

Sudhir Mishra

Call: 1999



Expertise

Business & Property

Sudhir Mishra is an advocate registered with the Bar Council of Delhi in India and is regarded as one of India's leading lawyers in the fields of environment, healthcare, media and infrastructure. He has represented high net worth individuals, Fortune 500 companies and leading music labels in India in high value claims. He has extensive experience in handling matters related to legal recoveries, land acquisition issues and financial fraud. He has represented various clients in white-collar offences before the Central Bureau of Investigation, Enforcement Directorate and various judicial and quasi-judicial authorities.

He had been appointed Special Counsel for the State of Gujarat and the State of Sikkim. He is the Founder and Managing Partner of Trust Legal, an Indian law firm with offices in New Delhi, Ahmedabad and Kochi. Under his leadership Trust Legal has represented clients at all levels for litigation and dispute resolution matters before Tribunals, High Courts, Supreme Court at both domestic and international jurisdictions.

Sudhir's practice encompasses commercial dispute resolution and arbitration covering a wide range of contractual, construction and regulatory disputes. His work includes a particular emphasis on infrastructure, franchise, joint venture, civil fraud and regulatory matters, as well as complex commercial disputes generally.

Arbitration

Under Sudhir's supervision, Trust Legal has advised and represented clients in domestic and international arbitrations and connected motions before various High Courts in India and the Supreme Court of India, including but not limited to, proceedings for interim injunctions, protection against invocation of bank guarantees, appeals from arbitral awards and the appointment of arbitrators. The nature of the cases are diverse and includes, but is not limited to, infrastructure projects, power purchase

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agreements, gas supply agreements and joint venture agreements.

The following are illustrative of the matters that Sudhir has been involved in:

- Acted for a road and infrastructure development company for its claim of USD 174 million against the National Highway Authority of India arising under a Concessionaire Agreement.
- Acted for a distribution franchisee appointed under the terms of the Electricity Act 2003 for its claim of USD 116 million arising under the Distribution Franchise Agreement.
- Acted for a solar power developer against the National Thermal Power Corporation for its claim of USD 16 million arising under a power purchase agreement.
- Acted for a road and infrastructure development company for its claims of USD 16 million arising under the concession agreement for development of four lane highway.
- Acted for a healthcare service provider for claims of USD 3 million in respect of defects in the construction of a new 300 bed hospital.
- Acted for Power Grid Corporation of India Limited against a construction company for claims of USD 3 million and counterclaims of USD 1 million under an agreement for the erection of electricity towers in North East India.
- Acted for a multi system operator (distribution operator of television signals) licensed by the Ministry of Information and Broadcasting, Government of India for its claims of USD 3 million arising under a joint-venture agreement.
- Acted for a scheduled airline operator against the Airport Authority of India challenging the termination of the scheduled airline operator agreement and the encashment of performance bank guarantees.
- Acted in numerous other infrastructure projects:
- Concession Agreement for design, engineering finance, construction operation and maintenance of a six-lane national highway under a PPP model.
- Concession agreement for development, operation and management of municipal solid waste.
- Contract agreement for the rehabilitation, construction, operations, maintenance and management of Bhagalpur water supply.
- Construction of water supply distribution network and improvements with house service connections for non-revenue water reduction and continuous water supply and providing sewer network with house connections, operational services of the system.

Civil & Commercial Litigation

Under Sudhir's supervision Trust Legal has an exceptional track record of representing clients in an array of matters across numerous forums. Trust Legal is among the very limited firms which have been registered as an 'Advocate on Record' in the Supreme Court of India.

The following is an illustrative list of the matters that Sudhir has been involved in:

- In the Supreme Court of India, represented the All India Gaming Federation in a matter involving Board of Cricket Control of India.
- In the Supreme Court of India and other forums, represented SITI Networks Ltd and multiple other entities under the Essel Group including Zee Media, Zee Entertainment Enterprises Limited and Zee Learn among others.
- Sudhir has represented clients before the High Courts of Delhi, Allahabad, Patna, Jaipur, Jodhpur, Bangalore, Shimla, Ahmedabad, Mumbai, Kochi, Nainital, Chandigarh, Raipur, Hyderabad, Cuttack, Kolkata, Guwahati, Jammu and Lucknow.
- Acted for 17 entities of the Essel Group against Indiabulls Housing Finance Limited in a contentious dispute revolving around four loan transactions. Further, ensured that Essel Group was able to successfully conclude the stake sale.
- Acted for Zee Entertainment Enterprises Limited in multiple claims against Saregama India Limited (formerly known as 'the Gramophone Company of India' and 'His Master's Voice (HMV)') for infringement of copyright.

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- Acted for Zee Entertainment Enterprises Limited against Tik Tok/ByteDance, Chinese music application involving infringement of copyright.
- Acting for SITI Networks Ltd. before the High Court of Kerala and the High Court of Delhi in challenges to Regulations promulgated by TRAI.
- Representing Essel MSW Energia Ltd. before the High Court of Delhi in its challenge against a blacklisting order.
- Represented Gujarat Industries Power Corporation before Competition Commission of India and High Court of Delhi.
- In the Appellate Tribunal for Electricity and Central Electricity Regulatory Commission
- Represented NRSS XXXI (B) Transmission Limited in relation to fixation of tariff and transmission charges before the CERC and APTEL.
- Represented Pallavapuram Tambaram MSW Pvt. Ltd. in relation to fixation of tariff before the APTEL.
- Represented Power Grid Corporation of India Ltd., North East Electric Power Corporation, Rajasthan Rajya Vidyut Utpadan Nigam Ltd. in their various tariff petitions.
- Represented North Eastern Electric Power Corporation (NEEPCO) in fixation of Availability Based Tariff (ABT) for the small Thermal Power Generating Companies in the North Eastern Region before the CERC.
- Represented NEEPCO in fixation of Two-Part Tariff for various Projects pan-India, before the CERC.
- Represented PGCIL in determination of tariff challenging the norms laid down by CERC before the APTEL.

International

Sudhir and Trust Legal have extensive experience in due diligence, arbitration and disputes resolution outside of India. By way of example in 2019-2020, Trust Legal was engaged in a variety of legal issues by Amazon, Cadbury, Hyundai Construction, General Electric Company, Tata Consultancy Services, Adani Group, Medicover – Sweden, Euromax, North China Industries Cooperation, Arbuda, Inverso-Kronoz Inc USA.

Transboundary Disputes

- Trust Legal acted on behalf of an India Agent against a Texas-based buyer, being an omnichannel retailer in a contractual dispute in a mediation proceeding held in Texas, USA where India Agent was represented by Trust Legal as the Indian counsels.
- Trust Legal conducted extensive legal due diligence of a company incorporated under the laws of Singapore for a UK based client in connection with a proposed investment of USD 7 million in the Singapore company.

Environmental

- Trust Legal has advised and acted for CREDAI (Confederation of Real Estate Developers Association of India), Karnataka Chapter before the Supreme Court of India and National Green Tribunal, in a dispute where the National Green Tribunal, New Delhi had modified the Zoning Regulations in the city of Bangalore, Karnataka thereby affecting the construction and completion of several housing projects, leaving thousands of allottees of the projects in a lurch.
- Trust Legal acted for TCS – Tata Consultancy Services against the State of Maharashtra in a dispute involving environmental law principles in respect of its Project – Banyan Park, Andheri, Mumbai of approximately 22 acres. The firm was successful in securing a favorable order from the National Green Tribunal.
- Trust Legal acted on behalf of Amritsar MSW Limited against the Amritsar Municipal Corporation, before the National Green Tribunal, Principal Bench, New Delhi, for disputes arising from a Concession Agreement executed between the parties. Trust Legal was successful in securing favourable orders for its client.

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Accreditations

- Trust Legal, Advocates and Consultants has been awarded in the category of Environment. Indian Business Law Journal 2020.
- Trust Legal, Advocates & Consultants has Ranked 37th in the RSG Top 50 India Law Firms, 2019 RSG Consulting, London 2019
- Trust Legal, Advocates & Consultants has been ranked 3rd in the Disputes Deal List, 2019 for one contentious dispute represented by the firm. India Business Law Journal, 2019
- Trust Legal, Advocates & Consultants has been listed in India Business Law Journal as one of India's 50 leading commercial law firms. India Business Law Journal, 2019 Edition, Hong Kong
- Trust Legal, Advocates & Consultants has been listed in India Business Law Journal as one of country's 50 leading commercial law firms in its annual report on the state of play in India's legal market.
- India Business Law Journal, 2015 Edition, Hong Kong

Memberships

- Bar Council of Delhi
- Supreme Court Bar Association
- National Green Tribunal Bar Association
- International Bar Association
- New York State Bar Association (International Section)
- Mr. Mishra had also been selected for the most prestigious International Visitors Leadership Programme (IVLP) sponsored by the United States of America (May 2005), which is "one of the U.S. government's most prestigious professional exchange programs for foreign opinion makers".

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