wine in the world as well as a big importer of wine can lead to collaboration between Germany and India's Grape Processing Board in the field of grape processing technology.

Export Grows 21.3% in October 2010: India's exports have registered a growth of 21.3% during October 2010, at US \$ 18 billion. During the period April-October 2010, exports have reached a level of US \$ 121.4 billion at a growth of 26.8% while the imports were US \$ 194.2 billion with a growth of 26% and a trade deficit of US \$ 72.8 billion. India's imports in October 2010 were US \$ 27.7 billion, up by 6.8%. All the sectors have done well viz., engineering, gems & jewellery, marine products, petroleum and its products, leather & leather products.

Private sector to invest \$500 billion in infra: The private sector is likely to contribute nearly half of the estimated \$1 trillion investment in the infrastructure sector during the 12th five-year plan period (fiscal 2012-17), nearly 30 percent of the total spending on infrastructure sector during the first three years of the 11th plan period has come from private sources. As we go into the next plan period, we expect this proportion to go up to nearly 50 percent," Pranab Mukherjee, The Indian Finance Minister said at a conference organized by the Confederation of Indian Industry and the US-India Business Council. He pointed out that 100 percent FDI is allowed through the automatic route in most sectors in India.

Synapse

By Manju Mohotra

Legal Counsel for reforms in Khadi Village Industries Subsector.

S&P is acting as Legal Counsel in consortia with Pricewaterhouse Coopers for revitalising the Khadi and Village Industries through policy level reforms and institutional reforms for inter alia, establishment of the Khadi Mark, promoting and marketing of Khadi, revitalising Khadi Institutions. These reforms entail a review of the existing Legislation governing the Khadi and Village Industries Commission (KVIC) and the drafting of the new Regulations to enable the KVIC to achieve the reforms. This project is funded to the tune of US\$ 150 million by the Asian Development Bank.

- Dipak Rao, Bidan Chandran and Suneet K Tyagi



Legal Counsel to KSHIP to develop the first ever BOT annuity (State) documentation in India.

S&P is acting as Legal Counsel in consortia with Scott Wilson to the Karnataka State Highway Implementation Project (KSHIP) for upgrading of State Highways through World Bank funding. The project envisages developing of bidding documents for grant of concession on design, build, finance, operate, maintain and transfer (annuity) bases in terms of the World Bank procurement guidelines. The project envisages development for the first time Annuity documents for the World Bank in respect of State Highways.

-Dipak Rao, Santosh Pandey and Monica Das



Legal Counsel to APIIC for Due Diligence in PPP projects under dispute.

S&P is acting as counsel to Andhra Pradesh Industrial Infrastructure Corporation Ltd. (APIIC) for a detailed due diligence and investigation in a SPV where APIIC and Emaar have been equity partners in 3 PPP projects. The mandate is to assess violations/ breaches by the private party and represent APIIC in court proceedings

- Rohit Jaiswal and Shambhu Sharan

Lenders Legal Counsel to Power Finance Corporation

S&P is acting as Lenders Legal Counsel to Power Finance Corporation for financial assistance to M/s Ind Barath Power (Madras) Ltd (IBPML) for 660 MW (1x660 MW) Coal based Thermal Power Project at Sasthavinallur & Pallakkurichi villages, Sattankulam Taluk, Tuticorin District of Tamil Nadu. The estimated project cost is ₹ 3540 Cr.

-Dipak Rao and Santosh Pandey

S&P represents Denel in appointment of Arbitrator

S&P represented Denel Proprietary Ltd, one of the largest manufacturers of defence equipments in South Africa before the Hon'ble Supreme Court of India in a matter related to the appointment of Arbitrator wherein, the Supreme Court without disturbing the settled general law that Court cannot interpose and interdict the appointment of an Arbitrator, took a fresh view upholding the submissions put forth by S&P that the Court can intervene in the appointment of Arbitrator where apprehension of bias exists.

-Madhu Sweta and Joju Kynady

Founder and Senior Partner Ravi Singhania elected to the Board of Directors of TerraLex,

Ravi Singhania, the Founder Member & Senior Partner has been elected to the Board of Directors of TerraLex, a global legal network of law firms. TerraLex has 160 member law firms in 100 countries and 41 US states, and is one of the largest international legal networks. As a TerraLex member representing India, Singhania & Partners has access to expertise around the world from leading law firms in each country and across the United States.



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Editor- in- Chief Ravi Singhania Editor Manju Mohotra Research Aakanksha Agarwal Design Shilpa Laharwal
Delhi Dilip K Jhangiani Mumbai Bidan Chandran Bangalore Shilpa Shah Hyderabad Tara Sarma

S&P House, H186, Sector 63, Noida NCR Delhi 201301 (t) +91.120.4631000 (f) +91.120.4631001 (e) info@singhania.in
B92, 9th Floor, Himalaya House 23, K.G.Marg, New Delhi 110001 (t) +91.11.41531000 (f) +91.11.41531001 (e) info@singhania.in
123A, 12th Floor, Mittal Court, Nariman Point, Mumbai 400021 (t) +91.22.22885550 (f) +91.22.22885560 (e) mum@singhania.in
401, Prestige Meridian II, M.G.Road, Bangalore 560052 (t) +91.80.41131900 (f) +91.80.41131901 (e)blr@singhania.in
#614, Babukhan Estate, Basheer Bagh, Hyderabad 500001 (t) +91.40.65810662 (e) hyd@singhania.in