



E.M.J. & Associates

ELGIN MATT JOHN & ASSOCIATES

Advocates & Solicitors





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INTRODUCTION

Founded in 2008, ELGIN MATT JOHN & Associates (E.M.J. & Associates) has grown into a versatile law firm of highly qualified and dedicated advocates representing diverse clients who turn to us for our advice and resources. We at E.M.J. & Associates maintain a persistent commitment to providing our clients with a consistently high level of representation and service. The advocates at our law offices continue to strive for excellence in their professional work, client relations, and personal growth. Our clients benefit from the depth of our expertise in both traditional and cutting-edge practice areas. Our legal expertise is coupled with industry knowledge that spans many industries. E.M.J. & Associates remains competitive in the constantly changing market for legal services by creating and implementing innovative and effective methods of providing cost-effective, quality representation and services for our clients. Innovation is the driving force of the global economy. To compete, companies must not only be innovative, they must also align themselves with innovative partners. At E.M.J. & Associates, we put our legal acumen, creative ideas, the latest technology and steadfast determination together to help our clients stay ahead of the pack.

E.M.J. & Associates is a skilled and professionally managed law firm based in New Delhi, with the unique combination of a strong consultancy practice and an advanced litigation practice. E.M.J. & Associates specializes in advising corporate clients/ individuals in relation to their business activities, intellectual property, criminal and civil matters and intends on delivering quality legal services at international standards across service lines relevant to business. The team of lawyers also cater to a growing number of individual clients with their experience in their respective areas. E.M.J. & Associates offers legal services in different areas like, human resource, intellectual

property, consumer protection, corporate law and litigation services amongst others. E.M.J. & Associates team is a group of tight, energetic, hard working new age lawyers who believe in delivering quality work efficiently, and developing clients' trust.

COST EFFECTIVE AND KNOWLEDGE MANAGEMENT

We believe that the key to cost effectiveness and providing value for money lies in a Partner's direct involvement with your work and delegation to appropriate people with requisite skills and experience for a particular assignment.

We believe in the power of knowledge. Knowledge management at E.M.J. & Associates means keeping ourselves and our clients aware of the latest developments through a continuous and extensive process of attending seminars and workshops, making presentations, research, and sending out periodic newsflashes to clients as and when any critical, legal or industry specific developments occur. We have a database of latest cases from relevant areas of law.

COMMUNICATION

To ensure accessibility of **E.M.J. & Associates** personnel at all times, we are equipped with the latest technology for effective communication through e-mail, fax, telephone and mobile at all times. We ensure that we keep communication channels open. We keep in touch with our clients to understand their business needs and objectives and keep them constantly updated on the status of their matters/disputes as the case may be. We appreciate any feedback from our clients on how we can improve our services.

PRACTICE AREAS

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ELGIN MATT JOHN & Associates (E.M.J. & Associates) has grown into a versatile law firm of highly qualified and dedicated advocates representing diverse clients who turn to us for our advise and resources. Given the great demand of our clients we have associates functioning in different parts of the country. The details of the cities where our services can be rendered can be shared on demand. The services mentioned below are available in all such cities.

LEGAL & DOCUMENT DRAFTING

The typical product of drafting is a document embodying an agreement or accord between parties, often separately advised and represented, and intended to regulate the legal relationship between those parties. A well-drafted document should marry together the relevant facts and law in a clear and concise manner and encapsulate the final agreed instructions or negotiations. For special law documents, we extend our services to drafting legal documents for our clients. With us, clients can be sure for minimum time and least cost. Our legal document service is highly useful to those persons or organizations whose specific legal requirement is not into the mainstream business. We, create a legal document to suit clients' specific requirements. Our lawyers immediately perform their part on the project for studying the case and jotting down the peculiar requirements before drafting the final legal document to address clients' specific business or personal need. The scope of legal document drafting as stated earlier would cover all forms of contracts so whether it be simple franchisee agreements to Joint Venture Agreements. Our Attorneys are well acquainted with the challenges thrown by complexity of drafting contracts and have successfully assisted companies in various matters that have come at their disposal.



INTELLECTUAL PROPERTY LAW ADVISORY

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Our intellectual property associates are experienced in obtaining both domestic and international Patents, trademark and copyright protection for our business, entertainment and high net-worth clients. We also offer representation in brand management, intellectual property licensing, and trade secret and unfair competition matters. Our intellectual property law experience also extends to internet technology, software development and medical programs. E.M.J. & Associates Intellectual Property division can assist you with all your intellectual property protection needs whether it is the formulation of a new or unique idea or business dissolution of infringement case. E.M.J. & Associates provides businesses with a single resource to address the wide variety of business and legal concerns present at every stage of business operation. We help clients create, grow, acquire, manage and protect their assets. We have extensive experience representing national and international franchisors and other licensors of intellectual property, as well as manufacturers, distributors and other businesses involved in the distribution of products and services, to handle their regulatory, transactional and litigation matters. Our lawyers assist our clients in matters related to private label and co-branding arrangements, and distributor, sales representative and commercial agency relationships. We can also assist franchisors in every step of the franchise process, including development of a franchise program, drafting of franchise-related documents, day-to-day business counselling and enforcement of franchise-related agreements through litigation or arbitration. Lawyers at E.M.J. & Associates recognize that each aspect of the commercializing and distribution processes directly impacts our clients' business success, and we strive to provide prompt, clear and comprehensive guidance to our clients, helping them best achieve their desired results.



INTELLECTUAL PROPERTY LAW ADVISORY

PATENTS, INVENTION, TRADE SECRETS & PROPRIETARY INFORMATION

Our lawyers have extensive experience working with clients to identify the appropriate mechanism to protect their inventions and sensitive commercial information. The Intellectual Property team helps its clients obtain patent protection when desirable and available. Our lawyers are experienced in evaluating, negotiating and preparing those documents that are crucial when securing sensitive, commercially valuable information, including Employee/Independent Contractor Invention Assignments, Non-Compete Agreements, Non-Solicitation Agreements, Non-Disclosure Agreements, Trade Secrets and Confidential Information Agreements, as well as policies and procedures.

We evaluate the eligibility of proprietary information for trade secret protection, advise clients on how best to establish and maintain trade secrets by the inclusion of appropriate trade secret clauses in agreements being used and litigate trade secret disputes.

The strength of any intellectual property right is, in part, measured by its enforcement. We are experienced in identifying instances of infringement, as well as unfair business practices and competition by others. We counsel our clients on dispute avoidance, fair use and the identification of materials in the public domain. Our lawyers have the skills and experience necessary to effectively represent your interests, whether they are preparing "cease and desist" letters, preserving sensitive business information (when faced with a court or administrative subpoena), or prosecuting/defending of claims of intellectual property infringement.

Litigation may be both an offensive and defensive component of any effective intellectual property enforcement strategy. Much of the firm's practice involves litigation before courts, and administrative agencies. Our lawyers have successfully represented clients on matters involving such areas as infringement of trademarks, trade dress, copyrights, patents, breach of license agreements, non-disclosure and non-compete agreements, and trade secret laws, as well as statutory and common law recognizing rights of publicity and rights of privacy. We are skilled in obtaining and defending injunctive relief in intellectual property cases and other commercial disputes.

We also provide the following services associated with patents:

- ◆ Prior Art Search
- ◆ Advisory on how to make patent applications more acceptable
- ◆ Drafting patent specification
- ◆ Filing and prosecuting patent applications
- ◆ Assisting in filing of PCT Application and prosecution

TRADEMARK SERVICES

- ◆ Online Trademark Searches
- ◆ Trademark Filing
- ◆ Prosecuting Trademark Applications
- ◆ Trademark Registration
- ◆ Trademark Renewal
- ◆ Trademark, Infringement Analysis/ Opinion
- ◆ Status of Trademark Registration/ Scope of Trademark protection
- ◆ Trademark Portfolio Management
- ◆ Trademark Watch & Litigation
- ◆ Trademark Opposition
- ◆ Trademark Rectification
- ◆ Trademark Removal
- ◆ Action of Infringement & Passing Off
- ◆ Assignment of Trademarks
- ◆ Trademark Licensing and Transmission
- ◆ Drafting Deed Form
- ◆ Consequent Registration of Assignment
- ◆ coexistence and concurrent use agreements
- ◆ intercompany licensing arrangements
- ◆ the development of intellectual property holding companies
- ◆ domestic and multi-national mergers, acquisitions and divestiture
- ◆ joint ventures
- ◆ franchise agreement

COPYRIGHT SERVICES

- ◆ Copyright advice and assistance
- ◆ Copyright Registration
- ◆ Application
- ◆ Filing
- ◆ Registration
- ◆ Copyright enforcement services
- ◆ Copyright infringement services
- ◆ Copyright litigation



TRADEMARKS COPYRIGHTS DESIGN GI

- ◆ Infringement
- ◆ Copyright searches and opinions
- ◆ Licensing copyright contracts
- ◆ Investigate the status of registrations and the scope of protection
- ◆ Investigate copyright infringements
- ◆ Drafting licence and assignment deeds employment and consulting contracts
- ◆ Confidentiality agreements

CONTRACTS AND AGREEMENT IN INTELLECTUAL PROPERTY

We structure, negotiate and draft contracts and agreements affecting intellectual property, including: patent and trademark assignments, sales, licenses and other transfers; copyright assignments, sales and licenses, including software development and licensing; manufacturing and distribution agreements; non-disclosure agreements; consulting agreements; employment agreements; know-how and trade secret licenses, sales and other transfers; web and server hosting and co-location agreements; end-user license agreements; and internet commerce agreements.

LAW GOVERNING THE INTERNET AND E-COMMERCE

In earlier times, e-commerce meant to carry out commercial transactions using Information Technology such as the EDI (Electronic Data Interchange) and EFT (Electronic Fund Transfer) whereby commercial documents such as invoices were transmitted electronically. This definition has expanded from thereon to include newer forms of technology and e-commerce. The use of the word 'e' in e-commerce now includes all technological means of transacting online business involving ATM, Mobile, computers, credit cards, online payment systems, VOIP, video conferencing and other IT-enabled service systems. It may also include the use of ERP (Employee Resource Planning) data mining and data warehousing. If conducted for illegal purposes such activities could involve data theft, Unauthorized Frequency Identification Tracking (RFID), Hacking, corporate espionage, identity theft.

We at E.M.J. & Associates have a dedicated team of lawyers having the experience as well as the acumen for understanding the technology which can assist our client in adopting the strategy as well as plan a systematic approach to prosecuting cases under the sphere of information technology.





PROPERTY AND LAND LAWS

PROPERTY AND LAND LAWS

The ambit property laws spans across building construction laws, land acquisition laws, land demarcation and revenue related laws and issues pertaining to title, transfer of ownership.

Disputes can be broadly classed into ones arising from the entitlement rendered and acquisition of land done on the part of the government towards beneficiaries while as title and property rights inter se between private parties. Each of these class of cases have their respective peculiarities created by overlapping provisions of various laws in operation and therefore require a very innovative approach in dealing with their peculiar issues arising thereof.

We at E.M.J. & Associates with our dedicated team of lawyers are well conversant the diversity of proceeding that are effective in matters related to property and have represented our clients time and again before judicial and quasi-judicial authorities in various matters. Our expertise has been well appreciated as we come to you with effective strategies, giving solutions for vexing issues.

LEASE AND RENT CONTROL

As companies grow in size of their operations, time and again they are compelled to lease or rent in premises to effectively reach out to their prospective customers who may be willing to use their services but for reasons of distances may not find it convenient to travel to the sole head office or company unit located in the remote corner of the same city. Market also tend to shift with time and change in the living standards of people.



Leasing in premises thus has emerged as the logical choice for most companies as opposed to buying prime real estate.

Unlike many developed economies India does not have a regulated real estate price index mechanism and the laws that are operating this area of trade/leasing in commercial real estate are still governed by old adject of residential tenancy. This lacuna in existing laws has created its own set of challenges when they have to be interpreted in the context of commercial leasing and drafting of lease instruments. Peculiar to the problem are issues pertaining to registration of lease, duration of lease , rights and liabilities of commercial landlord and tenants, fixation of rent amounts , description of rent and timely eviction and rendering possession of the premises. It becomes important that these aspects are considered at the inception of the tenancy.

With the expertise of trained lawyers and our group consultants spread E.M.J. & Associates provide the wide experience pool of different jurisdictions in ensuring services that range from lease agreement drafting, their vetting, pre-agreement negotiations, due diligence , prosecuting eviction suits in all courts/tribunals as well as using methods of alternative dispute resolution.

We at E.M.J. & Associates have as a Policy believe in employing quick and cost effective method of resolving tenancy related issues and are proud to admit to have been quite successful in using the alternative mode of dispute resolution in resolving tenancy issues in a number of matters which come for our consideration.

With a thrust on alternative means such as arbitration / conciliation and mediation apart from the adversarial mode available through Indian courts we can bring a host of solution to all tenancy related issues that can possibly arise.

MOTOR ACCIDENT AND ADR CASES

MOTOR ACCIDENT CASES

Motor accident case is another area of common law practice covered under the area of torts which has gained prominence over time with the establishment of Motor Accident Claims Tribunal. Being principally associated with civil and criminal liability accident cases involving injuries to person and property are settled through payment of unliquidated damages or compensation. Off late recent amendments to the Criminal Procedure code allow scope of plea bargaining under otherwise tedious and adversarial criminal justice system allowing compensation as a means of settling even a criminal liability where mandatory jail sentence automatically ensues.

Our team of dedicated lawyers with their vast experience in the area of dealing in motor claim related cases have successfully pursued matters at the Motor Accident Claims Tribunal (MACT) and have also managed to settle most of these cases through alternative mode of dispute resolution through plea bargaining, mediation and conciliation proceedings.

ALTERNATIVE MEANS OF DISPUTE RESOLUTION - ADR (ARBITRATION, MEDIATION & CONCILLIATION)

Given the need for an efficient dispute resolution mechanism, Arbitration and Alternate Dispute Resolution (ADR) has emerged as a faster, cost-effective option for resolving international, commercial disputes and preserving business relationships. ADR in India could either be in the form of arbitration, mediation or conciliation and is recognised under the relevant Indian statute, The Arbitration & Conciliation Act, 1996. Since



arbitration is based upon the principle of party autonomy and offers flexibility to both parties, there is an increasing trend towards resolving disputes by means of Arbitration.

We at E.M.J. & Associates work in close association with its special wing devoted for promoting the Alternative means of Dispute Resolution in all areas of its practice. Some of the methods used for us are:

- ◆ Arbitration
- ◆ Mediation
- ◆ Conciliation
- ◆ Settlement

DEBT COLLECTION AND RECOVERY

Our law firm's lawyers are so well trained that they have thorough understanding of fundamentals of Commercial and Corporate Laws and Practices as well as practical aspect of credit operations/ debt collection. We provide Commercial and Consumer Debt Recovery/ Collection Services where the first efforts are towards amicable debt collection and courts collection is proposed to the creditor if amicable efforts for debt collection don't succeed and debtor's solvency is assessed as sufficient. The firm also boasts off a strong hold in the following specialized areas related to recovery matters:

- ◆ Speedier disposal of Section 138 cases (Negotiable Instruments Act)
- ◆ Handling and filing of police related recovery cases
- ◆ Various collections/recovery modes through legal process
- ◆ Result oriented set ups for Lok Adalats & Arbitration
- ◆ Ensured servicing of summons/warrants
- ◆ Proceedings in matters of Insolvency under The Insolvency and Bankruptcy Code 2016

CONSUMER PROTECTION LAWS

CONSUMER PROTECTION LAWS

That the economic liberalization and the introduction of competitive markets, as a means of rendering social and economic efficiencies. The countervailing powers that till recently lay with the state run institutions, now due to competitive policies of the government stood shifted to the end consumer. Who through its preference for goods and services now determined the demand and the corresponding supply of such goods and services. It is believed that firms in competitive markets will produce most efficient goods and services which alone will satiate demand.

The consumer protection policy along with the competition law is aimed as a countervailing measure on the firms so that they deliver such efficient quality of goods and services. It was with these ideals that the Consumer Protection Act 1986 was enacted.

Liberalization has brought its own set of challenges for firms with consumers preferring consumer forums as an alternative means of settling consumer disputes .

Our teams of Lawyers at E.M.J. & Associates are well trained in defending as well as prosecuting consumer claims at district/state as well as National consumer redressal Forum at Delhi and NCR region ensuring quick disposal of cases.



SERVICE LAWS & WRITS

SERVICE LAWS

The founding fathers of India envisioned it as a welfare state that would provide for all its citizens from their cradle to their grave. It is no surprise therefore that the government is engaged in not only providing for the basic necessities like water, electricity but also in manufacturing watches or trading in grains etc all for the purpose of achieving the greater good for its citizens. The Mammoth infrastructure that supports these services requires qualified personnel to Mann and administer them. Understanding these requirements the Indian constitution has incorporated provisions that allows the government to recruit qualified persons termed as 'Civil Servants'. As the recruitment, promotion, seniority etc in these services are governed by the service rules made by the government itself these rules take the colour of law under Art 13 of the Indian Constitution. An aggrieved employee challenging governmental action with regards to his service is thus faced with the uphill task of taking on the might of the government.

The disputes that primarily arise rage from recruitment, seniority, promotion, transfers, disciplinary proceeding, discharge, suspension, termination, malafides, legitimate expectation, LTC and issues arising from Leave encashment, pensionary benefits like Gratuity, rewards all covered under the CCS Fundamental and Supplementary Rues apart from the host of the various service regulations that govern various aspects of service.

The very specialized nature of action under Art 16 and Art 300-A has lead to the creation of Central Administrative Tribunal. It is also a matter of practice that many of these cases are also filed under the Writ Jurisdiction of the High Court.

We at E.M.J. & Associates with our team of lawyers have experience of representing our clients before the Central Administrative Tribunal, The High Court and various other Quasi-judicial bodies and getting effective orders.

WRITS

Law of writs was introduced for the first time through India's constitution which mandates protecting the fundamental rights of every citizen against the governmental excesses. In a country governed by the rule of law, where every citizen be it in the nature of an individual person or an artificial juridical entity are guaranteed certain freedoms; governmental action or omission expressed through rules, statutes, regulation executive ordinances or notification of every nature that has a tendency to discriminate or perpetuate arbitrariness are but an anathema to these guaranteed liberties, given as a matter of right in individual capacities as citizens. Under the law of writs the High Courts and the Supreme Court have been given extraordinary powers to correct such excesses by setting aside or invalidating such actions.

The wide powers bestowed on the courts are peculiar to the Indian constitution which have played an important role in adding a new chapter in the social, economic and environmental history of India. As the relief under this instrument can be sort despite alternative remedies existing under other laws, this instruments has been frequently used, by corporations, companies to settle pressing issues, arising from its perennial interactions with various statutory and governmental authorities while seeking clearances on matters of licenses, mandatory compliances or anomalies in execution of governmental orders or directions. The High Courts in every province is the highest judicial Authority in the state and as the relief sought comes from the same institution a lot of time and effort is saved in the process. This method of dispute resolution becomes most handy and perhaps the only effective remedy where time may be a deciding factor in the wellbeing of any institution.

We at E.M.J. & Associates with our dedicated team of lawyers specialize in tapping the means to put this instrument of writ to its most effective use and ensure that the corporations and individuals can best benefit from the wide ambit of its powers. The experienced gained by our team in the area of corporate litigation and civil litigation allows us to leverage our understanding of interaction between companies and governmental bodies to its logical outcome in finding solutions using this instrume





CO-OPERATIVE SOCIETY AND REGULATIONS

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The co-operative movement in Delhi have developed from the times of india's independence struggle where the need for protecting marginal farmers the then existing British Government introduced their models of the Co-operative Act as well as Multi-Unit Co-operative Act 1940 apart from the several local Cooperative Acts specific to every province of the then existing undivided India. The co-operative movement believed in the decentralization of economic power in the hands of the ordinary citizens by helping them organize their collective efforts in a unified force that could better bargain with the market forces helping the members of the co-operative to get a fair deal for their wares/ produce. Initially this movement was restricted to the farm sector but post independence and subsequent to the liberalization of the economy the advantage of having a large collective, bargaining, for its members has been quickly realized to give un-paralled advantage. Especially when their other competing groups for limited resources. Therefore today the co-operative encompass all segments of the society, like builders co-operative, group housing society co-operatives, gold merchant co-operative, to diamond merchant co-operative, credit and thrift societies, co-operative Banks etc. We at E.M.J. & Associates are well acquainted with the changing tides of the economy and the great advantages these co-operative can bring forth to its member. Our empanelled lawyers are well trained in all aspects co-operative functioning and advise and represent co-operative before the Registrar under Delhi Co-operative Society's Act, Multi-State Co-operative Society's Act 2002, in all aspects of:

- ◆ Formation ◆ Registration ◆ Administration ◆ Elections
- ◆ Loans ◆ Auditing ◆ Renewal of Registration ◆ Member Rights
- ◆ Service regulation of employees of co-operative





CORPORATE LAWS

CORPORATE LAWS

CORPORATE ADVISORY AND TRANSACTION PRACTICE

E.M.J. & Associates supports its clients in Corporate Advisory and Transaction Practice. With a rapid increase of multinational Corporations throughout the globe, there are many giant problems being faced by large Corporates in day to day affairs of the company in the context of financial and commercial transactions. The corporate advisory is lead by Mr. Sanju Kumar who has brought with him his team of associates that provide the basic compliance associated work for the firm. Keeping in view and in order to fulfill our client's requirements and to provide solutions under single platform. E.M.J. & Associates emphasizes their practice in the following areas.

- ◆ Advising on issues in relation to investment by foreign companies in India.
- ◆ Drafting opinions in the context of global issues related to investment in FDI;
- ◆ Incorporation of Companies in India and Foreign Companies;
- ◆ Drafting Joint Venture Agreements and other agreements in relation to FDI;
- ◆ Drafting and negotiating of commercial agreements (such as shareholders agreements, franchises, leases, licenses, employment contracts, job works, bank / finance agreements, vendor agreements etc.);
- ◆ Drafting of notices / responses, board resolutions, minutes of meetings etc;
- ◆ Obtaining permissions and approvals from RBI(Reserve Bank of India) for setting up of liaison office and branch office for foreign companies;
- ◆ Drafting of agreements and contracts for multinational companies in the context of real estate transactions;



- ◆ Obtaining all types of licenses, approvals, clearances and permissions in relation to EPF, ESI, Environmental & Contract Labour etc. under various Industrial and Labour laws;
- ◆ Advising on issues for setting up of five star hotels;
- ◆ Conducting legal due diligence for Checking and verification of title of properties;
- ◆ Filing of forms and seeking permissions/ approvals from Registrar of Companies.
- ◆ assistance in creation and maintenance of corporate and statutory records, including those which are submitted to the registrar of companies, trademark registry, labour and industrial authorities etc.;
- ◆ Internal legal audits and review of compliances;
- ◆ Assistance in domestic inquiries;
- ◆ Dispute resolution options and pre-litigation strategies, including mediation.

The counsels of E.M.J. & Associates advise on various transactional issues involving a wide canvas of domestic legislations, including investment norms, corporate law, labour and employment issues, contractual issues etc.

SETTING UP BUSINESS / FOREIGN DIRECT INVESTMENT ETC.

With the opening up of the Indian Economy many companies having operations in different countries have been looking at India as an attractive investment option. Foreign Direct Investments especially from the South East Asia, China and Japan have been on the rise as companies registered and operating from these countries have been looking for avenues to enter the Indian Market, setting up offices and factories. The Indian Government responding to these demands have also developed and put in place basic policy framework that eases the setting up of businesses in India. The provisional Governments have also worked in tandem with the Central Government to develop a policy framework along with the easier regulations in the areas of land, electricity, environmental clearances, labour etc. However it cannot be ignored that there are a large number of compliances and clearances that may be required both from the central as well as the State/Provisional Governments/municipalities and a vivid understanding of the these regulations becomes necessary for any investor wanting to set up its factories, shops, establishments etc.

We at E.M.J. & Associates have been assisting companies in navigating the maze of regulations associated with the setting up factories, shops, offices etc. The one on one and close association that our counsels are able to have with the investors or the respective departments allows an easy and unhindered manner for the companies to establish their business in India.

MERGER AND ACQUISITION PRACTICE

The counsels of E.M.J. & Associates advise on various transactional issues relating to Mergers & Acquisitions in various sectors and industries like Real Estate, Pharmaceutical, Telecom, Textile, Sugar and Dairy business etc. Our key services includes

- ◆ Pre and Post Compliance issues under various statutory acts;
- ◆ Providing roadmaps to mergers and giving timely checklist of compliances;
- ◆ Conducting Due Diligence- Analyzing the financial health of the company and suggesting pragmatic approach to mitigate the risks in case of mergers, amalgamations and acquisitions;
- ◆ Preparation of Schemes of Arrangement, Reconstructions and Demergers;
- ◆ Capital & Debt restructuring, buy-back of securities & reduction of capital;
- ◆ Solving issues in relation to Sick Industrial units;
- ◆ Advising on issues in relation to Taxation and Stamp Duty aspects;
- ◆ Liaisoning with Governmental and semi governmental organizations (Official Liquidator, Regional Director, Ministry of Corporate Affairs and Registrar of Companies etc.) during the time of Mergers and Amalgamations;
- ◆ Issues relating to Transfer of licenses during the course of merger;
- ◆ Filing and appearing in Applications, Petitions for sanctioning of amalgamations before various High Courts etc.

COMPETITION LAW

Businesses, in India have to comply with competition laws, both in relation to transactions and their day-to-day commercial behaviour. Our competition practice offers depth and breadth of experience to assist clients in overcoming this challenges and any related litigation.

Competition policy encroaches upon all aspects of commercial conduct and strategy. We seek to give clients commercial risk-based advice so that they can pursue their business strategies without infringing the competition rules. Even where a company has breached competition rules, we aim to ensure that our skilful advice minimizes exposure. We provide cutting-edge advice and advocacy in this complex area of law, economics and policy

We advise our clients and our panel of advocates undertake litigation on issues related to Monopolies & Restrictive Trade Practices (MRTP) (now repealed) and Competition Act 2002

OTHER COMPLIANCE RELATED ADVISORY

The corporate advisory is lead by Mr. Sanju Kumar who has brought and build his own team of associates that provide the basic compliance associated work for the firm. Under



his stewardship and his team he has solved complexities relating to compliance practice under various corporate and securities laws, approvals of the Ministry of Corporate Affairs, Compounding of offences, Corporate Governance, FEMA Compliances and Management Consultancy. The team headed by Mr. Sanju Kumar is adept in fulfillment of applicable compliances and handling implication of non-compliances arises. His team has executed compliance management in companies like, Thomson Press India Limited, Metro Tyres Limited, Metro Ortem Limited, Elephant Energy Private Limited (Power Generation Company), La Pristine Bioceuticals Private Limited (Pharmaceuticals Company), M/s Radheshyam Holdings & Estates Private Limited (Plywood Manufacturer), Elmech Pneumatics Industries Private Limited, Mozexo Foods Private Limited and its group (Manufacturer of Namkeen, fryums, etc.), Shree Padmawati Engineers (India) Private Limited, Acton Pharma Private Limited, Shri Sai Madhuban Hospitality Private Limited to name a few.

CIVIL AND COMMERCIAL LITIGATION

Another substantial practice of E.M.J. & Associates is handling cases relating to oppression and mismanagement disputes before the National Company Law Tribunal (NCLT) and appellate jurisdiction (NCLAT) as well as before the High Court and Supreme Court of India. This portfolio of service includes both pre-litigation advises on options as well conducting cases on behalf of clients before various forums in India. The associates of E.M.J. & Associates have a vast experience in management of litigation across sectors and forums. In fact the counsels of E.M.J. & Associates have handled a number of cases concerning the disputes amongst shareholders, creditors and the company. In most of the contentious disputes concerning shareholders, creditors and company the counsels of E.M.J. & Associates have implemented the arbitration procedure as a mechanism for settling the disputes expeditiously. To name a few, our key services includes:

- ◆ Drafting, filing of petitions before the National Company Law Tribunal/ National Company Law Appellate Tribunal etc.
- ◆ Appeals arising out of the orders of tribunal filed before the Supreme Court of India.
- ◆ Regular First Appeals, Revision Petitions and Letters Patent Appeal before the Regional High Courts.

LABOUR LAW ADVISORY AND SERVICE

This portfolio includes Conducting Due Diligences, Conducting Labour Law Audits, providing Labour law compliance certificates, Providing timely checklists to the Client, Issue of Appointment Letter to a new appointed employee, Preparation of monthly Salary

Register, Preparation of Monthly Attendance Register and Disbursement of monthly salary slips/ wages slips

This service also extends to:

- ◆ Maintenance & Submission of Various Returns under E.S.I. Act- Register No. 7 (ESI Regulation No. 32) Monthly Basis; Filing Form No.6 (Half-yearly Return); ESI Declaration Form-1 (Regulation 11 & 12); Form No. 3 (Regulation 14); Form No. 1-A (Annual Return); Monthly ESI Challan and Correspondence/Liaison with ESI Department.
- ◆ Maintenance & Submission of Various Returns under EPF Act - Submission of Form No.2 (Nomination form at the time of appointment of an employee); Form No.9 to be submitted along with Form No. 2; Submission of Form No. 5a (i.e. the Ownership return); Preparing monthly P.F. Challans; Form No 5 & 10 at the time of appointment and resignation of employee; Form No.11 which is very much necessary for those who exempted from deduction of EPF; Form 12 A every month; Filling of Annual Returns & their assessments in the form of Accounts Slip and Filling of all relevant Documents at the time of the resignation of the employee.
- ◆ Discuss the tax issues with the statutory auditor of the company at the end of the every financial year.
- ◆ Maintenance of Registers under Shops And Establishments Act- Register of Employment – Form XXII ; Register of Wages - Form XXIII ; Register of Leave – Form XXV; Register of Advances of wage; Register of deductions for the damage or loss caused to the employer by the neglect or default of employees- Form XI; Register of fines-Form X.
- ◆ Maintenance of Registers under Employees State Insurance Act- Bound Inspection Book; Accident Book (form15); Register of Employees (form 7) and Attendance Register
- ◆ Maintenance of Registers under the Minimum Wages Act- Register of Fines (Form 1); Register of Over Time (Form IV); Register of Wages (Form X); Wage slip (Form XI) and Muster Roll (Form V)
- ◆ Maintenance of Registers under the Payment of Wages Act- Register of Payment of Wages; Register of Advances and Register of Fines.
- ◆ Other Services- Visit during any physical inspection from the Govt. Dept; Guidance about Changes in Labour Laws; Balance Sheet Guidance; Filling of withdrawal forms of employees at the time of their Resignation from the job; Providing Notes and Legal Opinions on various issues relating to the Corporate and Economic Laws;





BANKING AND INSURANCE

INSURANCE LAW

We provide expert opinions in relation to the matters pertaining to the Insurance Laws. We have represent insurance companies in various forums including MACT, consumer forums and proceedings before the Insurance Ombudsman. Our endeavor is to settle the matter amicably making it cost and time effective.

Our firm has offered a broad range of services to both insurance companies and the assured. Our attorneys have firsthand experience of prosecuting as well as defending cases arising from direct action by insured from many types of insurance such as life, health, disabilities and commercial insurance.

Our attorneys have significant experience in handling disputes arising out of insurance policies, plans and relationship governed by IRDA and other Laws

BANKING

E.M.J. & Associates has well-established banking practice. We can offer clients a high quality legal advice across a range of banking products wherever it is required. We can advise banks, lenders, sponsors and borrowers on financing across every industry, commercial, financial and governmental sector. The success and rapid expansion of our banking practice reflects client confidence in our lawyers. Advocates of E.M.J. & Associates are known for advice on the complex banking and transactions deals.



Our advocates of financial markets advise on existing and prospective legislation affecting banks and financial institutions, including RBI directives, capital adequacy rules. We advise banks, other financiers and borrowers on a broad range of secured and unsecured credit facilities. We also provide assistance in development of standard Loan Documentation.

We are able to provide legal service to banks and other financiers, with coordinated advice on taking security over property. We undertake banking litigation pertaining to banking frauds, recovery, cheque bounce, loans, letter of credits, financing, mortgages and financial restructuring.

The firm provides advice with respect to Banking & Finance services. The team assists its clients from term sheet to closing, basic restructuring to a complete range of legal, consulting and advisory services in the following areas:

- ◆ Securities & Exchange Board of India regulations
- ◆ Equity and debt public offerings
- ◆ Initial public offering
- ◆ Securitization of assets
- ◆ Drafting of financing documents such as loan agreement, security agreement, escrow agreement
- ◆ Due diligence of project documents
- ◆ Title search of the immovable properties offered as security
- ◆ Legal counsel for lenders/borrowers
- ◆ Corporate Debt Restructuring
- ◆ Litigation involving disputes
- ◆ Regulation of trading in securities
- ◆ Joint venture agreement and Shareholders Agreements in the banking and finance areas

COSULTANTS / ASSOCIATES

Consultants and associates to E.M.J. & Associates are experienced persons in the field of law and come from diverse backgrounds, bringing together a wealth of legal, business and cultural experiences. Our consultants have exceptional qualifications and have worked in leading legal and statutory practices in India. All our lawyers have first-hand knowledge and experience of the Indian and foreign markets. Associates at every level at E.M.J. & Associates are provided a vibrant and challenging environment in which to develop and expand the skills and expertise that go a long way in assisting our clients. We also attract fresh talent from India's top law schools.



OUR TEAM

CORPORATE COMPLIANCE TEAM



Elgin Matt John (Founder, Managing partner)

Graduated from Symbiosis Society's Law College Pune and followed it up with LL.M. from Jamia Millia Islamia Specializing in corporate Laws and having an experience of over 13 years. Having a keen interest in the area of Intellectual Property Rights, saw him associated with the trademark Division of one of the leading firm Remfry & Sagar where his team of Attorneys have counselled a number of clients both in prosecution and opposition matters. Fascinated by the role governments play in public life Elgin worked closely with Mrs. Anju Bhattacharya, Addl. Standing Counsel for the Government of National Capital Territory of Delhi. This association gave him an all-round exposure of representing all departments of the Delhi Government ranging from excise, Registrar of co-operative society, department of education/ higher education, department of revenue, department of finance, Department of income tax, Department of Power, Department of Health

and Family Welfare, Registrar of Society's, Department of Labour etc. Presently Elgin is also involved in both litigating and advisory for and on behalf many business houses such as ZTE Telecom India Ltd, Sterlite Power Transmission Limited, Llyod Insulations, Times Internet Limited, Axtria India Limited, Bomim Electronics Co. Ltd, China, Transsion Holdings, Ryan International School etc to name a few. He is also an associate partner at sangfroidlegal. Elgin is the founding partner at Elgin Matt John & Associates.

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HARISH. D. KERZARKAR (Senior Partner & Chief of Mumbai Office)

Harish Completed his graduation in commerce B.Com (Gold Medalist) from Amravati University, Maharashtra in the year 1996 followed by graduating in law LL.B. from Symbiosis Society's Law College(now called Symbiosis Law School) Pune in the year 2000 followed by LL.M.(Constitutional Law) from Mumbai University in the year 2006. He was called at the Bar in the year 2000. Keenly interested in the areas of constitutional law as well as commercial law, harish was associated as an Attorney with Adv. Ahmed Abdi as well as Srikant Shah & Associates and has been practicing in Bombay High Court as well as other courts both in Maharashtra and Gujarat Harish brings to the firm his experience of 20 years in different areas including civil, criminal, corporate, banking finance, petroleum and natural gas and has been over the associated with companies like, ICICI, HDFC, Bolamo Textile Industries Pvt. Ltd, Hubarta Hose Pvt. Ltd, Arvind Mills, ZTE, HDFC Housing Finance, India Bulls etc to name a few. Harish has had the opportunity of being a part of many influential individuals as well such as the case of Rajmata Sindhia, Mr. Sharat Pawar etc. His vast experience in the area of Mediation, conciliation, out of court settlements as well as his ability get cases quickly concluded is his special skill that cannot be replicated and adds up as a true assets for the firm. Harish is in charge of the Mumbai Office.

harish.kerzarkar@elginmattjohnandassociates.com

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Mr. Sanju Kumar (Head Compliance)

The compliance team is lead by Mr. Sanju Kumar who is a law graduate from prestigious Campus Law Centre (Delhi University) and who is having over 20 Years of experience in legal profession. Sh. Sanju Kumar has earlier worked with Yes Bank (Vice President -Legal), ICICI Bank Limited (Senior Manager -Law), and State Bank Group (Assistant Manager -Law).



He had been directly involved in all compliance and due diligence activities associated directly with various stakeholders in different industries. He brings forth his vast experience that remains unmatched today in the advisory business having also headed the Legal Teams in various Banks etc.

Mr. Sanju Kumar is assisted by the following team

Ms. Geetika Monga

She holds her own as being a Company Secretary awarded this qualifications by the Institute of Company Secretaries of India. She also holds a Post Graduate Diploma in Financial Management and has contributed immensely towards adding in value in the firms understanding on the implication of financial issues that directly affect both the legal as well as financial aspects about the company.

Mr. Naveen Bhardwaj

He has over 17 Years of experience in legal profession. He has been rendering legal advice and services to various International and National clients and has considerable experience in various fields of law. He is expert in Real Estate & Property matters, joint ventures, FDI, manufacturing, company & corporate matters.

Other Associates forming Part of this Team

Mr. Shantanu Kumar, Advocate

Mr. Rajeev Ranjan Pandey, Advocate

Mr. Shambu, Advocate (Sr. Associate)

Mr. Prafull Kumar, Advocate (Sr. Associate)

Mr. Amrita Tiwari (Associate)

Mr. Amit Shekhar, Advocate (Associate)

Mr. Vinay Kumar, Advocate (Associate)

Mr. Chirag Arora, Advocate (Associate)

LITIGATION TEAM

Mr.Elgin Matt John (Founder, Managing partner)

Mr. Anoop Kumar Pandey (Senior Partner),

Graduated LL.B. (Hon's) University of Lucknow, LL.M Symbiosis Society Law College Pune, is a Lawyer having an experience of over 12 years at the Bar. Mr. Anoop Kumar Pandey has an extensive experience in Retail and Corporate Banking, Labour and Criminal Laws. He successfully represents many reputed clients in litigation matters before various legal forums. As an associate of Mr. Ravinder Narayan, he represented DTC in MACT matters and other criminal matters. He represented ICICI Bank as Legal Retainer for 4 years in Retail and Corporate Legal Team, Delhi and handled recovery/collection matters, branch banking issues and F.I.R filed against bank. He also represented Escorts Limited as Legal Retainer for more than two years before Labour Courts Labour Authorities and WCA. He successfully conducted the internal legal audit of company and contractors regarding compliance of Labour Laws in the company. He is practicing in Delhi & N.C.R wherein appearing before Supreme Court of India, Delhi High Court, Consumer Forums, District Courts, Labour Courts and Arbitrator's representing some esteemed organizations and reputed individuals in Money Recovery, Arbitration, Execution, Consumer Cases, Labour matters, Civil & Criminal Matter successfully. Currently on the penal of Kotak Life Insurance, Tata Capital Financial Services Limited, Docland Services Ltd, India Shelter Finance Corporation Ltd, also works for others company and NBFC's. He is also the partner at Sangroid Legal.

Mr. Mukesh Kaushik (Partner)

Graduated from CCS University, Meerut and followed it up with LL.M. from Jamia Millia Islamia Specializing in corporate Laws. Having inherited his legal profession from his Father who is an Criminal Lawyer, his keen interest in the area of civil law associated him Mr. M. P. Bansal, Panal Lawyer with some nationalize Banks. He had also associated with Mr. Ajay Bansal, A. Advocate General, Punjab, followed with Ms. MadhuTewatia, Standing Counsel MCD at Delhi High Court, and then with Anand& Associates. This association gave him all round exposure in Banking, Arbitration, Matrimonial, Intellectual Property Rights, Property Matters and criminal matters , representing and standing against several institutions and individuals like M/s Rock Land Group, M/s Arun Dev Builders, M/s Khaitan, M/s MCD, M/s BSES, New Green Filed School, Insurance Companies, Banks, MNCs , Resident Welfare Associations and reputed individuals.



Mr.J.P.Singh (Senior Advisor)

Obtained a Bachelor Degree in Law in the year 1984 with extensive practice and considerable experience in matters related to Industrial and Labour laws for more than two decades. His Labour law Practice includes appearances before the Provident Fund Tribunal, Employees state Insurance Tribunal, Industrial cum Labour Court, High Court of Punjab & Haryana and other district forums.

Mr. Singh has practical experience in solving the problems during the time of strike, lockouts, closure and retrenchment. Mr. Singh is an expert with respect to Employment and other Industrial issues related documentations like employment contracts, Standing Orders, Service Rules, Human Resource Manual etc. He has vast experience in handling litigation before all types of Labour Tribunals (PF, ESI & Industrial etc and also represents his clients before Hon'ble High Court of Delhi & Punjab & Haryana at Chandigarh. His list of advisory is extensive and Liberty Shoes Limited, Tilda Rice Limited, Dayal Singh Trust, Mahindra & Mahindra etc are to name a few.

Mr.Deepak Singh (Senior Associate)

An Advocate with 13 years experience and obtained a Post Graduate Degree in Master of Laws from University of Manchester ; Graduate in Law, Punjab University and B.com., Panjab University

Deepak Singh areas of practice range from Corporate, Labour and Industrial Litigation Practice. As a practicing Lawyer he appears before the Delhi High Court, Punjab & Haryana High Court, Company Law Board, Labour and Industrial Courts, Consumer forums, Debt recovery Tribunal and other various district forums. Handled disputes relating to Oppression and Mismanagement, Appeals matters.

Mr. Subrahmanyam BKV(Senior Consultants)

An Advocate having 10 years of practice and experience in Corporate and IPR Laws. Obtained a Bachelor Degree from Osmania University, Hyderabad.

As a practicing lawyer he appears and dealt various matters related to 10F Appeals, winding up & writs before the Supreme Court and High Courts of Delhi, Allahabad, Punjab & Haryana and Andhra Pradesh, National Company Law Tribunal, DRT and various other Forums/Tribunals.

His corporate practice also includes drafting of pleadings, preparation of schemes, conducting Due Diligences, appearances in various Tribunals, Courts such as Delhi High Court, Company Law Board and various other forums. His work also includes liaising

with various Govt. department Officials pertaining to obtaining the permissions / approvals from Official Liquidator, Registrar of Companies and Regional Director, Ministry of Corporate Affairs and Ministry of Environment and Forests. He has wide experience in dealing with statutory authorities in relation to various approvals/ clearances.

Mr. Kiran C.V. (Senior Consultant)

Holds a Life Science Graduation(B,Sc.) and a Law Degree (LL.B.) from Bangalore University and also holds the Post Graduation Diploma in Intellectual Property Rights Laws from National Law School of India University, Bangalore. Kiran is a practicing Advocate and an IPR & Clinical Research Legal Consultant based in Bangalore. His area of Practice includes Corporate Laws and has hand on expertise in handling the responsibilities like incorporating the Companies, Guiding the Companies in Trade Licenses, and Drafting of MOA & AOA also includes the filings before ROC for incorporation of Companies, Property due diligence, Labour law related Issues and IPR matters and has rich experience in Handling the Civil litigations before the Courts.He is also expertise in the Negotiating and Drafting the Business Contracts and Completing the legal Due diligence in the Merger and Acquisitions of the Companies and guiding the companies in the entire process. He has rich experience in working with Strides Arcolab Ltd, Bangalore and effectively carried out the responsibilities like vetting the Contracts and involved in drafting the agreements and Due Diligence and was consultant for "Bal Pharma Ltd" to conduct the Statutory Compliance Audit and advising on the same.He is also Legal Consultant and Constituted Attorney for Metro Rail Corporation Ltd (Namma Metro), M-far Holding Pvt, Kaizen 4front Technologies Private limited, Regulas Infrastructure Management Company, Non-Executive Director in Cogintella-RKS-Consulting Private Limited, Non-Executive Director in OpenTekhnia IT Services Private Limited.

Ms. Bhavana Yadav (Senior Associate)

Graduated from national law institute university bhopal in 2008. Have been actively practising since 2010 and have an experience of 9 years.She has as her practice areas in, arbitration regular civil and criminal proceedings as well as having an experience of having argued before various forums including National Green Tribunal, Madhya Pradesh High court, District court (Bhopal), State Consumer Commission and district consumer commission (Bhopal), RERA etc. She also carries an experience in drafting agreements and deeds including lease agreements, sale agreements, power of attorneys, confidentiality agreement, employment contract, consultant contracts, notices for various clients. She is also a Legal advisor to Rajiv Smriti Gas Pidet Punarvaskendra, an NGO working for economic rehabilitation of Bhopal gas leak victim and their families



since 1996 as well as a Legal advisor to 'Mahila Samiti Chhattarpur', which is working for women empowerment since 1978.

Mr. Milan Kuchhal, (Associate)

Having graduated with B.A. LL.B. (Hon's) in the year 2011. He has the vast experience of handling cases filed under Negotiable Instrument Act. He also conducted thorough searches in the offices of the various Sub-Registrar offices, which is the important part of legal scrutiny before giving title search reports to the clients. He has a very good command over drafting and filing applications under Right to Information Act to get the relevant and desired information and even appeared before the court of Chief Information Officer and gets the favourable judgment in favour. He is Legal Advisor with Ju-Jutsu Federation (India) handling Government liaisoning and drafting of legal documents and approval formats. He is also empanelled by Delyosion Embellishment Ideas Pvt. Ltd. and IKSHA Finance for handling their legal matters. Further is zeal of handling matrimonial cases is unmatched.

Ms. Chhaya Chauhan (Associate)

Having graduated B.A. LL.B. (Hon's) & LL.M in Corporate Law. She has the vast experience of handling cases filed under Negotiable Instrument Act, SARFAESI, Criminal & Consumer. Because of her Expertise she has been retained as Legal Advisor by ITF Tang Soo Do Sports Federation of India. She is expert in legal research and can find requisite case laws in no time.

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