



Padmaja Kaul

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Practice Areas

Disputes

Sectors

Construction and Engineering

Hospitality, Tourism and Retail

Manufacturing

Services

Real Estate

Banks and Financial Institutions

Information Technology – Online Trading, Intermediaries & Fintech, E-Commerce

Telecommunications, Media and Broadcasting

Transportation and Logistics

About

Padmaja is a proficient legal practitioner with extensive and diverse experience of over 13 years in corporate commercial laws and dispute resolution, specializing in commercial litigation, arbitration, white collar crime, employment disputes, insolvency and pre-dispute advisory.

Padmaja has been advising and representing Indian and multinational clients, spanning multiple sectors on their disputes before various fora, including the High Courts, district courts, tribunals across the country as well as the Supreme Court of India. A significant part of her practice deals with disputes between shareholders, commercial disputes, insolvency, tortious claims, white collar crimes and employment disputes and investigations. She also regularly advises clients on the POSH Act, conducts

training sessions and is a member of the internal complaints committee constituted under the Act for various companies.

Experience

Some of the key assignments in these areas handled and being handled by Padmaja, amongst others, cover the following: -

- A Gulf based Retail Company before the Bombay High Court and in arbitration before SIAC in Singapore in relation to its dispute with India's largest retail group, regarding their foreign investment and the closure of joint venture activities in India.
- One of Russia's largest operators in the production of air separation technologies and equipment against one of India's largest steel producers, in institutional arbitration proceedings before ICC, in relation to contractual disputes regarding delay and liquidated damages.
- An Indian telecom company against a well renowned software company in an arbitration proceedings under UNCITRAL Rules, involving contractual issues relating to performance of a commercial contract for supply of Information Technology services.
- A leading Indian telecom company against a ministry of the Government in arbitration proceedings under the Delhi International Arbitration Centre Rules (**DIAC**) and successfully obtained an award of USD 1 Million Dollar.
- A Norwegian telecom giant in their commercial, regulatory, shareholder disputes and dispute with various telecom vendors in the industry, in light of the 2G Judgment.
- A Japanese trading company in its dispute with a leading Indian EPC contractor, in relation to breach of non-compete and tortious claims before the Madras High Court.
- A leading global supply chain company dealing with industrial and energy products before the Vishakhapatnam Court and the Delhi High Court in relation to their contractual and tortious disputes against a renowned Indonesian coal mining company.
- An Indian robotics company in contractual and tortious disputes relating to breach of non-compete obligations and confidential information and various other disputes including employment and confidentiality issues with respect to licence agreements as well as in mediation proceedings under the aegis of the Delhi High Court.
- A SPV of a leading energy company in a commercial suit against a PSU seeking an injunction on the invocation of bank guarantees and illegal termination of contract. Also representing them in contempt proceedings before the Delhi High Court.
- An Indian real estate developer before the Delhi High Court, Punjab and Haryana High Court and Supreme Court against an NBFC in relation to disputes under the credit facility agreements.
- A Chinese multinational company specializing in e-commerce and retail, in commercial suits by various entities seeking injunction and damages for alleged trademark infringement and non-compliance of intermediary guidelines before the Delhi High Court.
- A leading fashion brand in their dispute with an ex-employee regarding wrongful termination before the Delhi High Court.

- A multinational business process outsourcing company before the Commercial Court, Indore initiated by an ex-employee under the employment contract.
- Indian subsidiary of an American entertainment and record label conglomerate in relation to several contractual issues with artists and distribution companies.
- Indian subsidiary of a German manufacturer of mining and tunnelling equipment, in dispute with their Indian joint venture partner and their exit from the JV company.
- Private Clients (UHNIs), in their family settlements encompassing multiple family assets.
- Data Center companies in their operational transactions and agreements.
- Asset reconstruction companies and financial institutions in insolvency proceedings against defaulting borrowers before the Supreme Court, NCLT and NCLT.
- Leading telecom companies in various contractual disputes with multiple vendors.
- An Indian online bike taxi aggregator in writ proceedings against the appropriate government authorities before the Madras High Court and High Court of Karnataka. Successfully enabled them to carry on their operations within the States.
- A leading insurance company in a writ petition filed by a leading NBFC, seeking deferral of payments under a debenture trust deed before the Delhi High Court.
- A leading manufacturer of electric equipment in a writ appeal before the Uttarakhand High Court at Nainital with respect to disputes with their workmen under the Industrial Disputes Act, 1947.
- A well renowned Venture Fund in a shareholder dispute and criminal complaint filed by a Co-founder of a start-up.
- A leading Indian digital media company in ongoing criminal proceedings regarding the content being transmitted on various online platforms, including representation before the investigating agencies, district court and Delhi High Court in quashing proceedings.
- Indian subsidiary of a US based security software-as-a-service company, in cross criminal complaints and quashing petitions in relation to breach of non-disclosure, non-compete and confidentiality obligations against certain ex-employees before the courts of Telangana.
- Indian subsidiary of an American multinational managed healthcare and insurance company in criminal proceedings in relation to fraud by former employees before the appropriate authorities. Also representing them in defamation proceedings before the Delhi High Court against former employees.
- A leading health-tech services company and its personnel, in criminal proceedings before courts in Gurgaon, Haryana, emanating out of the untimely demise of an employee.
- A real estate services firm in a criminal complaint against its employees on the allegation of cheating, criminal breach of trust and other issues relating to vendor kickbacks and embezzlement.
- A Japanese conglomerate in a dispute with its ex-employee regarding embezzlement of money from its company. Represented the company before the district court, High Court and the Labour Court in Delhi. Conducted an employee investigation in relation to the embezzlement charge.

- Indian subsidiary of a multinational venture capital firm, in advising them on issues pertaining to employee fraud, financial impropriety, etc. as raised by a vendor.
- A leading premium, luxury and sports eyewear brand in an assignment into the allegations of mismanagement and defalcation of money by senior officials of the company.
- The Directors, of a leading logistics company under liquidation pursuant to corporate insolvency proceedings, against allegations of violation of various provisions of the Insolvency and Bankruptcy Code, 2016 raised by the Liquidator before the NCLT, Delhi.
- Leading payment system operator companies and food and beverage companies in their amalgamation proceedings before the NCLT, New Delhi and NCLT, Chandigarh, respectively.
- A leading multinational information technology company in a challenge to insolvency proceedings before the NCLAT, Chennai
- Private sector banks in insolvency proceedings against defaulting borrowers before various NCLTs and NCLAT.
- Resolution Professionals of i) a renowned domestic infrastructure company; and ii) a healthcare company running hospitals in India before the NCLT, Hyderabad.
- Resolution Applicants, Corporate Debtors and Operational Creditors in insolvency proceedings before various NCLTs and NCLAT.
- A leading real estate developer and its promoters in the capacity of its personal guarantors in insolvency proceedings initiated by a financial creditor against them.
- Advised a leading Canadian fund/alternative asset management company on its acquisition of beneficial interest in a renewable energy company and in this regard conducting a legal due diligence of arbitration claims being pursued by/against the latter.
- Advised and assisted a leading Indian fund in conducting legal due diligence of arbitral claims and awards of an infrastructure company, where the former was desirous of acquiring a stake in the latter and intended to recover the outstanding claims against such arbitrations/awards.
- Advised and assisted an American multinational investment management corporation in legal due diligence of arbitral awards/claims of another entity, where the former intended to acquire such claims from the latter and pursue them to recover the amounts against such claims.

Awards and Recognition

“Litigation Star” and one of the “Top 40 Under 40” lawyers by Benchmark Litigation in their Asia Pacific 2024 rankings

“Recommended Lawyer” for Dispute Resolution: Litigation & Arbitration by Legal 500 in their Asia Pacific 2024 Rankings

Legal 500 Asia Pacific Rankings 2024 edition quoted the following:

"Padmaja Kaul and her team are highly motivated client-centric lawyers with an eye for detail, required for making the best case and presenting the same before the forum"

"I have been working with dispute resolution team led by Padmaja Kaul for many years, with positive resolutions only. I am confident about their skills and expertise. Great tea, who puts client goals and requirements ahead of anything. Kudos to Padmaja Kaul"

Future Star by Benchmark Litigation Asia Pacific 2023 for "Commercial & Transactions" and "Labour & Employment"

Recommended lawyer for "Labour and Employment" and "White-collar crime" in the Legal 500 Asia Pacific 2022 edition

ALB's India Rising Stars 2022 edition

Asialaw Profile Rankings 2022 edition quoted the following feedback received from her clients: "Solution provider, agile, responsive, and has good subject matter and legal knowledge."

Memberships

Registered as an Advocate with the Bar Council of India and Bar Council of Delhi since 2010

Member, Supreme Court Bar Association of India

Member, Delhi High Court Bar Association, India

Publications

Speaker at the GAR Live Debate 2024 on the topic *"This house believes that AI will mean less arbitration hearings and less need for arbitrators"* speaking for the motion.

Co-authored the India Chapter in the "In Depth: Global Damages", 2013 edition, published by Lexology.

Speaker at the GAR Connect, India 2022 on the topic *"Are lawyers getting witnesses to sign what they want them to say?"*

Speaker at the GAR Live Debate 2020 on the topic *"This house believes that aspiring Indian international arbitration practitioners need to first work overseas to build their expertise and experience"*, speaking against the motion.

Part of a panel discussion on *"Women in law"* organized by LawWiser with other esteemed panelists including Ms. Geeta Luthra, senior advocate and General counsels of multinational organizations.

Speaker at various events organized by UCL on topics including *"Seizing Your Opportunities"* and creating a video series for them.

Moderated panel discussions on topics relating to insolvency as well as arbitration.

Quoted in leading newspapers including the Mint and Business Standard on several legal issues, and articles written by her have been published on various platforms including Bar and Bench, Legal Era and Mondaq.

Regularly works for the underprivileged including being a part of various covid task forces in the recent times to assist families in need, as well as organizing food drives.

Education

LL.M. (International Business Law) University College London (UCL), London, United Kingdom (2010-11)

B.A. LL.B. (Hons.), Amity Law School, IP University, New Delhi, India (2010)

Higher Secondary, Class XII, Convent of Jesus and Mary, New Delhi (2005)

Senior Secondary, Class X, Convent of Jesus and Mary, New Delhi (2003)

Languages Spoken

English (Fluent)

Hindi (Fluent)

Spanish (Basic)