



ANANT MERATHIA

Founding Partner Anant Merathia & Associates

BA (Eco), Masters (Foreign Trade), LLM (Singapore), FCI Arb
(London)

Anant is a practicing litigation and alternative disputes resolution lawyer with over 16 years' experience in India and Singapore. After completing his LLM at NUS, Singapore in 2006, Anant worked with Singapore law firms as a Registered Foreign Lawyer, in the corporate and arbitration practice groups. Anant moved back to India in 2009, and currently focuses on corporate, commercial litigations and arbitrations and is predominantly involved in corporate insolvency and restructuring of companies under IBC, 2016 apart from corporate advisory, shareholder litigations and commercial arbitrations. Anant has been awarded the prestigious "Rising Star" Award in March 2016 by Legal Era Magazine at Mumbai .

Over the past few years, Anant widely advises Financial & Operational Creditors, Corporate Debtors, Insolvency Professionals, Resolution Applicants, Guarantors, ex-managements, former CXOs, and has also appeared for employees being all stakeholders under Insolvency Code, 2016 in insolvency matters before NCLT Benches of Bengaluru, Chandigarh, Chennai, Delhi, Hyderabad & Mumbai, as well as in NCLAT. In arbitration practice, Anant appears for clients in contractual, commercial, infrastructure, engineering and joint venture disputes. Anant is also an active mediation counsel and has advised parties in complex shareholder disputes in mediation.

Anant is also a prominent speaker on Insolvency & Bankruptcy Code, 2016 and ADR mechanisms. He has delivered lectures at events of ICSI, ICAI, Institute of Directors, CII, MCCI, ASSOCHAM, Chambers of Commerce, Federation of Indian Hire Purchase Associations, Finance Companies Association of India, Rotary, EO, Agratrade, TexValley, and many sector specific forums. Anant has also been a guest faculty at courses of CIARB, India; National Law School, Trichy; has done arbitration trainings at Myanmar & Bangladesh and presented a session of Mediation at WMO-THAC Conference in Bangkok amongst others. Anant regularly contributes articles to leading newspapers and journals, and lectures on a variety of current legal issues.



ARBITRATOR/ADJUDICATOR/MEDIATOR

- ♦ Acted as Sole Arbitrator in cases administered by arbitration institutions in India
- ♦ Acted a Co-Arbitrator nominated by parties in Construction Disputes in two cases and in other commercial arbitrations
- ♦ Acted as Mediator in several family business company shareholder and management disputes and in several other commercial disputes
- ♦ Also acted a Sole Arbitrator in voluminous arbitrations relating to defaults of loans towards home finance companies & financial institutions. The issues mainly were default of monies borrowed. The question of whether the borrowers have acknowledged the receipt of payments and whether there is any breach of contract were the main issues. Awards were given and enforced successfully
- ♦ Presided as Sole Arbitrator in a Joint Venture dispute between 3 Joint Venture partners of a packaging company. The disputes involved issues of default and consequences of non-compete clauses, breach of terms of JV and thus termination. This was a fast track arbitration held over 4 months
- ♦ Acted as a sole arbitrator in a dispute between a private contractor and a non-ferrous metal company. The dispute involved construction of rail tracts and interior portion of rails utilized inside the respondent company for transporting manufactured goods to port. Award passed as Sole Arbitrator in 18 months

INTERNATIONAL ARBITRATION

- ♦ Acted as foreign counsel for the claimant in a contractual dispute involving supply of large quantities of Bitumen. Key issues involved included defective quality alleged by the buyer and non-compliance with pre agreed technical specifications. Value of the claim was USD 450,000
- ♦ Acted as foreign counsel for a Singapore based corporate finance entity in a contractual claim based on a business referral agreement for SGD700,000 against an Indian company. Key legal issues involved included avoidance of contractual obligations, deemed termination of contract, privity of international contract and non-compete issues
- ♦ Acted as foreign counsel for a Singapore based shipping line in a major collision matter involving complete loss of cargo (passenger vehicles) against the insurer. Legal issues included review of STCW regulations, international norms on collision of vessels, crew safety compliances and several private international law issues

ARBITRATION & MEDIATION

As part of the firm Anant advises several clients in commercial arbitrations and mediations. Including representing in high court for matters relating to appointment of arbitrator, challenge of arbitration proceedings and execution of arbitral awards and such. Following are a few work highlights:

- ♦ Advising and representing foreign based steel industry company in complex international trade issues including disputes relating to charter parties and representing the company in international arbitration before China International Economic And Trade Arbitration (CIETAC).
- ♦ Advised a real estate company in a joint venture dispute over a commercial project in south India in a multi-party dispute before an arbitral tribunal. A substantial award in favour of the firm's client was given by the tribunal.
- ♦ Advised a film production company in a dispute against its joint venture partners, on several complex factual issues
- ♦ Advised two automobile dealers against MNC automobile manufacturers and conducted arbitration proceedings against them on contractual issues
- ♦ Advised an engineering company into supply of heavy machineries in an arbitration against a contractor. The firm's clients were engaged in a dispute related to a transaction of heavy engineering goods
- ♦ Acted as counsel in commercial mediations over several shareholder disputes in family and closely held companies wherein several Corporate Law, Company Law, Breach of Trust issues and Compliance Defaults are involved and assisted closing settlements ensuring sustenance of brand of the company is maintained and planned mutually agreeable restructuring of the business is done
- ♦ Acted as negotiating counsel in over hundred commercial disputes, ranging from Shareholder Disputes, Management Disputes, Winding Up Cases, Corporate Insolvency Disputes, Contractual Disputes Over IP Rights, NDA Issues, KMP's, Etc and also in Commercial Arbitrations.

PUBLICATIONS

“Need of the Hour – Alternative Dispute Resolution” – ADR World – News Magazine of India International ADR Association; Volume 2 – Issue 2; September – October 2016.

"Reforms in Indian Arbitration Laws in 2015 – An Analysis for the stakeholders involved" – International Journal of Law and Legal Jurisprudence Studies :ISSN:2348-8212:Volume 3 Issue 1.

AFFILIATIONS/ASSOCIATION WITH PROFESSIONAL BODIES

Fellow – World Mediators Organization.

Member – India International ADR Association (IIADRA).

Member – Young ICCA (International Council for Commercial Arbitration).

Member – Society of Construction Law (SCL).

Member – Young SIAC Group (YSIAC).

Member - Young International Arbitration Group (YIAG), affiliated to the London Court of International Arbitration.

Young Indians, affiliated with Confederation of India Industry (CII).

Indo – Australian Chamber of Commerce.

MEMBERSHIPS

Bar Council of India.

Fellow of the Chartered Institute of Arbitrators (CIArb), UK.

Empanelled Arbitrator with the Thailand Arbitration Centre (THAC).

Empanelled Mediator with the Kuala Lumpur Regional Centre for Arbitration (KLRCA).

Empanelled as Arbitrator with LCIA – Mauritius International Arbitration Centre.

Member - Young Mediators Initiative with IMI, Hague.

Panel Mediator with Ministry of Corporate Affairs, Government of India.

Accredited Mediator at Indian Institute of Arbitration & Mediation (IIAM).

Empanelled Arbitrator at Indian Institute of Arbitration & Mediation (IIAM)

PRESENTATIONS ON “IBC, 2016”

- Confederation of Indian Industry
- MCCI
- ASSOCHAM
- Indo Australian Chamber of Commerce Agratrade, Chennai;
- Tex Valley, Coimbatore (for Textile Industry);
- Rotary India (Chennai Chapter);
- Round Table India (RT 100 Chapter)
- Entrepreneur’s Organization (EO);
- National Convention of Federation of Indian Hire Purchase Association & many others

MEDIA

- ◆ [NewsX- India A List - Anant Merathia](#)
- ◆ [Legal action against Personal Guarantors vis-à-vis Insolvency and Bankruptcy Code, 2016 - The New Indian Express - 29.10. 2020](#)
- ◆ [In a first, Debt Recovery Tribunal in Chennai admits insolvency plea against personal guarantor - the Hindu - 28.10.2020](#)
- ◆ [NCLT exercises inherent powers to accommodate economic distress of a company amidst COVID-19 - The New Indian Express - 13.07.2020](#)
- ◆ [RERA vs IBC: two laws that now ring fence homebuyers - the Hindu - 01.07.2020](#)
- ◆ [Concerns expressed over proposal to decriminalise cheque bounce cases - The Hindu - 27.06.2020](#)
- ◆ [IBC Amendment Ordinance 2020: No fresh insolvency for default after lockdown declaration - The New Indian Express - 08.06.2020](#)
- ◆ [Experts ring alarm bells as U.S. firms file bankruptcies - The Hindu - 05.06.2020](#)
- ◆ [COVID-19 lockdown: Better to renegotiate business contracts, say legal experts - the Hindu - 06.04.2020](#)



Amid bankruptcies in U.S., experts stress need for timely filing of claims by Indian exporters

It is both a legal right and duty of creditors'

SANJAY VIJAYAKUMAR

CHENNAI With major companies filing for bankruptcy in the U.S. amid the COVID-19 pandemic, Indian exporters who supply materials to them should be aware of their rights and file their claims, experts have said.

Major U.S. retailers and firms like J.C. Penney, Neiman Marcus, J. Crew, Gold's Gym and True Religion Apparel, among others, have filed for bankruptcy under Chapter 11 (a.k.a. Reorganization Bankruptcy) of the United States Bankruptcy Code

in the past few months.

"The U.S. Bankruptcy Code provides for a notification to be given to the foreign creditors, which also mentions details on how and where to file (claims), along with timelines. The foreign creditors are not discriminated [against] under the U.S. Bankruptcy laws, except for certain tax claims or (those) which may be governed by a treaty," said Anant Merathia, a Chennai-based corporate lawyer.

Mr. Merathia has helped three of his clients file their claims with the bankruptcy trustee of the U.S. companies undergoing the Chapter 11 bankruptcy process.

"Filing of claims is both a legal right and a duty of the

creditors who, in this specific case, are Indian suppliers and exporters who would be affected by these bankruptcies, especially if their claims are not scheduled in the debtor's schedules or are disputed, contingent or unliquidated," he said.

Debtor's schedule

"If the claims of a creditor were part of the debtor's schedule, they need not be filed separately. However, a properly filed claim would supersede any claim in the schedules. A claim would provide a sense of certainty on the part of the creditor rather than merely relying on the debtor's schedules," Mr. Merathia said.

It was important that

claims were filed at the right time and, given the advantage of technology, creditors could file them online, he said.

Mr. Merathia noted that many Indian companies may assume the amounts owed by the U.S. firms in the bankruptcy process as a write-off, but having an awareness of the process and being a part of it could help them and give them a ray of hope.

"It is advisable for Indian creditors/suppliers/exporters to submit proof of their claim and monitor the proceedings. There may just be a favourable reorganisation plan that is approved, paying unsecured creditors," he said.

SPEAKING ASSIGNMENTS& TRAININGS HELD

ARBITRATION

Lecture on ADR by KOVISE FOUNDATION at South India Chamber of Commerce and Industries in 2018.

Training Program on "International Commercial Arbitration" by Kove Global & Tamasa Myanmar in February 2017 and Bangladesh in December 2017.

Lectures on "Introduction to Arbitration - Law & Practice", "Arbitration & Conciliation (Amendment) Act, 2015", "Procedure - Pleadings & Evidence" as part of CIARB India's "Introduction to Arbitration" Associate level module.

Provisional Tutor at CIARB India for Associate and Member Level course - conducted trainings for 2 batches.

Presentations & Talks on select topics in "Arbitration Laws in India", "Mediation and Negotiation skills" and "Indian Companies Act, 2013" for workshops in Chennai, India.

Lecture – Delivered Technical Session on “Company Secretaries as ADR Professionals” on the Regional Conference of ICSI-SIRC, at Cochin in October 2016.

Lecture on Mediation as a complementary tool to arbitration at Academy of Arbitration Avenues International at Kochi, 2018.

Presentation on “Mediation in BRICS” at Bangkok in May 2017 in the WMO-THAC organized symposium on Mediation.

Expert Presentation on “Mediation in Family Business Disputes” at Lex Infinitum 2017, Moot Court Competition organized by V M Salgaocar Law College, Goa.

Panel Member at Chennai Mediation Summit, 2018 at Madras Management Association.

Panel Member on Debate on IBC, 2016 at ICSI National Convention at Trivandrum in November 2017.

Lectures – Delivered many Technical Sessions on “Insolvency & Bankruptcy Code, 2016” at ICAI-SIRC and ICSI-SIRC Chennai Study Circles since July 2017.



CONTACT

PHONE: +91-44-28192255; 47467755

MOBILE : +91-9940520500

LINKEDIN: [HTTPS://WWW.LINKEDIN.COM/IN/ANANTMERATHIA/](https://www.linkedin.com/in/anantmerathia/)

EMAIL: ANANT@MERATHIACORP.COM

1-D, ELCANSO, No.10, CASA MAJOR ROAD,
EGMORE, CHENNAI- 600 008. INDIA