



## Krushy N Barfiwala

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📁 Dispute Resolution

🚢 Shipping & Maritime

🏢 Insolvency & Bankruptcy

Counsel

## Introduction

Krushy is a part of the firm's commercial disputes team. With 14 years of experience in commercial disputes, Krushi is regarded as a specialist in litigation and shipping. She is well versed in all aspects of litigation and arbitration including drafting pleadings, attending hearings, conducting trials, negotiating settlements, and general advisory work. Krushi has advised and represented clients in writ petitions and disputes arising out of government tenders as well as in complex commercial disputes and recovery suits before the High Courts at Bombay, Delhi, Chennai, Bengaluru, Chandigarh, Kolkatta and Guwahati, and the Supreme Court of India. She also appears in company petitions and insolvency proceedings before various courts in India including the National Company Law Tribunal, the National Company Law Appellate Tribunal, and Debt Recovery Tribunal. She advises and represents companies and individuals prosecuting and defending proceedings and claims arising under the Insolvency and Bankruptcy Code. In this regard, her expertise entails proceedings pre and post commencement of the Corporate Insolvency Resolution Process. She also advises and represents clients in matters involving shareholder disputes including allegations of oppression and mismanagement. Krushi is also well versed with securities law and frequently advises and represents clients before the Securities Appellate Tribunal as well as in domestic and international arbitrations involving contractual disputes. Over the last 14 years Krushi has gained significant experience in shipping disputes where she has advised and represented private ports, charterers and ship owners in matters involving the arrest of vessels, enforcement of mortgage claims, crew wages, etc. She has advised and represented ports on the interplay between proceedings under the Insolvency and Bankruptcy Code and The Admiralty Act. She has also been involved in conducting due diligence for sale and purchase of vessels. Her all-rounded experience and knowledge of litigation makes Krushi a versatile lawyer who is able to quickly grasp legal issues and improvise solutions to resolve conflicts.

# Indicative Experience

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- Advising and representing a builder in proceedings before the Bombay High Court, District Court in Pune, NCLT and RERA in proceedings pertaining to a fraudulent land mortgage.
- Advising and representing a leading real estate portfolio management company before the Delhi High Court in proceedings arising out of a wrongful attachment of their asset and property.
- Advising and representing one of India's leading stationery brands in a commercial suit and proceedings under Section 17 of the SARFAESI Act before the Bombay High Court, Debts Recovery Tribunal and Debts Recovery Appellate Tribunal involving the inter play of rights of secured creditors protected under the SARFAESI Act and prior charge holders under the Transfer of Property Act 1882.
- Advising and representing a leading construction company being a successful auction purchaser in proceedings before the Supreme Court of India, Bombay High Court and the DRT.
- Advised and represented a private port in securing the arrest of a vessel before the Madras High Court and Bombay High Court. The dispute also involved the interplay between the priority of dues as per the Admiralty Act and the Insolvency & Bankruptcy Code.
- Advised and successfully represented a leading exchange in a Petition filed by the exchange under Section 9 of the Arbitration and Conciliation Act, 1996 against a leading IT and technology service provider for deficient services and unlawful termination. The firm also advised the exchange during settlement discussions between the parties to the dispute.
- Advising and representing a listed company before the Securities Appellate Tribunal and the Supreme Court of India challenging its compulsorily delisting by an exchange.
- Advising and representing a promoter non – executive director of a large financial service company in criminal proceedings initiated by the Securities and Exchange Board of India for violations of portfolio management regulations and wrongful pledging of client securities before the Sessions Court, Mumbai.
- Advising and representing a leading stock exchange before the Securities Appellate Tribunal from time to time in proceedings against trading members and defaulters arising out of breach of various circulars.
- Representing financial and operational creditors, personal guarantors, valuers in proceedings before the NCLT from time to time.
- Representing clients in the drafting, submission, presentation, negotiation and implementation of resolution plans under the Insolvency and Bankruptcy Code.
- Advising and representing corporate and individual in proceedings challenging resolution plans, as well as in applications filed under Sections 43, 45 and 66 of the Insolvency and Bankruptcy Code (related party and preferential transactions).