



## Tushar Nagar

Partner | +91 22 4341 8568 | [tushar.nagar@jsalaw.com](mailto:tushar.nagar@jsalaw.com) | Mumbai

### Practice Areas

Disputes

### Sectors

Energy – Power & Hydrocarbon

Financial Services & Insolvency

Transport & Logistics

Construction & Engineering

### About

Tushar's practice covers diverse aspects of Regulatory, Commercial and Civil Litigation.

He handles specific commercial and regulatory litigation, arbitration, constitutional & administrative law litigation and insolvency proceedings before statutory authorities, tribunals and courts. He specializes in handling regulatory and commercial matters relating to the Energy sector and matters related to the Insolvency & Bankruptcy Code.

He has been involved in advising & representing various corporate entities involved in Generation, Distribution, Trading and Transmission of Electricity before various State Electricity Regulatory Commissions, the Central Electricity Regulatory Commission, the Appellate Tribunal for Electricity, various High Court's and the Supreme Court of India.

He has also been involved in advising and representing Resolution Professionals, Committee of Creditors and Operational Creditors in various Corporate Insolvency Resolution Processes and has appeared before the National Company Law Tribunal's across India and National Company Law Appellate Tribunal at New Delhi and Chennai.

He has been practicing law since 2013. Before joining JSA, he was working in Delhi with Praxis Counsel, Advocates & Solicitors, a law firm.

## Experience

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

- Advising and representing an integrated power company on compensatory tariff matters before Central Electricity Regulatory Commission (CERC), Appellate Tribunal for Electricity (APTEL) and Supreme Court of India in disputes relating to grant of ‘compensatory tariff’ to offset the impact of unforeseen, uncontrollable and unprecedented escalation in the imported coal price due to a change in law by Government of Indonesia. These matters eventually culminated in the Supreme Court’s seminal decision in *Energy Watchdog v. CERC & Ors.* (2017) 14 SCC 80 upholding the “regulatory powers” of the Regulatory Commission to intervene and grant relief to affected parties in certain circumstances. The said matter has been recognized as one of the most important matters of the year 2018 by IBLJ.
- Advising and representing various thermal and renewable generators before Central Commission, State Commission and APTEL in matters relating to various Change in Law claims (introduction of GST and other duties, taxes and levies, compensation on account of retrofit of equipment by thermal power plants to meet the revised MoEFCC emission norms, computation of change in law on normative or actual parameters for coal related levies, et al.).
- Advising Generating Companies and C&I consumers on various issues relating to captive generation and consumption.
- Advising the Ministry of Environment, Forest and Climate Change (MoEFCC) on various aspects of Environmental Laws in India and in foreign jurisdictions.
- Advising and representing various generating companies and distribution licensees in tariff matters before the Central/ State Commission, APTEL and the Supreme Court of India.
- Advising and representing gas based power plants before the Delhi High Court and the Supreme Court on policy issues.
- Advising and representing distribution licensees in matters related to grant of distribution licence and other licence related issues before the State Commission, APTEL and Supreme Court of India.
- Advising and representing renewable energy generators in:
  - Proceedings regarding reopening of Power Purchase Agreement(s) (PPAs) and expropriation of Generation Based Incentive (GBI) by the AP Discoms.
  - Proceedings relating to implementation of State Renewable Energy Policies and execution of contracts with the State distribution company.
  - Disputes seeking re-classification of wind zones in Maharashtra and consequential re-opening of PPA.
- Advising and representing the Resolution Professional in the corporate insolvency resolution proceedings of:
  - Sai Wardha Power Generation Limited – first resolution of a stressed thermal asset in the country.
  - Meenakshi Energy Limited, an imported coal based thermal power plant.

- KSK Water Infrastructures Pvt. Ltd., a project specific SPVs engaged in the transportation of water.
- Raigarh Champa Rail Infrastructures Ltd., a project specific SPV engaged in the operation and maintenance of rail infrastructure for transportation of coal.
- Advising a potential resolution applicant for acquisition of foreign Oil and Gas assets of VOVL Ltd. (a subsidiary of Videocon Industries Limited) in the corporate insolvency resolution process of VOVL Ltd.
- Advising and representing the Committee of Creditors of Lanco Teesta Hydro Power Limited.
- Advising and representing the Superior Energy Group on the ongoing CIRP of Superior Energy Services India Private Limited and other related issues.
- Representing Deutsche Bank in the corporate insolvency proceedings of United Seamless Tubular Private Limited.

## Memberships

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Bar Council of Delhi

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## Education

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BSL LL.B., D.E.S Law College, University of Pune

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## Languages Spoken

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English

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Hindi

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Bengali

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Gujarati

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