



Raju Misra

Partner

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Areas of Practice:

Corporate & Commercial
Maritime
Mining
Litigation
Telecom

Raju has dabbled with both contentious and non-contentious matters throughout his long in-house career with some of the largest corporates in India which helps him see the big picture on transactions. These days he is focused on Real estate, litigation, strategic alliances, with emphasis on achieving business goals through carefully plotted strategies. He also has a firsthand experience in dealing with matters ranging from shipping to mining and telecom besides a keen understanding of the Indian regulatory regime across several sectors. Raju acts for a several large corporates and engages closely with the top management of companies on a range of issues requiring resolution.

Education:

B.Sc, Wilson College,
Bombay University
LL.B. Government Law
College, Bombay University

Professional Summary:

Raju completed his 3-years Degree Course in Science faculty (B.Sc.) from the Wilson College (Bombay University) in May, 1981. He then obtained a 2-years Post Graduate Diploma in Shipping Management from the Narottam Morarjee Institute of Shipping – equivalent to B.Sc. in Shipping, in May 1985. This was followed by his obtaining a Degree in Law (LL.B.) from the Government Law College (Bombay University) in October 1985. He thereupon got enrolled with the Bar Council of Maharashtra & Goa in January 1986 and practiced mainly in Shipping and Admiralty matters until June 1990, when he took up his first full time job of in-house counsel with The Great Eastern Shipping Company Limited.

Affiliations:

Bar Council of Maharashtra
& Goa

He thereafter continued as in-house counsel with various organizations (as outlined herein below) and, while doing so, he went back to obtain a Post Graduate Diploma in Securities Law – a first of its kind of course in India - covering training modules on SEBI Act, relevant provisions of the Companies Act, FEMA and Indian Tax Laws and Rules and Regulation inter alia covering Public Offering of Securities; Takeover Code; Insider Trading, Market Manipulation & Fraud; Institutional Players; Intermediaries & New Markets and Products; Liability for Securities Law Violation; Corporate Ethics - from the Government Law College (Mumbai), in June 2005.

Some of the Positions held as In-House Counsel:

- March 2008 – May 2018: Director – Legal Services at ACC Limited (the largest among LafargeHolcim Group companies) (Business: Manufacture, Distribution and Sale of Cement and Clinkers - operating its Plants in 12 States in India and as part of integrated Plants also managing its Mining Operations as well as Captive Power Plants)
- Sept 2006 - Mar 2008: General Counsel & Head-Legal at the ESSEL Group (Business: Media, Television, Entertainment, Satellite & Radio Communication, Amusement Parks and Infrastructure)
- Nov 2005 - Apr 2006: President-Corporate & Legal Affairs with Bajaj Hindusthan Limited (Business: Manufacturing and Trading of Sugar and Speciality Chemicals and Power Generation)
- Jan 1999 – Sept 2005: Vice President (Legal) in part of the ESSEL Group (into the business of Development of Satellite Communications Infrastructure, Public Mobile Radio-Trunking, Retailing of Telecommunication, Information, Media & Entertainment (TIME) products and Direct-to-Home Television)
- July 1995 – December 1998: Joint General Manager-Legal in the ESSAR Group (a multi business conglomerate then comprising of several listed entities, viz., Essar Oil Ltd., Essar Steel Ltd., Essar Shipping Ltd., Essar Power Ltd.; and Essar Telecom Ltd.)
- June 1990-July 1995: Manager (Legal) at The Great Eastern Shipping Company Limited (then one of the largest ship-owners into the business of Shipping, Offshore, Real Estate, Trading and Treasury)

Role in the Last Assignment at ACC Limited:

- Litigation involving varied matters in Supreme Court, High Courts, Competition Commission and Competition Appellate Tribunal, National Green Tribunal, Mining Tribunal, etc
- Competition Law Training involving Face-to-Face Training, Taking the E-Learning Tool Test, and review of compliance from time to time
- Providing Legal Training at the Corporate and Regional Offices as well as Manufacturing Locations involving all applicable statutes and regulation, including Factories, Mines, Environment, Forest, etc., and periodical follow up Audits as to compliance with all such laws
- Strict compliance with the Group's stringent directives on Anti Bribery & Corruption, covering inter alia relevant statutes applicable in different jurisdictions of the operating companies including Foreign Corrupt Practices Act (in USA), Bribery Act (applicable in UK), Prevention of Corruption Act, Prevention of Money Laundering Act and Right to Information Act (in India)

- Adherence to the Group’s Code of Good Conduct and Fair Practices as a member of the Fraud Risk Management Committee (later renamed Ethical View Committee)
- Acquisition/merger of companies/undertakings involved in cement manufacturing and other holding resources including: coal, gypsum and limestone
- Setting up of Coal Blocks through joint ventures established with Govt. PSUs and other private entities.
- Drafting/vetting of Turnkey Contracts/Documentation involving modernization/expansions of cement plants, CPPs and Coal field development.
- Setting up and implementation of the Legal Policy on the basis whereof legal work is segregated/distributed amongst the Corporate Office and Regional Offices
- Advising Senior Management from time to time in areas involving Competition Law, Related Party Transactions, Mining-related issues, including those pertaining to Royalty demands, Forest and Environment issues, Terms of Mining Rights, etc
- Management of Real Estate resources involving huge tracts of land throughout the country, including identifying property, regularization of title, transactions involving such property; and high value litigation involving old transactions
- Rendering legal advice to 5 (five) ACC Joint Ventures and/or Subsidiaries in the business of Coal Block Development & Production; and Bulk Distribution & Sale of Cement, as Member of Board of Directors of such entities.

Major Matters Handled:

ACC LIMITED:

- Was involved in the setting up of Joint Ventures to develop Coal Blocks in M.P. and Chattisgarh for ACC’s captive requirement – 4 of these with the Madhya Pradesh Mining Corporation through bidding; and 1 in partnership with other entities for development of a West Bengal Coal Block.
- Taking timely and appropriate legal action against Closure Notices, received by the Company’s 3 Plants in Eastern Region, to shut mining operations caused by change in the Mineral Concession Rules pursuant to 2 (two) Supreme Court Rulings in Goa Foundation and Common Cause cases, thereby denying “deemed extension’ to all mines pending second and subsequent renewals.

- Filing of Appeals in the Competition Appellate Tribunal against CCI Orders directing the Company to deposit a penalty of Rs. 1,100 Crores and obtaining stay on depositing of 10% of the penalty amount.
- Successfully challenging the Computation of Compensation paid to ACC on Cancellation of its Bicharpur Coal Block (upon its being vested in favour of Ultratech Cement as Successful Bidders); and causing appreciable enhancement of such Compensation for the Coal Block Land & Mine Infrastructure.

ESSEL GROUP:

- Successfully claiming an amount of USD 60 Mio (and USD 10 Mio in Costs) in a LCIA Arbitration in London against Hughes Corporation, pursuant to a Satellite Contract earlier executed with them, utilizing a relatively insignificant attorney, viz., Collin Winter in combination with a dedicated Satellite Architect.
- Negotiation and finalization of Satellite and Ground Station Contracts, together with Shareholders and Subscription Agreements, with each of Lockheed Martin and Alcatel Space for two separate projects contemplated by the group; Similar investment agreements also finalized separately with Arianespace SA with the Launch Services Agreement executed with it.
- Obtaining of RBI/Exchange Control Permission for the remitting of USD 81 Mio by the Indian Entity that had taken charge and control of a Satellite Project in reimbursement of costs and investments that had been earlier incurred/made by the Group Promoter's UK and Gibraltar based closely held entities in conceptualizing and developing the Satellite Project when the Govt. of India did not recognize private ownership of satellites.
- Negotiation and finalization of 4 separate Share Purchase Agreements for taking over the Radio Trunking business of Motorola Inc in India.

ESSAR GROUP:

- Successfully claiming a substantial part out of Rs. 80 Crores claimed against ONGC in arbitration, arising out of a project undertaken by Essar Projects for Modification of Water Injection Pipeline Project to increase the fallen levels of crude oil. The matter was extremely advantageous to move in the backdrop of allegations as to convergence of top managements at Essar and ONGC.
- Lead a young legal team in the High Yield Bond Issue Offering (under Rule 144A) for the raising of USD 1,500 Mio by the Essar Group for its Shipping, Power, Steel and Oil businesses.