

SMRITI R. NAIR

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PROFESSIONAL SUMMARY:

I am a dual qualified lawyer, qualified to practice as an **Advocate in India (24 June 2019)** and as a **Solicitor of the Senior Courts of England & Wales (13 May 2024)**, with a Master of Laws (LL.M.) from the London School of Economics and Political Science (2022-2023), specializing in Corporate and Commercial Laws. I am currently a counsel associated with the Chambers of Mr. Amit Sibal, who is a Senior Advocate (KC equivalent in India) and an Associate Member of 3 Verulam Buildings, London (UK). I have previously worked as a Senior Associate and as an Associate at Khaitan & Co. (a top tier law firm in India), for 4+ years in their Commercial Dispute Resolution practice. My area of practice is majorly insolvency laws, arbitration, information technology and data privacy laws, in addition to litigation concerning contractual and commercial matters before various courts and tribunals including Supreme Court of India, Delhi High Court, etc. I have significant exposure in spearheading litigations and arbitrations in India, and my role with respect to the clients listed below, primarily involves:

- Representing international and domestic clients before courts and arbitral tribunals; preparing arguments for hearings, examining witnesses, drafting and filing pleadings and documents before courts and arbitral tribunals
- Briefing and assisting senior counsels (KC equivalents) such as Dr. Abhishek Manu Singhvi, Kapil Sibal, Mukul Rohatgi, in arguments before courts and tribunals
- Advising clients on liabilities arising out of litigations as part of due diligence in deals and high value transactions
- Advising overseas clients regarding cross-border issues and compliance with laws in India, alongside international law firms like Kirkland and Ellis LLP, Linklaters LLP, Mishcon de Reya LLP

PROFESSIONAL EXPERIENCE:

Counsel at the Chambers of Mr. Amit Sibal, Senior Advocate (KC equivalent in India) and Associate Member of 3 Verulam Buildings, London (UK) **(March 2025- Present)**

- Representing **Open AI** in their first ever litigation in India concerning copyright infringement alleged by several news agencies in India before the Delhi High Court.

Khaitan & Co., New Delhi

Senior Associate

(April 2024- September 2024)

Associate

(July 2019- July 2022; September 2023- March 2024)

- **Litigation before various Courts and Tribunals in India:**

- Represented **GLAS Trust Company LLC**, in its capacity as the administrative and collateral agent of USA based lenders, in their litigation in India seeking initiation of insolvency proceedings against a leading Indian edtech company, and assisted Kirkland & Ellis in a parallel Chapter 11 bankruptcy proceedings in the USA against the USA based subsidiary of the Indian entity.
- Represented **Microsoft Inc. and Microsoft Corporation (I) Pvt. Ltd.** in their litigations in India involving intermediary liability of their search engine Bing.
- Representing **Telegram FZ LLC** (a cloud-based messaging platform based in the United Arab Emirates) on intermediary liability issues arising out of content posted on its platform in multiple litigations across several High Courts in India.
- Represented **Comuto SA** (a car-pooling platform based in France) in their interventions in writ petitions before various High Courts to prevent a ban on car-pooling platforms in India.
- Represented **Ramkrishna Forgings Ltd.** (a company leading in the manufacture and sale of forged components) as a successful resolution applicant in proceedings relating to the acquisition of two insolvent companies engaged in the manufacture of precision engineering and automobile components before several tribunals and the Supreme Court of India.
- Represented **Max Estates Ltd.** (a leading real estate development company) as a successful resolution applicant in proceedings relating to the acquisition of an insolvent real estate company.
- Represented the **Promoters of Avantha Holdings Pvt. Ltd.** (leading Indian power generation company) before tribunals and the Supreme Court of India, in submitting a plan to regain control over their insolvent subsidiary company.

- Represented **Zuari Industries Employees Provident Fund and PPL Employees Provident Fund Trust** (employees provident funds in India) in their litigation as creditors of the IL&FS Group of companies regarding repayment of their loans before the Supreme Court of India.
- Represented **Standard Chartered Bank** in recovery proceedings and related litigation before the Supreme Court of India.
- **Arbitrations:**
 - Represented **Olam International Ltd.** in the enforcement of foreign arbitral awards in their favour before the Bombay High Court, Delhi High Court and the High Court of Punjab and Haryana.
 - Represented **Mahindra Susten Pvt. Ltd.** (leading solar EPC company) in their arbitration against a public sector enterprise, before the Delhi International Arbitration Centre (DIAC), governed by the Arbitration and Conciliation Act, 1996 of India (A&C Act) and the DIAC Rules, pertaining to a tender awarded in their favour for the development of a solar power project, and successfully secured interim relief in their favour before the Delhi High Court and Supreme Court of India.
 - Represented **Smart Digivision Pvt. Ltd.** (provides content-based services) successfully in their arbitral proceedings before the DIAC, governed by the A&C Act and the DIAC Rules, relating to a franchise agreement with a leading Indian telecommunication company.
 - Represented **AECOM India Pvt. Ltd.** (leading infrastructure consulting firm) in their ad hoc arbitration governed by the A&C Act, and subsequent settlement of disputes with an Indian corporation arising out of a consultancy agreement for the development of a smart city.
- **Client Advisory:**
 - Advised **Reliance Industries Ltd.** and its media subsidiary **Viacom18** as the Indian legal counsel in its strategic joint venture agreement with Walt Disney Company's ("**Disney**") Star India Pvt. Ltd. on litigation aspects as part of a due diligence, which led to the merger of the digital streaming and television assets of Disney and Viacom18 in India to create one of the leading TV and digital streaming platforms for entertainment and sports content in India. (<https://bwlegalworld.com/article/khaitan-co-acts-as-legal-counsel-to-reliance-industries-viacom-18-media-511945>)
 - Advised **BlackRock Inc.** in their litigations arising out of private credit investments in India.
 - Advised the **Promoter of a leading Indian conglomerate** concerning proceedings to resist enforcement of the judgment of a UK Court against him in his capacity as a guarantor to certain loans as well as resisting proceedings pertaining to personal guarantor insolvency resolution under the Insolvency and Bankruptcy Code 2016 in India, alongside Mishcon de Reya LLP.
 - Advised **Microsoft Inc.** and **Microsoft India Pvt. Ltd.** regarding disputes concerning licensees of their software, which involved drafting and responding to notices, corresponding with government departments.
 - Advised **Brookfield Asset Management** on possible liabilities arising out of litigation as part of a due diligence in relation to a joint venture with Bharti Enterprises for four commercial properties totalling to 3.3 million square feet. (<https://www.sconline.com/blog/post/2022/04/09/khaitan-co-advised-brookfield-asset-management-in-relation-to-a-joint-venture-with-bharti-enterprises-for-four-commercial-properties-totalling-to-3-3-million-square-feet/>)

PROFESSIONAL QUALIFICATIONS AND AFFILIATIONS:

- Solicitor of the Senior Courts of England and Wales (SRA Number- 7021376) (13 May 2024)
- Member of the Law Society of England and Wales (May 2024)
- Member of the Delhi High Court Bar Association (July 2022)
- Advocate enrolled with the Bar Council of Delhi, India (Enrolment No.: D/2235/2019) (24 June 2019)

ACADEMIC QUALIFICATIONS:

INSTITUTION	COURSE	RESULT	GRADUATION YEAR
London School of Economics and Political Science	LL.M.	Merit	2023
Amity Law School Delhi, Guru Gobind Singh Indraprastha University	B.A.LL.B (Hons.)	73.34% (First Division)	2019
Modern School, Barakhamba Road, New Delhi	Class XII (CBSE)	90.6%	2014
Lokhandwala Foundation School, Mumbai	Class X (ICSE)	93.6%	2012

INTERNSHIPS:

- Khaitan & Co., New Delhi (Dispute Resolution) (January-March 2019: 12 weeks)
- Cyril Amarchand Mangaldas, New Delhi (Competition Law) (June 2018: 4 weeks)
- Cyril Amarchand Mangaldas, New Delhi (General Corporate) (December 2017: 4 weeks)
- Chambers of Mr. K. V. Viswanathan, Senior Advocate (Barrister equivalent), Supreme Court of India (July 2017: 4 weeks)
- Khaitan & Co., New Delhi (Dispute Resolution) (June 2017: 2 weeks)
- Shardul Amarchand Mangaldas & Co., New Delhi (Dispute Resolution) (June- July 2016: 2 weeks)
- Chambers of Mr. Apoorv Kurup, Advocate-on-record, Supreme Court of India (July-August 2016: 4 weeks)
- Institute for Human Development, New Delhi (July 2015: 4 weeks)

ADDITIONAL QUALIFICATIONS:

- Completed the Research Methods Course by the London School of Economics and Political Science (Nov- Dec 2022)
- Awarded the Visharad degree in the Indian classical dance – Bharatnatyam (2011)

PUBLICATIONS:

- “Bombay High Court's Split Verdict On The 2023 Amendment To The IT Rules” published on Mondaq on 6 May 2024 (<https://www.mondaq.com/india/it-and-internet/1435756/bombay-high-courts-split-verdict-on-the-2023-amendment-to-the-it-rules>)
- Noida dues not financial debt under IBC: Supreme Court” published on ERGO Newsflash- A blog by Khaitan & Co. on 24 May 2022 (<https://www.khaitanco.com/thought-leaderships/Noida-dues-not-financial-debt-under-IBC-Supreme-Court>)
- “Allottees in Real Estate Projects cannot be Coerced into Settlements by NCLT: Supreme Court” published on Lexology on 3 January 2022 (<https://www.lexology.com/library/detail.aspx?g=fb9ffabd-82f5-42b2-bd8f-3e8bd53a4c08>)
- “Supreme Court orders an independent investigation into the Pegasus spyware attack” published on Mondaq on 3 November 2021 (<https://www.mondaq.com/india/privacy-protection/1127684/supreme-court-orders-an-independent-investigation-into-the-pegasus-spyware-attack>)
- “Hard bargain for resolution applicants; No scope for withdrawal of plans: Supreme Court” published on Mondaq on 28 September 2021 (<https://www.mondaq.com/india/insolvencybankruptcy/1115658/hard-bargain-for-resolution-applicants-no-scope-for-withdrawal-of-plans-supreme-court>)
- “NCLTs have no equity jurisdiction under IBC: Supreme Court” published on Bar and Bench on 20 September 2021 (<https://www.barandbench.com/columns/nclt-has-no-equity-jurisdiction-under-ibc-supreme-court>)
- “A Personal Guarantor’s Pandemic: IBC Suspension and its Repercussions” published on Live Law on 29 May 2020 (<https://www.livelaw.in/columns/a-personal-guarantors-pandemic-ibc-suspension-and-its-repercussions-157562>)
- “Supreme Court reinforces timelines under RDB Act” published on Lexology on 24 February 2020 and on Mondaq on 26 February 2020 (<https://www.lexology.com/library/detail.aspx?g=29bd9e80-c85a-4224-a1e0-020699b41326>)
- “The Essar Steel Saga: Supreme Court brings much needed clarity to IBC“ published on Mondaq on 28 November 2019 (<https://www.mondaq.com/india/insolvencybankruptcy/869318/the-essar-steel-saga-supreme-court-brings-much-needed-clarity-to-ibc>)

KEY EXTRA-CURRICULARS:

- Volunteer at The Community Library Project- an open library for all (August 2018–August 2019)

INTERESTS:

- Bharatanatyam, Classical and Western forms of dance, Reading, Journaling
- Languages- English, Hindi, Malayalam