



Malcolm Desai

 Partner |  +91 22 4341 8562 |  malcolm.desai@jsalaw.com |  Mumbai

Practice Areas

Disputes

Sectors

Energy – Power & Hydrocarbon

Transport & Logistics

Telecommunications & Broadcasting

About

Malcolm is a part of the disputes team at JSA and specializes in regulatory, commercial & general civil litigation, relating to energy, telecom & infrastructure sectors. He handles a wide variety of matters before the Supreme Court of India, various High Courts, Appellate Tribunal for Electricity, State Electricity Regulatory Commissions and the National Company Law Tribunal.

Malcolm has been involved in advising and representing various corporate entities involved in Generation, Distribution, Trading and Transmission of electricity in matters relating to open access, cross subsidy surcharge, fuel supply disputes, right of way issues for transmission projects, challenging sub-ordinate legislations/ bye-laws, other disputes relating to energy sector, grant of various licenses/ approvals, evaluation of contractual arrangements as well as regulatory and legal framework to facilitate compliance and advising clients on various issues relating to the energy sector. He also represents developers of special economic zones, leading cement manufactures and oil refiners within the country qua various electricity related disputes.

He has also advised and represented a National Highway operator and Consultancy Service Provider in a contractual dispute and blacklisting cases involving the National Highway Authority of India and State Public Works Departments. Malcolm has also been involved in conducting due diligences for various Projects (including thermal, solar power projects, cross-border power transmission projects, steel plants, et al).

Prior to joining JSA, Malcolm worked with Mulla & Mulla & Craigie Blunt & Caroe, one of India's premier and oldest law firms at their Mumbai office, with a specific focus on conveyance, real estate & trust related matters.

Experience

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

- Representing Mumbai's oldest Distribution and Transmission Licensee in a host of disputes before the Supreme Court, Appellate Tribunal for Electricity and MERC, relating to open access, cross subsidy surcharge, compliance by captive power plants, applicability of various statutory charges, construction of transmission lines/ towers, et al.
- Representing India's largest Cement Manufacturer and the second largest Oil Refinery in separate writ petitions before the Gujarat High Court, challenging the unlawful levy/ recovery of Parallel Operation Charges by the Gujarat State distribution licensees.
- Representing the resolution professional of both Uttam Galva Metallics Limited and Uttam Value Steels Limited in insolvency proceedings before the National Company Law Tribunal, New Delhi and National Company Law Appellate Tribunal.
- Representing a cement manufacturer before the Supreme Court, various High Courts and State Electricity Regulatory Commissions on issues relating to renewable purchase obligations, setting up and operation of non-conventional / waste heat recovery based captive power plants, rate at which solar/ non-solar renewable energy certificates are to be purchased.
- Representing a leading solar based power generator before MERC in various change in law claim related matters.

Memberships

Bar Council of Maharashtra & Goa

Bombay Bar Association

Education

B.Com, LL.B, Mumbai University

Languages Spoken

English

Hindi

Gujarati

Marathi
