



Shardul Amarchand Mangaldas



Varun Pathak

Partner

Dispute Resolution

Varun Pathak is a Partner with the Firm's Dispute Resolution practice. He is an Advocate on Record with a rich experience of advisory and litigation of around 16 years.

He is extensively experienced in handling, strategizing, advising on and appearing in commercial litigation and litigation relating to intermediary liability, intellectual property, data protection, privacy, and other aspects of Information Technology laws, regulation and policy. He regularly advises clients on complex issues in the information technology and e-commerce sector and has a rich experience of advising clients (both in private and public sectors) on contentious matters relating to contractual, regulatory issues, issues pertaining to constitutional and administrative laws, technology laws, et cetera.

With a high percentage of success in tariff and regulatory matters he has also advised the Central Government and the Governments of Haryana, Maharashtra and Gujrat on various contentious issues. He represented the Governments of Maharashtra and Gujarat in the coal allocation matters before the Supreme Court. He has also represented various PSUs and government promoted companies in the energy sector.

Varun was admitted to the bar in 2007 after successfully completing LLB (Hons.) from Amity Law School (Guru Gobind Singh Indraprastha University, New Delhi) and thereafter in 2008 he received an LL.M. in Corporate and Commercial Laws from the London School of Economics and Political Science.

He was a visiting faculty for Symbiosis Law School, Noida from April 2017 to November, 2019.

Select Experience Statement

Varun Pathak's areas of experience and exposure in litigations includes:

- Information Technology Laws – Matters in the Supreme Court, High Courts, Consumer Forums, and other Courts in India in litigation pertaining to constitutional challenges to information technology laws, intermediary liability, e-commerce, privacy, data protection, intellectual property.
- Electricity Laws – Matters relating to the Power Sector pertaining to distribution licensees, transmission licensees, captive consumers, trading licensees, State Governments, State Electricity Regulatory Commission, generating companies and consumers.

Location

- Delhi

Education

- LL.M, London School of Economics and Political Science.
- B.A. LL.B. (Hons.) Amity Law School, Guru Gobind Singh Indraprastha University.

Practices

- Dispute Resolution

Professional Membership

- Advocate, Bar Council of Delhi
- Delhi High Court Bar Association
- Supreme Court Bar Association
- Supreme Court Advocates on Record Association
- Punjab and Haryana High Court Bar Association





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- Contractual disputes – Matters pertaining to commercial contracts, tender process, turn key agreements, employment agreements, enforceability and interpretation, restitution, et cetera.
- Competition Law – Matters pertaining to cartelization, leniency and interplay of sectorial regulators.
- Trust Laws – Matters pertaining to trust laws, appointment of trustees, creation of the trust, enforcement of trusts amongst others.
- Constitutional laws – Matters pertaining to fundamental rights, service matters, challenge to levy of airport development fees, challenge to delegated legislations, et cetera.
- Arbitration and Procedural Laws – Arbitrations and matters under Arbitration and Conciliation Act, 1996 including section 11, section 9 and section 34 petitions and other procedural aspects under the civil procedure laws.
- Intellectual Property Laws – Matters relating to trademark, copyright and design laws.
- Other Laws – Matters relating to mines and minerals, foreign exchange, insurance, consumer laws, contempt, telecom, media, defamation, et cetera.

Varun has advised clients in diverse areas of laws which includes:

- Information Technology Laws - Advised a social media conglomerate and its affiliates on all legal and regulatory aspects of its operations in India, including statutory and regulatory compliance requirements, directions and requests from the State and law enforcement agencies, from an intermediary liability, e-commerce, law enforcement access, payments regulations, and privacy laws perspective.
- Legal Transaction Advisor – He has advised the Ministry of Power in the disbursement of support to stranded gas based power plants through a reverse e-bidding tendering process.
- Private Equity Investment in Oil & Gas Sector – He has participated in Legal Due Diligence exercise for a Private Equity Fund for the purposes of investment in a listed company in the Oil & Gas sector and also advised on issues relating to export & import advances.
- Energy and Infrastructure Sector Advisory - Advising on various legal and commercial issues arising in power projects, consortium arrangements, EPC, O&M and supply contracts, assisting in structuring, drafting, reviewing and negotiating transaction documents including power purchase agreements, bid documents, construction contracts, support agreements, guarantees, escrow agreements, concession agreements, et cetera.
- Legal Due Diligence and Transaction Support - Conducting legal due diligence on companies to identify and determine possible legal exposures and other contingencies and advising on remedial measures and advising clients on setting up business in India. Drafting and negotiating transaction documents including joint venture agreements, shareholders' agreements, share subscription/share purchase agreements, non-compete arrangements et cetera.
- Healthcare Sector Advisory - Advising various clients in the healthcare sector with emphasis on laws and policies relating to emerging technologies in medical sciences, ICMR guidelines and finalising clinical trials agreements, insurance policies, et cetera.
- General Advisory - Providing advice on corporate and other laws including exchange control regulations, securities law, and competition law. Structuring and negotiating commercial transactions, including agency, distributorship and marketing arrangements, procurement and manufacturing contracts, franchise arrangements, et cetera.



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- Opinions - Drafting opinions to queries on Foreign Investment, Company & Securities Law, Information Technology, Arbitration, Labour Laws, Civil Procedure Code, et cetera.

