

Course Commences **4 June 2025**

Classes from

Sat - Sun 11:00 am - 12:00 pm

Wed - Fri 7:30 pm - 8:30 pm

# Online Summer School Commercial Litigation

 **manupatra**<sup>®</sup>

*Commercial litigation is a fundamental practice area that intersects with various aspects of business law, corporate governance, and dispute resolution. Gaining expertise in commercial litigation provides a strong foundation in procedural law, including the Code of Civil Procedure (CPC), and enhances understanding of alternative dispute resolution (ADR) mechanisms, which are becoming increasingly popular.*

**1**  
Course  
Foundations of Commercial  
Litigation and Corporate  
Disputes

14 Lectures | 4 June - 21 June 2025

Rs 6000/-  
+ GST

**2**  
Course  
Financial, Regulatory  
and Advanced Litigation  
Strategies

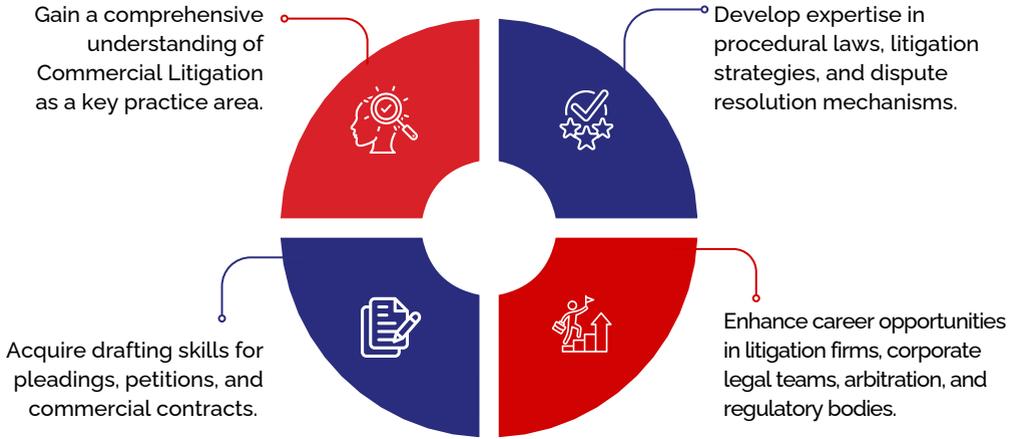
19 Lectures | 22 June - 18 July 2025

Rs 8500/-  
+ GST

**Rs 12000/-**  
+ GST

Bundle offer for  
both Courses

# Course Objectives



A strong foundation in Commercial Litigation opens diverse career opportunities across the legal landscape:

- Litigation practice at law firms or independently.
- In-house counsel roles, where businesses prefer lawyers who can handle or oversee litigation.
- Arbitration & Mediation practice, which requires litigation knowledge.
- Regulatory & policy roles, as understanding disputes is essential for regulatory compliance.



The course is divided into 2, with the option for students to sign up for either or both courses.

## Core Faculty



### Advocate Geetika Jain

*Has over 13 years of courtroom experience at the High Courts of Bombay and Goa. A Gold Medalist in Law, a Silver Medalist in her Master's, and a dedicated PhD scholar, she blends academic brilliance with extensive practical expertise. As a Notary Public for the Government of India and a Guinness World Record holder, she is widely respected for her clear, approachable teaching style and her commitment to mentoring the next generation of legal professionals.*

# Foundations of Commercial Litigation and Corporate Disputes

## Module 1

### Foundations of Commercial Litigation

*Understanding commercial litigation is essential for legal professionals to navigate business disputes, understand procedural laws, and effectively represent clients in commercial courts and arbitration proceedings.*

- ▶ **Lecture 1: Commercial vs. Civil Litigation**
  - Key differences between civil and commercial disputes
  - Scope, purpose, and strategic importance
  - Real-world examples of divergence
  - Types of disputes: contractual, corporate, transactional
  
- ▶ **Lecture 2: Legal Roles in Commercial Disputes**
  - Roles: litigation lawyers, in-house counsel, regulators
  - Career paths & key skills in commercial law
  - Strategy behind high-value disputes
  - Coordination during dispute resolution
  
- ▶ **Lecture 3: The Commercial Courts Act, 2015**
  - Structure, scope, and objectives of the Act
  - Jurisdiction & hierarchy of courts
  - Early case management & procedural efficiency
  - Modern relevance in commercial litigation
  
- ▶ **Lecture 4: Fundamental Drafting Skills for Litigation**
  - Legal drafting basics in commercial cases
  - Structure, clarity & language of pleadings
  - Drafting petitions, responses & applications
  - Common drafting errors to avoid

### Practical Learning

Drafting Exercise: Drafting a Complaint in a Commercial Suit (H.S. Bedi vs. National Highway Authority of India) (MANU / DE / 1550 / 2015). Students will draft a complaint based on the facts and applicable legal provisions including jurisdiction, limitation period and cause of action and relief claimed

## Module 2

### Dispute Resolution Forums

*Understanding jurisdiction and dispute resolution forums helps lawyers choose the right legal forum, handle cross-border cases, and address jurisdictional challenges in commercial disputes.*

#### ▶ **Lecture 5: Hierarchy of Commercial Courts, Tribunals & Regulatory Authorities**

- Commercial Courts Act, 2015 (amended 2018)
- District Commercial Courts – ₹3 lakh+ disputes
- High Court Divisions & Appellate Divisions
- Tribunals: NCLT/NCLAT, DRT/DRAT, CESTAT, TDSAT, SAT
- Regulatory bodies: SEBI, RBI, IRDAI, TRAI
- Overlapping jurisdictions & forum shopping
- Art. 226 (Writs) & Art. 136 (Supreme Court oversight)

#### ▶ **Lecture 6: Role of High Courts & Supreme Court in Commercial Matters**

- High Courts – Original, appellate & writ roles
- Supreme Court – Art. 131, 136, 142 powers
- Landmark cases:
  - K.K. Modi – Arbitration misconduct
  - SBP v. Patel Engg. – Arbitration control
  - Vodafone – Tax & FDI structuring
- Specialized benches & fast-track mechanisms
- Judiciary's pro-business, efficiency-focused approach

#### ▶ **Lecture 7: Cross-Border Litigation & Enforcement of Foreign Judgments**

- CPC Sections 13 & 44A – Judgment enforcement
- Reciprocating vs. non-reciprocating countries
- Refusal grounds: fraud, no jurisdiction, public policy
- New York Convention – Arbitration award enforcement
- BITs & investor-state dispute frameworks
- Key cases:
  - Renusagar v. GE – Public policy limits
  - Alcon v. Celem S.A. – Foreign decree execution



## Lecture 8: Jurisdictional Challenges & Procedural Aspects

- Territorial & subject-matter jurisdiction in commercial disputes
- Exclusive jurisdiction clauses in contracts
- Anti-suit injunctions & forum non conveniens
- Procedural delays, interim relief & case management
- E-filing, digital evidence, and procedural reforms

### Practical Learning

Quiz based on Jurisdictional Challenges and Hierarchy of Court

## Guest Speaker



### Mr. Amitava Banerjee

*Visiting Faculty at LBSIM, Delhi, and a Guest Faculty at premier institutions like IIT Delhi, TERI SAS, and Tezpur University.*

He has 17 years of corporate experience with leading organizations such as ITC Limited, Moser Baer, EROS Group, and Isolux Corsan in key legal and governance roles.

## Module 3

### Contractual Disputes & Corporate Litigation

*A strong understanding of these areas helps mitigate conflicts, protect shareholder rights, and maintain corporate transparency and stability.*

#### **3.1 Contractual Disputes & Remedies**

- ▶ **Lecture 9: Breach of Contract – Specific Performance vs. Damages**
  - Breach types: anticipatory & actual
  - Specific performance under Specific Relief Act
  - Monetary damages: compensatory, consequential, exemplary
  - Limitations & proof of loss
  - Case law: Kailash Nath v. DDA, Adcon v. Ramshree
  
- ▶ **Lecture 10: Force Majeure & Termination Litigation (Post-COVID Perspective)**
  - Meaning & enforceability of force majeure clauses
  - COVID-19 as force majeure – judicial interpretation
  - Frustration under Section 56 of the Indian Contract Act
  - Termination disputes and renegotiation trends
  - Key case: Energy Watchdog v. CERC
  
- ▶ **Lecture 11: Liquidated Damages & Penalty Clauses in Business Contracts**
  - Distinction between liquidated damages & penalties
  - Validity under Section 74 of Contract Act
  - Contractual caps and enforceability
  - Judicial trends: ONGC v. Saw Pipes, Fateh Chand v. Balkishan Das
  - International comparison – common law vs. civil law approaches

#### **3.2 Corporate Governance & Shareholder Disputes**

- ▶ **Lecture 12: Oppression & Mismanagement Cases under Companies Act**
  - Sections 241 & 242 of Companies Act, 2013
  - Tests of oppression & mismanagement
  - Role of NCLT/NCLAT in governance disputes
  - Minority protection mechanisms
  - Leading cases: S.P. Jain v. Kalinga Tubes, Cyrus Mistry v. Tata Sons

- ▶ **Lecture 13: Shareholder Remedies & Derivative Actions**
  - Individual vs. derivative actions
  - When shareholders can sue on behalf of the company
  - Role of Board & fiduciary duties
  - Injunctions & rectification of register
  - Case: Rajmundas v. Shital Prasad Shah, Daniels v. Daniels (UK)
  
- ▶ **Lecture 14: Disputes in Mergers & Acquisitions (M&A Litigation)**
  - Types of M&A disputes: valuation, earn-outs, non-compete
  - Due diligence failures & misrepresentation
  - Regulatory disputes (CCI, SEBI approvals)
  - Share Purchase Agreement (SPA) breach
  - Recent landmark cases: Sun Pharma–Ranbaxy, Zee–Sony merger dispute

### Practical Learning

- Drafting Exercise: Drafting a Legal Notice for Breach of Contract (Adani Power vs. Bangladesh Power Development Board, 2025): Participants will draft a legal notice addressing contractual breaches.
  
- MCQ Quiz: Company Law & Shareholder Disputes

## Guest Speaker



### Dr. Kiran Rai

*Associate Professor and Head of the Post Graduate Department at MNLU Mumbai.*

A recipient of university gold medals in LL.B. and LL.M., she has over 15 years of teaching and administrative experience. She is a Committee Member at SEBI, member of NICE (CCI), and has collaborated with IBBI, NCW, NHRC, and CCI for training and research.

# Financial, Regulatory and Advanced Litigation Strategies

## Module 4

### Insolvency, Debt Recovery & Financial Disputes

#### 4.1 Insolvency & Bankruptcy Litigation

*Learning about insolvency, debt recovery, and financial disputes in commercial litigation is essential for safeguarding creditors' rights, ensuring efficient debt resolution, and maintaining financial stability. It helps businesses navigate bankruptcy laws, recover outstanding dues, and mitigate financial risks effectively.*

- ▶ **Lecture 15: Corporate Insolvency Resolution Process (CIRP) under IBC, 2016**
  - Stages: initiation, moratorium, claims, CoC formation
  - Role of Resolution Professional (RP) & Interim RP
  - Time-bound resolution & impact on creditors
  - Key case: Innoventive Industries v. ICICI Bank.
  
- ▶ **Lecture 16: Role of NCLT & NCLAT in Commercial Disputes**
  - Jurisdiction of NCLT in insolvency & company law
  - Appellate role of NCLAT & interplay with Supreme Court
  - Judicial activism and precedent setting in commercial cases
  - Landmark rulings: Essar Steel, Jaypee Infratech
  
- ▶ **Lecture 17: Challenges in Liquidation & Resolution Plans**
  - Liquidation triggers & waterfall mechanism (Section 53)
  - Approval and rejection of resolution plans
  - Issues in valuation, fair treatment & revival prospects
  - Recent trends – Pre-pack insolvency and MSME resolution
  
- ▶ **Lecture 18: Debt Recovery Tribunal (DRT) & SARFAESI Act Cases**
  - DRT powers & procedure under RDDBFI Act
  - SARFAESI Act – Asset seizure, auction, borrower rights
  - Enforcement without court intervention
  - Key judgments: Mardia Chemicals v. Union of India

## 4.2 Debt Recovery & Financial Disputes

Learning about **debt recovery and financial disputes** in commercial litigation is crucial for protecting creditors' rights, enforcing contracts, and ensuring business liquidity. It helps businesses and legal professionals navigate legal remedies, recover outstanding debts, and minimize financial risks efficiently.

### ▶ **Lecture 19: Trade Finance Disputes – Bank Guarantees & Letters of Credit**

- Types of bank guarantees – performance vs. financial
- Letters of credit – UCP 600 compliance
- Injunctions against invocation of guarantees
- Case law: U.P. Coop. Federation v. Singh Consultants

### ▶ **Lecture 20: Fraudulent Transactions & Clawback under IBC**

- Avoidance transactions: preferential, undervalued, extortionate
- Clawback period & roles of RP/CoC
- Adjudication by NCLT & burden of proof
- Key cases: Anuj Jain v. Axis Bank, Swiss Ribbons case

## Practical Learning

### Real-life M&A disputes (in Amazon vs. Future Group)

Students have to do Analysis of antitrust, valuation, and breach of contract issues

### Document Review Exercise:

- Review a sample shareholder agreement Students can review a Sample SHA on following points
- Ownership & Share Transfer: Who owns what percentage, and are there restrictions on selling shares?
- Voting Rights & Decision- Making: How are major decisions taken, and do minority shareholders have a say?
- Exit Clauses: What happens if a shareholder wants to sell or exit (drag-along, tag-along rights)?
- Dispute Resolution: If conflicts arise, will they be settled in NCLT, arbitration, or courts?
- Dividend & Profit Sharing: How are profits distributed among shareholders?
- Non-Compete & Confidentiality: Are shareholders restricted from starting or joining competing businesses?

## Guest Speaker



### Deepalakshmi Vadivelan

*General Counsel & Global DPO at Quess Corp Limited*

With 20+ years of experience across private practice and in-house counsel roles. Specializes in commercial transactions, cross-border legal strategy, data privacy, M&A, and compliance across APAC, the Americas, and Europe. She is also a published author and speaker on privacy, IP, and women empowerment.

## Module 5

### Competition Law, Securities & White-Collar Crime

*Understanding Competition Law, Securities, and White-Collar Crimes is crucial for ensuring fair market practices, investor protection, and corporate integrity. It helps businesses comply with regulations, prevent fraud, avoid hefty penalties, and mitigate risks related to anti-competitive behavior, insider trading, and financial misconduct.*

#### 5.1 Competition & Antitrust Disputes Lecture

- ▶ **Lecture 21: Anti-Competitive Agreements & Abuse of Dominance**
  - Section 3 & 4 of the Competition Act, 2002
  - Horizontal vs. vertical agreements – cartels, bid rigging, resale price maintenance
  - Dominant position and abuse – predatory pricing, exclusivity
  - Case law: DLF case, Google Android case, Excel Crop Care
  
- ▶ **Lecture 22: Merger Control & CCI Investigations**
  - Thresholds for notification under Combination Regulations
  - Phase I & II investigations by CCI
  - Gun-jumping & penalty provisions
  - Recent cases: PVR-Inox, Walmart-Flipkart
  
- ▶ **Lecture 23: Leniency Applications & Penalty Reduction Strategies**
  - Cartel leniency programme under CCI regulations
  - Benefits of cooperation and early disclosure
  - Confidentiality protection & procedural stages
  - Case: Cartelization in the cement industry

## 5.2 Securities & Financial Market Litigation

### ▶ Lecture 24: Insider Trading & SEBI Investigations

- SEBI (Prohibition of Insider Trading) Regulations, 2015
- Unpublished Price Sensitive Information (UPSI)
- Investigation powers of SEBI & due process
- Case: Rajat Gupta, Reliance Industries etc.

### ▶ Lecture 25: Stock Market Manipulation & Shareholder Class Actions

- Market manipulation tactics: pump & dump, circular trading
- SEBI's enforcement and adjudication mechanisms
- Class actions under Companies Act, 2013 (Section 245)
- Important precedents: Satyam case, Sahara SEBI dispute

### ▶ Lecture 26: White-Collar Crimes: Corporate Fraud & Money Laundering

- Definitions: corporate fraud, financial crime, money laundering
- Regulatory framework: Prevention of Money Laundering Act (PMLA), SEBI regulations
- Corporate fraud investigations: forensic accounting & audits
- Key cases: Vijay Mallya, Nirav Modi, Satyam

### Practical Learning

- Case Study Analysis of real-life antitrust disputes
- Quiz on Antitrust & Securities Law to test procedural aspects under CCI and SEBI regulations.

## Guest Speaker



### Mr. Paras Parekh

*Founding Partner at RHP Partners*

With nearly two decades of experience in commercial litigation, securities law, white-collar crime, and regulatory matters. Previously a Partner at Parinam Law Associates and Sr. Associate at J. Sagar Associates.

## Module 6

### Litigation Strategy, ADR & Trial Advocacy

*Essential for mastering litigation strategy, courtroom advocacy, and ADR mechanisms, enabling lawyers to handle pre-trial motions, injunctions, cross-examinations, and international commercial disputes effectively.*

#### **6.1 Litigation Strategy & Courtroom Advocacy**

##### **▶ Lecture 27: Pre-Trial Motions & Summary Judgments**

- Role of pre-trial motions in commercial litigation
- Summary judgment – grounds & strategic use
- Key motions: dismissal, discovery, change of venue
- Case law: SBP & Co. v. Patel Engineering

##### **▶ Lecture 28: Injunctions, Interim Relief & Emergency Arbitration**

- Types of injunctions: prohibitory vs. mandatory
- Temporary & permanent injunctions in commercial cases
- Interim relief under CPC & specific performance claims
- Emergency arbitration provisions & trends
- Important case: Punjab & Sind Bank v. McDowell

##### **▶ Lecture 29: Cross-Examination Techniques in Commercial Cases**

- Principles of effective cross-examination
- Common strategies: challenging witness credibility, evidence handling
- Using documents and witness statements to undermine testimony
- Role of preparation & handling objections

#### **6.2 Alternative Dispute Resolution (ADR) & International Commercial Litigation**

##### **▶ Lecture 30: Arbitration & Mediation in Commercial Disputes**

- Differences between arbitration and mediation
- Arbitration Act, 1996 – International & domestic arbitration
- Mediation process: advantages and disadvantages
- Case: National Thermal Power Corporation v. Singer Company

##### **▶ Lecture 31: Recognition & Enforcement of Foreign Awards (New York Convention)**

- Enforcement under Section 48 of the Arbitration Act, 1996
- New York Convention & reciprocal enforcement
- Grounds for refusal: public policy, jurisdiction
- Recent case law: Shri Lal Mahal v. Progetto Grano

## ▶ Lecture 32: Investor-State Dispute Settlement (ISDS) & Trade Litigation

- Understanding ISDS – mechanisms & jurisdiction
- Bilateral Investment Treaties (BITs) & Multilateral Investment Agreements
- ICSID & WTO dispute settlement systems
- Notable cases: Philip Morris v. Uruguay, Tata v. South Africa

### Practical Learning

MCQ Quiz: ADR Mechanisms & Enforcement of Foreign Awards

## Guest Speaker



### Mr. Ravichandra S. Hegde

*Founding Partner at RHP Partners*

With over 20 years of experience in securities law, corporate litigation, and white-collar crime matters. Before founding RHP Partners, he was Partner at Parinam Law Associates and J. Sagar Associates.

## Lecture 33: Course Wrap-Up & Practical Insights for Commercial Litigators

- Recap of key concepts covered throughout the course
- Practical application of commercial litigation principles in real-world scenarios
- Key skills every commercial litigator should possess: negotiation, drafting, strategic thinking
- Best practices for managing complex commercial disputes
- Future trends in commercial litigation: technology, internationalization, ADR methods
- Final thoughts on building a successful career in commercial litigation
- Resources for continued learning and staying updated in the field