



ABHISHEK SWAROOP

Designation: Partner

Abhishek.Swaroop@sarafpartners.com

Expertise: Dispute Resolution and Insolvency and Restructuring

Education: B.A. LLB (Hons), National Law Institute University, Bhopal

Bar Admission: Delhi High Court Bar Association, NCLT & AT Bar Association, Bar Council of Uttar Pradesh

Awards & Recognitions:

- Recognised as '**Next Generation Partner**' for Restructuring and Insolvency practice and '**Recommended Lawyer**' for Dispute Resolution by the Legal 500 in its Asia-Pacific Rankings, 2024-2026.
- Recognised as '**Litigation Star**' for Commercial and Transactions and Insolvency practice by Benchmark Litigation in its Asia Pacific rankings 2023-2026.
- Recognised as '**Highly Regarded**' for Restructuring and Insolvency practice by IFLR 1000 Asia-Pacific Rankings, 2023-25.
- Awarded '**40 Under 40**' Award for the year 2022 by BW Legal World.

Overview:

Abhishek is a senior member of the Firm's Dispute Resolution Team with a rich experience of nearly 2 decades in handling complex corporate commercial litigations, with special focus on insolvency and bankruptcy, across various Courts / Tribunals in India. He has been regularly advising a number of individual & corporate clients in matters on broad range of corporate commercial issues involving Insolvency and Bankruptcy Code and/or Companies Act and in relation to disputes arising out of joint venture agreements, share purchase agreements, share subscription agreements, etc. as also for scheme of arrangements.

He has exposure on all facets of litigation right from the stage of strategizing, drafting and arguing the matters across various forums including Supreme Court, High Courts, National Company Law Tribunal as well as before the Appellate Tribunal, etc.

He has handled some of the biggest litigations under insolvency laws including the pathbreaking case of ArcelorMittal's acquisition of Essar Steel and continues to advise them on issues at court in relation to Odisha Slurry.

Abhishek was mandated on behalf of Adani group in the dispute involving Mumbai airport takeover by Adani group. Recently he has been instrumental in conclusion of liquidation of Simhapuri Energy Limited in the swiftest possible time as also the resolution of Rohit Ferro Tech Limited which led to lenders realising money in excess of INR 800 crores. He is currently representing and advising several Indian banks, resolution professionals and liquidators in multiple matters across India.

Additionally, Abhishek has also been handling several of merger and amalgamation matters under Ss. 230 – 232 of Companies Act in multiple sectors including but not limited to pharmaceuticals, manufacturing, banking and NBFCs. Recently he represented a major pharma group in securing approval of scheme of amalgamation within very stringent timelines involving multiple Tribunals.

Other Litigations – Writs, Civil litigations, etc

- Advising and representing an ArcelorMittal entity in writ proceedings before High Court of Gujarat in relation to disputes pertaining to port assets.
- Advising and representing one of the largest business conglomerates of India in successful acquisition stakes in Mumbai International Airport Limited in various proceedings before High Court of Delhi, High Court of Mumbai and before adhoc Arbitral Tribunal comprising of Retd. Supreme Court Judges.
- **A major telecom company:** Represented another major telecom company in a petition challenging the imposition of VAT upon 'medium of transmission' i.e. 'ACLE' being 'goods' under Sale of Goods Act, 1930.
- **An automotive parts manufacturing company:** Represented an automotive parts manufacturing company in proceedings under Section 9 of the Arbitration & Conciliation Act, 1996 in relation to dispute arising out of distributorship agreement. The petition filed by the counter party was dismissed by the Hon'ble Court. Also represented the said company in the appeal preferred by the counter party before the Commercial Appellate Division of the Delhi High Court. The Hon'ble High Court has reserved its judgment in the appeal.
- **An infrastructure development & finance company:** Representing a leading infrastructure development and finance company in an arbitration proceeding in relation to dispute arising out of a BOOT agreement.
- **Government of India:** Represented the Government of India in an arbitration proceeding in relation to dispute arising out of and relating to Public Service Contract (PSCs) relating to Hydrocarbons, Oil & Natural Gas and other natural resources, etc.
- **The Association of Tobacco Manufacturers (along with the other major manufacturers)** : Represented the association of tobacco manufacturers and other major manufacturers in the SLPs/Writs challenging the constitutional validity of the Regulation(s) framed under Food Safety & Standards Act, 2006 before various High Courts and Supreme Court.
- Advising ArcelorMittal entities in relation to disputes in relation to various port and mining assets, etc.
- **The major plastic manufacturers:** Represented major plastic manufacturers in petitions challenging the constitutional validity of Plastic Waste (Management & Handling) Rules, 2011 before various High Courts & Supreme Court.
- Briefed and assisted host of senior counsels at various courts.