



Shardul Amarchand Mangaldas



# Harman Singh Sandhu

Partner

Competition Law

Harman Singh Sandhu is a Partner in the Firm's Competition Law Practice, involved with competition law since its inception in India.

Harman has extensive experience in advising Indian and foreign companies in relation to a whole range of competition issues (both advisory and proceedings before the Competition Commission of India (CCI)), the National Company Law Appellate Tribunal (NCLAT), the High Courts, and the Supreme Court of India (*Supreme Court*). His experience spans a variety of sectors including telecoms, railways, steel, aviation, information technology, banking, natural resources (oil, coal, iron ore, etc.), petrochemicals, pharmaceuticals, agro-chemicals, paper, construction, cement, tyres, mineral processing equipment, digital markets (hospitality), and fibres.

His prominent clients include ACC, Ambuja Cements, Nutrien Inc, Linde AG., Alstom, Bayer/Monsanto, Baring Private Equity Asia, Trident Industries, Coal India, ArcelorMittal Nippon Steel, Asian Paints and Oravel Stays (OYO).

Harman has been involved in defending large multinational companies in high profile cartel enforcement cases and leniency matters, in the cement and tyre industries amongst others. Harman advised on the seminal CCI v. SAIL case, the first case under the Competition Act to be decided by the Supreme Court. He has successfully defended Apollo Tyres in the tyre cartelisation case, Tata Chemicals in the soda ash cartelization matter, and Visaka Industries in relation to alleged cartelization in the asbestos sheets sector. He has acted for ACC in the cement cartel case, and for ACC and Ambuja Cements in relation to alleged bid rigging conduct.

Harman has also represented clients in several abuse of dominance cases. He has acted for Coal India (a state-owned enterprise) on an abuse of dominance allegation on procurement of explosives, and is currently representing Coal India in challenging abuse of dominance findings before the Supreme Court and the NCLAT. Harman also represents Nissan Motors and obtained a stay from the Supreme Court on the Competition Appellate Tribunal's order against Nissan and other car manufacturers. He also acted for Vodafone India in the anti-competitive tie-in case involving the sale of Apple iPhones. Harman successfully defended the Oil and Natural Gas Corporation (ONGC) against abuse of dominance allegations by the Indian National Ship Owner's Association for imposing unfair terms and conditions in its vessel hire agreements. Harman also successfully defended OYO (leading global hotel chain) against abuse of dominance allegations relating to unfair terms and conditions in its contractual arrangements, and successfully challenged CCI's interim directions against

## Location

- Delhi

## Education

- LL.B, M.D. University, 2003
- LL.M, (Corporate and Commercial Law) King's College London 2005
- Post Graduate Diploma (International Commercial and Construction Arbitration), Queen Mary College, 2006

## Practices

- Competition Law

## Professional Membership

- Bar Council of India

## Awards & Recognitions

- **Band 1** for Anti-trust & Competition by Chambers & Partners Asia Pacific, 2022-24
- Among IBLJ's A-List of India's **Top 100 Lawyers**, 2023
- **Leading Lawyer** for Antitrust and competition at the Legal Era Awards, 2022-23





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OYO (a first, to the best of our knowledge), before the Gujarat High Court. He is also acting for *Asian Paints* with respect to allegations of abuse of dominance before the CCI.

Among his recent advisory work, Harman continues to represent state-owned oil marketing companies on an important litigation regarding regulatory overlaps between the CCI and the Petroleum and Natural Gas Regulatory Board. Harman also advises and delivers trainings to companies on compliance issues. He has been instrumental in designing the compliance programme for *ACC Limited* and conducts regular trainings for the organization, along with conducting regular trainings for *Asian Paints*.

On the merger control side, Harman has played an instrumental role in obtaining CCI approval for the merger of *Publicis Groupe* and *Omnicom Group*. He has advised and secured unconditional clearances for *Nippon Steel Corporation's* merger with *Sumitomo Metal Industries*, *Nestlé's* acquisition of *Pfizer's* nutrition business, *Mitsui's* acquisition of stake in a pharmaceuticals company in India (the first merger control clearance in the pharmaceuticals sector in India), *GSK/Novartis* in relation to their multi-step transaction involving vaccines, oncology and OTC businesses. He has obtained conditional clearance for the *Holcim/Lafarge* transaction. Harman represented *Allergan* in relation to its combination with *Pfizer*, *Halliburton* in relation to its acquisition of *Baker Hughes*, *United Technologies Corporation* in its acquisition of the eco-energy business of *Wipro*, *TDK* and *Toshiba* in the creation of a joint venture envisaging transfer of customer contracts, *Baker Hughes* in its merger with *General Electric*, and *DuPont* in its merger with *The Dow Chemical Company*. Harman has also advised on *Agrium's* merger with *Potash Corporation*, the merger between *Praxair* and *Linde* and the transaction between *Alstom* and *Siemens* in relation to their mobility businesses. Harman secured unconditional clearance for *Saudi Aramco* in relation to its acquisition of *SABIC*. Harman has secured unconditional clearance for *Alstom's* acquisition of *Bombardier Transportation*, unconditional clearance for *Fiat's* merger with *Peugeot* and conditional clearance involving the first-of-its-kind quasi-structural remedy in the merger between *Metso Minerals* and *Outotec*.

In 2021, Harman obtained unconditional clearances for several high-profile and complex cross-border and domestic transactions, including *Siemens Healthineers'* acquisition of *Varian Medical Systems*, *Paradeep Phosphates'* acquisition of *Zuari Agro Chemicals*, *Baring Private Equity Asia's* separate and consecutive investments in *Hinduja Global Solutions* and *Global Content Alpha Partners*, the merger of *Tech Data Corporation* with *Synnex* and *FedEx's* investment in *Delhivery*. Harman was also pivotal in *OMERS Infrastructure Asia* obtaining green channel approval for its investment in *Azure Power Global*. He also obtained clearance on behalf of 9 public financial institutions led by *NTPC* for the acquisition of *Jhabua Power*. More recently, Harman was also instrumental in obtaining clearance for *EQT's* acquisition of *Baring Private Equity Asia* and securing unconditional approval for acquisition of stake by *SALIC International Investment Company* in *Olam Agri Holdings Pte. Ltd.*

Harman has been acknowledged as a leading lawyer in Global Competition Review's *Who's Who Legal of Competition Lawyers* since 2011. Harman was described as "*fabulous, highly intelligent and someone who provides great inputs on all his matters - I have great respect for him*" by *Chambers Global Guide 2013*. *Chambers and Partners 2016* stated, "*Harman Sandhu is a rising star in the competition practice, who is widely recognized by peers*". One interviewee characterizes him as "*a great guy - very intelligent and very hard-working*". In

## Awards & Recognitions

- **Band 1** for Anti-trust & Competition by *Chambers & Partners Global*, 2022-24
- **Distinguished Practitioner** for Competition/antitrust by *Asialaw 2024*
- **Leading Individual** for Antitrust and Competition by *The Legal 500*, 2019-24
- **Litigation star** for Competition /antitrust by *Benchmark Litigation 2023-24*
- **Global Elite Thought Leader - Thought Leader - Global Leader** by *Who's Who Legal Global Guides 2022*
- **Thought Leader - Global Elite** by *Who's Who Legal 2021*
- **Band 2** for Anti-trust & Competition by *Chambers & Partners*, 2019-21
- **Thought Leader** for Competition Law by *Who's Who Legal*, 2019-20





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2018, Chambers and Partners recognized Harman as a notable practitioner, noted that he has a solid reputation and experience in cartelisation and abuse of dominance matters. Interviewees state that he *"stands out as one of the most dynamic lawyers,"* who is *"pragmatic, very effective"* and *"solution-oriented"*. For 2019, Chambers and Partners noted that market sources are *"very impressed with his capabilities"* and he *"comes up with the best advice"* for industry-specific and multi-jurisdictional issues, and *"stands out for his assured handling of the competition aspects of large, cross-border transactions"*. In 2021, Chambers and Partners recognized Harman as *"an exceptionally smart lawyer and great strategist"* and he has been ranked as a 'Global Leader' and 'Global Elite Thought Leader' in the Who's Who Legal Rankings for Competition Law in 2021. In 2022, Harman was ranked as 'Global Elite Thought Leader' and 'Thought Leader for India' for Competition Law, by Who's Who Legal. In 2022, Chambers and Partners noted that a source appreciates that *"he owns the brief and handholds the client through the entire process,"* and another interviewee considers *"his legal advice to be an excellent bridge between stakeholder demands and the regulators"*.

Harman has co-authored leading guides on the law of Dominance and Merger Control in India in the Getting the Deal Through series, which are key global reference materials for these areas of law.

Before joining the firm, Harman worked with the Office of Communications (UK) and the Directorate General of Competition in the European Commission - Cartels Division (Belgium), focusing on competition law issues. Harman holds an LL.B. from M. D. University and completed his LL.M. in Competition Law from King's College London under the supervision of Professor Richard Whish, a world-renowned competition law expert.

