



KING STUBB & KASIVA
ADVOCATES AND ATTORNEYS

ENERGY & INFRASTRUCTURE



INDICATIVE MATTERS

POWER (CONVENTIONAL AND NON-CONVENTIONAL)

- Advice on private placements and equity investments in the power sector.
- Structuring transaction documents including negotiating and drafting project documents, including PPA, FSA, EPC contract, O&M contracts and financing and security documentation.
- Advice regarding regulatory and environmental compliance for all aspects of projects.
- Advising and representing Generating Companies, including UMPPS, in proceedings seeking an increase in tariff in the PPA executed with Discoms, pursuant to bidding process held under Section 63 of the Electricity Act, 2003 due to increase in cost of fuel.
 - Advising and representing Generating Company in relation to issues emanating from an interpretation of amendment in Supply Code which was leading to non-declaration of Generating Companies' entire capacity.
 - Advising and representing a Transmission Licensee seeking compensation, under TSA executed pursuant to competitive bidding, due to Change in Law during construction period being an increase of Acquisition Cost.
 - Advising and representing the issue of Liquidated Damages imposed due to alleged delay in achieving SCOD by a renewable energy Generating Company.
 - Advising and representing Generating Companies seeking compensation due to various change in law events.
- Advising and representing Distribution Licensees in Writs before Supreme Court of India seeking direction to regulators for the fixation of cost-effective tariffs.
- Advising and representing Generating Companies, Transmission Licensees and Distribution Licensees on issues relating to fixing of ARR and Tariff and true up of the same under Section 62 of Electricity Act.



- Advising and representing Distribution Licensees before High Court on various issues pertaining to privatization of the Distribution Licensees.
- Advising and representing Renewable Energy Generating Company regarding downward revision in tariff which was fixed by ERC by a generic order.
- Advising and representing Generating Companies in issues pertaining to start-up power, right to sell power in open market prior to SCOD, grid connectivity issues, open access etc.

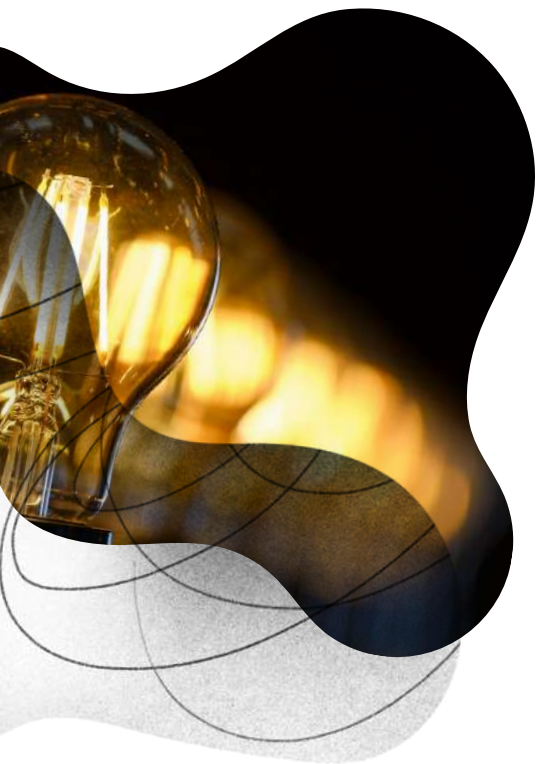
OIL & GAS

- Representation in connection with the structuring, financing, building, acquisition or sale of energy and infrastructure projects.
- Structuring of model agreements for the sale of its crude oil, gas supply and value-added products, based on international best practices, to meet the challenge of the changing business environments pursuant to the deregulation of the oil and gas industry in India.
- Represented an oil major in connection with major lending to its oil refinery project and in advice on regulatory approvals for accessing external commercial borrowings, security issues including subrogation rights, defaults and cross defaults, indemnities, creation of charges, enforcement and execution of foreign judgements in India, stamp duty issues on creation of charges. Review of loan documentation including rupee term loan agreement, credit agreement, share pledge agreement, shortfall support undertaking, letters of guarantee, mortgage agreement, etc.
- Advice concerning a pipeline project in India and land acquisition and right of way issues.
- Advice in connection with a transfer of technology agreement and advice on contract award procedure.
- Advice on upstream, midstream, and downstream transactions.
- Advice on private placements and equity investments in the power sector.
- Structuring transaction documents including negotiating and drafting project documents, including PPA, FSA, EPC Contract, O&M contracts and financing and security documentation.
- Advice regarding regulatory and environmental compliance for all aspects of projects.



INFRASTRUCTURE DISPUTES

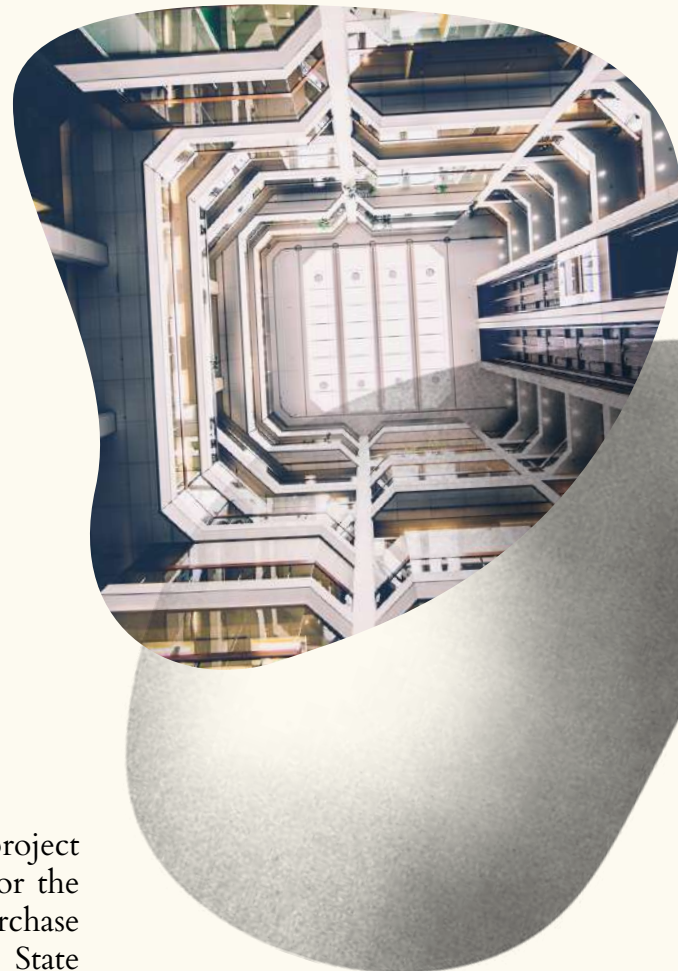
- Advised and represented Contractor in the disputes arisen in relation to contract for erection, welding and commissioning of 122 MW Power Plant in Mangalore.
- Advised and represented Contractor in claims arising out of contract awarded for erection, alignment, bolting/welding/fastening, grouting, testing and handing over of bunker structures and raw coal bunkers for 600 MW Power Plant in Raigarh, Chhattisgarh.
- Advised and represented concessionaire in relation to claims emanating from contract for development Bus Services Infrastructure in Mumbai.
- Advised and represented Principal Employer, a big real estate company in Delhi-NCR region, in relation to disputes arising from contracts awarded to the main contractor for constructions of a township.
- Advised and represented Contractor in claims arising out of contract for station work in all stations of a Cross Country Pipeline i.e. Mangalore-Hassan-Mysore Solor LPG Pipeline.
- Advised and represented Contractor in disputes arising out of contract awarded for erection and alignment of 2*525 MW Power Plant in Angul.
- Advised and represented an Australian Joint Venture Partner in international arbitration proceedings in Singapore arising from Joint Venture Agreement wherein claims related to siphoning off of funds by the other constituent of Joint Venture.
- Advised and represented a Steel major, in an international arbitration case under ICC Rules where claims were raised against Respondent for failing to commission the pressure filter of 100 TPH cakes capacity in accordance with the specification agreed between the parties.
- Advised and represented Contractor in disputes emanating from contract awarding composite work in Petrochemical Plants at Pata and at Vijaypur.
- Advised and represented contractor in proceedings before Arbitral Tribunal relating to a contract for the renovation of a five-star hotel in New Delhi.
- Advised and represented Contractor in proceedings against state transmission company in relations with the disputes arisen from a contract awarded for supply and commissioning of the transmission line.
- Advised and represented Contractor in proceedings emanating from a contract awarded for refurbishment of 5*50 MW Power Plants in Obra.



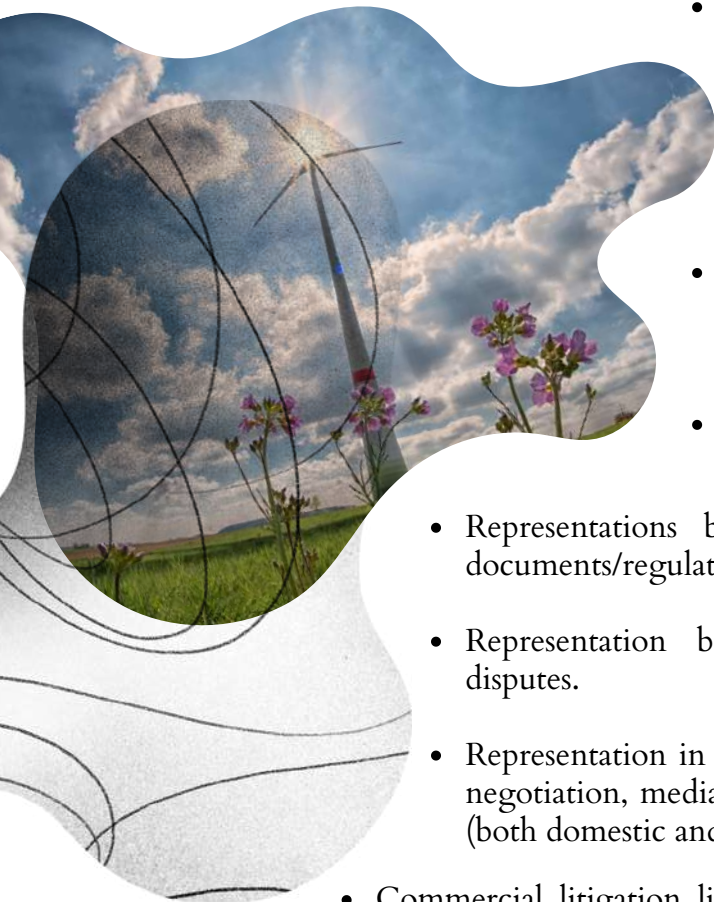
- Advised and represented Principal Contractor against sub-contractor emanating from a back-to-back contract for construction, strengthening and winding on roads and bridges of Bhawanigarh Nabha – Govindgarh, Punjab (herein referred to “BNG Project”) totalling 55.42 KMs.
- Advised and represented Principal Contractor against sub-contractor emanating from a back-to-back contract for construction of 16.7 KMs in Chindwada District under PMGSY Scheme.

SERVICE OFFERINGS

- Drafting of project documentation such as Power Purchase Agreement, the Implementation Agreement, the State Guarantee, the Engineering Procurement & Construction Contract, the Fuel Supply Agreement, the Water Supply Agreement, the Coal Supply Agreement, the Shareholders’ Agreement, the Risk Management Documentation for the allocation, management and mitigating of the project risks
- Assisting developers, investors, underwriters, lenders, financial advisors, multilateral institutions, contractors and governments.
- Representations encompass the development, financing, construction and operation of a wide range of capital intensive projects and facilities throughout the world.
- Advising power plants, toll roads, hazardous waste facilities, industrial plants, pipelines, mines, telecommunications networks and facilities, transportation systems and equipment, schools, hospitals, prisons, water supply and wastewater systems and other infrastructure projects.
- Financing structures include traditional off taker-based project financings, “merchant” structures, traditional leveraged leases, cross-border leases, joint ventures and partnership arrangements, project leases and “genco” financings, capital market offerings, and various combinations of these structures.
- Drafting, negotiations and review of project documentation for both Greenfield Projects and for the acquisition of an existing Project such as Power Purchase Agreement, the Implementation Agreement, the State Guarantee, the Engineering Procurement & Construction Contract, the Fuel Supply Agreement, the Water Supply Agreement, the Coal Supply Agreement, the Shareholders’ Agreement, the Risk Management Documentation for the allocation, management and mitigating of the project risks.



- Drafting, negotiations and review of project documentation for both Greenfield Projects and for the acquisition of an existing Project such as Power Purchase Agreement, the Implementation Agreement, the State Guarantee, the Engineering Procurement & Construction Contract, the Fuel Supply Agreement, the Water Supply Agreement, the Coal Supply Agreement, the Shareholders' Agreement, the Risk Management Documentation for the allocation, management and mitigating of the project risks.
- Review of tender documents and assistance in bid submissions.



- Financing structures including traditional off taker-based project financings, “merchant” structures, traditional leveraged leases, cross-border leases, joint ventures and partnership arrangements, project leases and “genco” financings, capital market offerings, and various combinations of these structures.
- Advice on compliance processes under all applicable laws, for example, electricity laws, corporate law, competition law, indirect tax laws.
- Advice on issues faced in day-to-day operations of the project.
- Representations before regulator/government on bill, draft policy documents/regulations impacting the industry.
- Representation before regulator/appellate authority on regulatory disputes.
- Representation in various types of dispute resolution methods includes- negotiation, mediation, dispute review boards, litigation and arbitration (both domestic and international).
- Commercial litigation like tender related disputes, company and insolvency litigation, banking matters, tax matters, contractual disputes et al.
- Representation before constitutional courts challenging statute/delegated legislations.

KEY CONTACTS



Pooja Chatterjee
Partner
pooja.chatterjee@ksandk.com



Rajesh Sivaswamy
Senior Partner
rajesh@ksandk.com



Aurelia Menezes
Partner
aurelia@ksandk.com



Prithiviraj Senthil Nathan
Partner
prithivi@ksandk.com

NEW DELHI

Unit-14, Ground Floor, DLF Tower-A, Jasola, New Delhi
Tel: +911141318190/41032969
Email: delhi@ksandk.com

BANGALORE

1A & 1B, Lavelle Mansion, 1/2, Lavelle Road, Bangalore
Tel: +91 80 41179111/41179222,
Email: bangalore@ksandk.com

CHENNAI

211, Alpha Wing, Second Floor, Raheja Towers, #177, An / na Salai, Chennai
Tel: +91 44 28605955/28606955
Email: chennai@ksandk.com

MUMBAI

61, Atlanta Building, Jamnalal Bajaj Road, Nariman Point, Mumbai
Tel: +91 22 62372076/22020080
Email: mumbai@ksandk.com

HYDERABAD

609, Shangrila Plaza, Road no. 2, Banjara Hills, Hyderabad, Telangana
Tel: +91 40 48516011/+91 40 48506011
Email: hyderabad@ksandk.com

KOCHI

1st Floor, Manavalan Building, Banerji Road, Ernakulam, Kochi
Tel: +91 484-3592950
Email: kochi@ksandk.com

PUNE

Bootstart Cowork, 1st Floor, Arcadian Building Plot No 12, Lane 5A, Koregaon Park, Pune
Tel: +91 9952966619
Email: pune@ksandk.com

MANGALORE

Office No. 406, 4th Floor, Ajanta Business Center, Kapikad, Bejai, Mangalore- 575004
Tel:+91 8244634375
Email:mangalore@ksandk.com