



Poonam Verma Sengupta

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Practice Areas

Corporate

Disputes

Sectors

Energy – Power & Hydrocarbon

Aviation

Transport & Logistics

About

Poonam has been actively involved in the disputes and corporate practice of the firm with primary focus in the Energy and Transportation Sector. For around two decades with the firm, Poonam has specialized in Power and Aviation Sectors. Poonam is a litigator who covers the whole spectrum of advisory, risk analysis and arguing matters before specialized Commissions, Tribunals, various High Courts and the Supreme Court of India. She has been regularly representing the country's big corporate houses, government institutions and industry associations on several landmark and sectoral issues arising in the two sectors, for instance, issues arising out of Power Purchase Agreements, Concession Agreements, Transmission Service Agreements, Operations, Maintenance and Development Agreement and State Support Agreement based on Model Private Public Partnership (PPP) Agreements issued by the concerned Ministries of the Government of India.

Poonam has a lead role in the Aviation part of the infrastructure practice of the firm. She has been instrumental in spearheading the Civil Aviation practice. She has been consistently advising and representing Federation of Indian Airlines, International Air Transport Association amongst individual airlines on legislative, policy and regulatory issues. She represents the clients before various fora (Airports Economic Regulatory Authority of India, the Director General of Civil Aviation, the Appellate Tribunal, the High Courts and Supreme Court) on issues relating to interpretation of agreements executed pursuant to PPP tendering processes, determination of aeronautical tariff, single till and other charges being levied by the Airport Regulator on Airlines.

She has submitted her views from time to time on the Model Concession Agreements issued by the Ministry of Civil Aviation for introducing PPP for six airports, on National Civil Aviation Policy, Civil Aviation Authority Bill etc. Poonam has been consulted on urgent issues by International Air Transport Association and Federation of Indian Airlines, Association of Power Producers on several occasions for legal opinions.

Poonam is a regular participant and speaker in nationwide conferences conducted from time to time by Centre for Aviation, Federation of Indian Chambers of Commerce and Industry, the Confederation of Indian Industry on energy and aviation sector related issues.

She has been practicing law since 2004. Before joining JSA, she worked with Chambers of Mr. Amarjit Singh Chandhiok, Senior Advocate and ex-President of the Delhi High Court Bar Association for two years.

Experience

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

Energy

- Successfully represented **Adani Power Rajasthan Limited** in a matter involving high-stake issues impacting the sector. Issues involved interpretation of Inter-Plant to reduce unwarranted litigation and ensure timely payment of dues to power generators. The Supreme Court recognized the concept of time value for money for the power sector.
- Successfully represented **Rain CII Carbon (Vizag) Limited**, a leading Indian calciner in India. The matter involved a unique environmental law proposition regarding applicability of import limits of Raw Petroleum Coke (“**RPC**”) and Calcined Petroleum Coke (“**CPC**”) in case when import is proposed solely for re-export purposes. This issue also required understanding of Flue Gas Desulfurization (“**FGD**”) system and its impact on the environment and an interpretation of the SEZ law and foreign trade policy.
- Represented **Rain CII Carbon (Vizag) Limited** in the matter related to challenging the levy of Grid Support Charges on Co-Generation Plants.
- Represented **Adani Power Limited**, a power generating company having installed capacity of 4,620 MW in a landmark case starting from the lowest forum (CERC) to the highest forum (Supreme Court). For the first time, the Supreme Court adjudicated upon the regulatory intervention and the principles governing contract readjustments in competitively bid out long term Power Purchase Agreements. The underlying issue was treatment of adverse, unforeseen and uncontrollable events which destroyed the economic substratum of long term Power Purchase Agreements which are inherently incomplete in nature. This provides clarity on long outstanding issue of import of coal and sustainability of power plants.
- Successfully represented **Parampujya Solar Energy Private Limited** on the issue whether the Solar Power Producers are required to be restituted under the Change in law provision in the PPA or not? In a first of its kind judgment, APTEL has principally recognised that claim for Carrying Cost being the cost incurred by the Solar Power Developer to arrange for the additional payment/cost to be

incurred on account of a Change in Law event. This is the **first judgment** wherein restitutive provision was interpreted in favour of the RE developers.

- Successfully represented **Kamuthi Solar Power Limited and Ramnad Renewable Energy Limited**. The judgement recognizes readiness of the projects and has granted relief for a full term of 25 years. It not only settles the six year long brawl for tariff recovery, but also throws light on some key issues on connectivity approvals etc.
- Successfully represented **Warora-Kurnool Transmission Limited** in getting approval of CERC to transfer the shares and management control of WKTL in favour of the nominee of WKTL's lenders. This is the first order, wherein CERC has interpreted the 'equity lock-in' clause and 'Lender's right to substitution' clause of a standard Transmission Service Agreement executed by transmission licensees under tariff based competitive bidding process.
- Successfully represented **NERES XVI Power Transmission Limited** in obtaining Transmission License for development and operation of Inter-State Transmission System under the '**Transmission Scheme for North-Eastern Region Expansion Scheme-XVI**', and adoption of Transmission Tariff for the same discovered through Tariff Based Competitive Bidding.
- Successfully represented **SEPC Power Private Limited**, an imported coal based thermal power plant located at Tuticorin, regarding its claim for fixed charges for the period of non-operation. It involved the issue of supply of power under Section 11 of the Electricity Act, 2003. SEPC sought compensation for difference in actual cost of generation and the cost being paid by Discom as per the benchmark rates determined by Ministry of Power's Committee.
- Successfully represented **UltraTech Cement Limited** in obtaining relief before Hon'ble Karnataka High Court against Mangalore Electricity Supply Company Limited's Demand & Disconnection Notices served upon UTCL's Bulk Terminal, i.e. cement packing unit, seeking back billing charges and differential arrears over MESCOM's unilateral categorization of the Bulk Terminal as 'commercial' consumer.
- Advised **M/s. PPN Power Generating Company Private Limited**, a gas-based power plant situated at Pillaiperumalnallur, Tamil Nadu, regarding its entitlement for seeking specific performance of contract from GAIL for supplying full quantity of natural gas to PPN under the Gas Sales and Purchase Contract.
- Represented **Tata Power Company Limited** on regular basis in matters relating to generation and distribution businesses, more particularly on the issue of parallel licensing in distribution business in Mumbai.
- Represented **Sesa Goa Limited** in a matter, first of its kind where the status of one of the units of a power plant is converted and granted status of Captive Power Unit while other units remain part of Independent Power Plant.
- Represented **Sterlite Energy Limited** in matters relating to transmission license, transmission tariff and impact of Change in Law and Force Majeure events under Transmission Service Agreements executed on the basis of model PPP agreements. She was also involved in extensive legal due diligence exercises conducted on the target companies for identifying key issues relevant to their acquisition.

- Represented and advised **Visual Percept and Adani Power Limited** on their Solar Power Projects in Gujarat and Tamil Nadu set up under the National Solar Mission initiated by the Government of India.
- Represented **Electricity Department, Government of Goa** on aspects of inter-state transmission intervention and its impact on tariff. Advised on risk analysis and the mitigation strategy and rendered legal opinions on regulatory issues pertaining to tariff fixation, licensing, reforms and restructuring to electricity distribution companies.
- Represented **EMCO Limited** on a regular basis on disputes arising out of contracts for supply of transformers at Sub-stations and invocation of Bank Guarantees at several courts.
- Represented **Patran Transmission Company Limited** on several issues of implementation of Transmission Service Agreement.
- Represented **OPG Power Limited** on the issues arising out of implementation of Bulk Power Transmission Agreement relating to open access and force majeure.
- Represented **OPG Power Limited** in challenging the regulations relating to open access applicable in the State of Gujarat and advised them on the captive power plant.
- Advised **Gati Infrastructure Pvt. Ltd.** on issues relating to hydro power project.
- Successfully represented **Prayatna Developers Pvt. Ltd.** (Solar Power Developer i.e. a wholly owned subsidiary of Adani Green Energy Ltd.) for change in law claims owing to introduction of GST under the PPAs for projects developed under the National Solar Mission.
- Represented **Adani Power Limited** in the Appeals before the Appellate Tribunal for Electricity, with respect to Solar PV Power Plants in Tamil Nadu for extension of control period and enforcement of the must run status.
- Advised a client (name not disclosed for confidential purposes) in relation to imposition of Safeguard Duty by the Directorate General of Trade Remedies, on import of solar panels.
- Represented **Wind Power Developers (Torando Solarfarms Limited and Gale Solarfarms Limited)**, erstwhile subsidiaries of Suzlon Power Ltd. in proceedings against invocation of Bank Guarantee in relation to dispute for extension of scheduled commercial operation date.
- Successfully represented wind power developer of **Adani Green Energy Ltd.** in Petition pertaining to grant of connectivity by Power Grid Corporation of India Ltd wherein the subsidiaries of Adani Green were allowed to utilize connectivity approval granted to its holding company.

Memberships

Member of Academic Review Council of Indian School of Public Policy

Member of Advisory Board of University of Petroleum & Energy Studies, Dehradun

Asia Pacific Jurist Association

Delhi High Court Bar Association

Bar Council of Delhi

Saket Bar Association

Delhi Bar Association

Publications

Authored an article 'Budget 2024 Expectations: What do the middle class and corporates expect?' published in Mint (July 2024).

Authored an article titled 'Jet Airways' Return to the Skies' published in Lexology (March 2024).

Authored an article titled 'Market Coupling: A trial at integrating the Power Exchange in India' published in Lexology (February 2024).

Authored an article titled 'Supreme Court Penalizes Punjab Distribution Licensee For Evading Payments To Generator And Reagitating Settled Issues' published in Manupatra (November 2023).

Quoted in an article titled 'India Report: Sky's The Limit' published in Asian Legal Business (May 2023).

Authored an article titled 'Budget 2023: Does it move the needle enough for the green energy sector?' published in The Economic Times (February 2023).

Quoted in an article titled 'No more consolidation in sight for Indian aviation - pundits' published in Deccan Herald (December 2022).

Authored an article titled 'Boost for power sector – APTEL recognises Carrying Cost as inherent to Change in Law relief' published in ET Energy World (September 2022).

Authored an article titled 'Why air travel is set to become costlier from August 31' published in ET Travel World (August 2022).

Quoted in an article titled 'Why is everyone gung-ho about aviation industry' published in The Week (July 2022).

Authored an article titled "Green Hydrogen Policy - An ambitious effort to achieve net zero carbon emission target" published in India CSR (April 2022).

Authored an article titled "Sustainability, Waste Management and Clean Power Generation in India" published in The CSR Journal (April 2022).

Quoted in Travel Trends Today in an article "Mixed Reaction From The Industry To Budget 2022-23" (February 2022).

Quoted in The Economic Times in an article "Aviation sector disappointed with no support in the Budget" (February 2022).

Quoted in The Hindu, Tech Live, Urban Press, Crime Today, Press reader & Dani Post in an article "Will changes in AERA Act help smaller airports?" (August 2021).

An article titled "Amended Electricity (Rights of Consumers) Rules, 2021: Relief to Prosumers" published in The Times of India (August 2021).

Quoted in Mint, Hindustan Times, United News of India, Big Newz, MSN, Daily Hunt, The Hindu Times, India Talks & Evening News in an article "The Airports Economic Regulatory Authority of India (Amendment) Bill, 2021 passed in Parliament" (August 2021).

An article titled "Foes may have to become allies to survive post Covid-19" published in The Hindu Business Line (February 2021).

Quoted in APN News & Financial Samachar in an article "Union Finance Minister Nirmala Sitharaman extends emergency credit line for Aviation sectors stressed by Covid" (November 2020)

An article titled "Knowing your air passenger rights amid the ongoing Covid-19 crisis" published in International Bar Association (October 2020).

Quoted in Yahoo Finance, Yahoo Lifestyle, Business Standard, New on News, The Indian Telegraph, Outlook India, DA Democratic Accent, Latestly & Devdiscourse in an article 'Interesting to see how effectively govt completes airport leasing process during coronavirus' (August 2020).

An article titled "Coronavirus - Another storm in Civil Aviation and the path ahead" published in ET Travel (June 2020).

An article titled "We can suffer corona or embrace coexistence" published in India Business Law Journal (May 2020).

An article titled "Review: The Grand plan that lifts India to no 2 in Aviation" published in Sify.com (April 2020).

An article titled "Turbulence hits Indian aviation" published in DNA (2019).

An article titled "Secure Supply" published in Powerline Magazine (2019).

An article titled "Opportunity and Parity- Pilot's licenses in India" published in Bangalore Aviation- an aviation analysis website (2018).

An article titled "Expanding aviation sector" published in Financial Chronicle – Mydigitalfc (2018).

Quoted in Business Line in an Article "Supreme Court order seen as shot in arm for Adani Power; puts discoms on the mat" (2018).

An Article titled "Power sector 'change in law' disputes see faster resolution" published in India Business Law Journal (IBLJ) (2018).

An article titled PPP mode – need of the hour: quick dispute resolution- published in Infrastructure Today Magazine (2015).

An article titled "The Human Rights Education- The Challenges" in Vol. 4 Issue 1 "Combat Law- The Human Rights Magazine" (2005).

Edited a "Handbook on Welfare State, Right to Life and Capital Punishment in India" published by Sampark (2005).

An article titled "HIV- Awareness in the society" in "Tehelka, the People's paper" (2004).

Awards

Recognized as Leading Lawyer for Aviation and Defence, Dispute Resolution & Projects and Energy from Legal Era - Annual Rankings 2024-25.

Recognized as 'India Super 50 Lawyers 2021' by Asian Legal Business.

'Asia 40 under 40' award in October 2021 from Asian Legal Business.

"The Young Legal Eagles" of the Indian Legal Ecosystem organized by BW Legalworld 40under40 India Awards, 2020.

'India's Rising Stars' award in September 2020 from Asian Legal Business.

'India's Rising Stars' award in September 2019 from Asian Legal Business.

Education

B.A.LL.B, Army Institute of Law, Mohali (1999-2004)

Diploma in Intellectual Property Rights from WIPO Worldwide Academy, 2004.

Languages Spoken

English

Hindi

Bengali
