



Classes from

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

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

Online Summer School Commercial Litigation

 **manupatra**®

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.

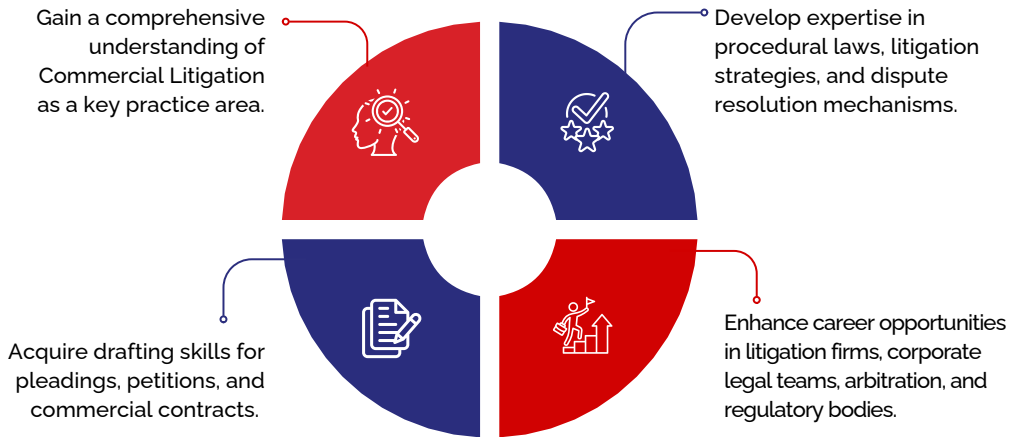
Course 2

Financial, Regulatory and Advanced
Litigation Strategies

19 Lectures | 22 June - 18 July 2025

Rs 8500/-
+ GST

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.

Financial, Regulatory and Advanced Litigation Strategies

Module 1

Insolvency, Debt Recovery & Financial Disputes

1.1 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 1: 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 2: 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 3: 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 4: 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

1.2 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 5: 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 6: 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 Qess 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 2

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.

2.1 Competition & Antitrust Disputes Lecture

▶ **Lecture 7: 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 8: 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 9: 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

2.2 Securities & Financial Market Litigation

- ▶ **Lecture 10: 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 11: 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 12: 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 3

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.

3.1 Litigation Strategy & Courtroom Advocacy

▶ **Lecture 13: 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 14: 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 15: 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

3.2 Alternative Dispute Resolution (ADR) & International Commercial Litigation

▶ **Lecture 16: 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 17: 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 18: 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 19: 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