MAITLAND

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GAURAV M. LIBERHAN

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OVERVIEW

Gaurav's legal practice centres around his chambers in Delhi where he regularly appears in the Supreme Court, High Court, and the Tribunals and he has very extensive experience in Civil & Commercial litigation. He also has a very substantial volume of advisory work, providing opinions on a variety of legal issues, including legal strategy and regulatory work.

He has been appointed law officer for State Government before the Supreme Court and he has represented many Government departments/bodies before various Courts and Tribunals.

With a career span of over 20 years, he has set up and developed a robust multi-disciplinary practise spanning across not just commercial law, civil law, and white-collar crimes, but also constitutional law and administrative law.

He obtained his undergraduate degree and his law degree (LL. B) from India, and thereafter his Master of Law (LL.M) from George Washington University where he was awarded the "***Thomas Buergenthal Scholarship"***.

EXPERTISE

COMMERCIAL LITIGATION & ARBITRATION

- Acted for overseas Companies before the Supreme Court of India in a matter which decided the issue of ***"venue"*** vs ***"seat"*** of arbitration in relation to a foreign award. ***2017 (14) SCC 722.***
- Acted for the foreign shareholder of the Indian Joint Venture Company in a very complex litigation before the Delhi High Court regarding the enforcement of foreign arbitration awards in India.
- Acted in a domestic arbitration for one of the stakeholders in a Company which ran a leading newspaper, in a complex contractual and severance dispute.
- Acted for a leading Indian real estate developer, in major civil recovery proceedings for breach of contract and diversion of funds.
- Acted in a commercial dispute for a major Indian export Company regarding the wrongful denial of

insurance claims over shipments sent to the U.K.

- Acted for a Company involving the interpretation of the provisions of the Commercial Court's Ordinance, 2015, wherein there was inherent inconsistency in the 2015 Ordinance in as much as it took away the statutory right of filing an appeal under the Arbitration & Conciliation Act, 1996 and the Hon'ble High court restored the right of appeal. ***OMP (Comm.) No. 1/2015, & OMP (Comm.) 2/2015.***
- Appointed as an Arbitrator by the High Court of Delhi in a commercial matter regarding overseas investment in an Indian Company.

COMPANY & PARTNERSHIP

- Acted for overseas Companies having invested in a Joint Venture in India in a complex litigation for shareholders disputes and of mismanagement.
- Acted for a Company in proceedings wherein the Delhi High Court examined its status as a 'State' or 'instrumentality of State' entity amenable to writ jurisdiction of constitutional courts. ***2021 (20) DLT 250.***
- Acted for partnership firms qua disputes over induction of an individual claiming to be a stakeholder in the partnerships and consequential control over the management and affairs of the multiple partnership firms having complex cross holdings.
- Acted for the erstwhile management of a Company being a members Club incorporated as a Company Ltd by Guarantee wherein the Government has taken over the management of a private Members Club on the plea of public interest.
- Acted for a large financial institution in adjudication proceedings under the Prevention of Money Laundering Act, 2005, wherein large amounts of monies received as consideration for sale of shares were attached as proceeds of crime.
- Acted for overseas Companies in India whereby Writ proceedings were instituted before the Delhi High Court for initiation of proceedings under the Prevention of Money Laundering Act, 2005, based upon a schedule offence.
- Acted and advised a Non-Banking Financial Company (NBFC), over allegations in the app loan cases providing online short-term instant loans through mobile apps (applications) and were charging exorbitant rate of interest on loans and their modes of recovery.
- Acted for Director of Company alleged to be involved in corporate fraud involving alleged collection of funds from public and circulation thereof.

INSOLVENCY & ASSET RECOVERY

- Acted for the former shareholders of an Indian Company holding large real estate who sold their stake in the Company and ploughed back the money as consideration for construction real estate units, and thereafter made claims as financial creditors under the IBC.
- Acted for a section of the financial creditor's vis-a vis the large institutional financial creditor whose inflated claims had been admitted based upon un-adjudicated penal interest and whether such interest is a debt within the IBC.
- Acted for homebuyers in a dispute with the developer and whether the real estate units offered as

security to a lender and such security not being registered will entitle the lender to claim the status of allottees simpliciter under the IBC.
- Acted for individual in his asset recovery where the asset of the individual was fraudulently mortgaged with the bank and the bank sought to auction his asset for a loan facility which was not taken by him.

TAX

- Advised Clubs incorporated as Companies on the issue of doctrine of mutuality and the applicability of the Goods and Services Tax.
- Acted for Companies against very large claims of property tax by local authorities.
- Advised individuals on claims made by local authorities on property tax.

REAL ESTATE

- Acted for large Indian real estate Company in their contractual dispute over the development of a Special Economic Zone.
- Acted for a Company having agreed to purchase area in commercial centres and enforcement of the agreement through civil court and damages.

PRIVATE CLIENT

- Acted for Landlords in recovery of possession & rent both in residential and commercial properties and acted for persons on all aspects of leases both residential and commercial.
- Acted for purchaser of land through bank auctions in disputes over the title of the land originally mortgaged with the bank.
- Acted for landowners in acquisition of land holdings by Government.
- Acted for individuals in civil litigations involving co-ownership disputes over quantum of shareholdings in large real estate.
- Acted for Non-Resident Indians having claims over their share in real estate and other moveable assets in India.
- Acted and advised private clients on contractual disputes in all aspects, shareholders agreements, and agreements to sell land/real estate.
- Acted for beneficiaries on a challenge to a will.
- Acted against beneficiaries of a will on undue influence claims.

LANGUAGES

- English
- Hindi

MEMBERSHIPS

- Enrolled with Bar Council of Delhi
- Member Supreme Court Bar Association
- Member Delhi High Court Bar Association

NOTABLE CASES