



FOXMANDAL

COMPETITION AND ANTI BRIBERY



Bangalore | Chennai | Dhaka | Hyderabad | Kolkata
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FoxMandal (“**FM**”), one of India’s oldest and largest full service legal organisation, traces back its origin to Calcutta when in 1896 J K Fox and G C Mandal, joined in partnership to establish one of the first Indo-British law firms by the name of “FoxMandal”. Upto 1984, the firm grew in Calcutta and established itself as a leading law firm in India. In 1984, the management of the firm was persuaded to open an associate office in New Delhi under the name of FoxMandal with local partners based in New Delhi.

The immense success of the firm’s operations in New Delhi was instrumental in establishing other associate offices in India, UK and Bangladesh including Bangalore, Chennai, Dhaka, Hyderabad, Kolkata, Mumbai, Noida, New Delhi, London and Surat. FM is a well-reputed full service law firm presenting an appropriate mix of the necessary legal expertise, industry specialization and commercial acumen. This firm of advocates, solicitors and notaries, comprises of over 150 lawyers with 20 partners and 100 para-legal staff. Our offices situated in all the important regions in India ensure that our clients receive cost-effective, value added and fully integrated services.

Over the years, FoxMandal has been ranked as the top firm in India by various international journals. **Mr. Som Mandal is recipient of Economic Times Excellence in Leadership Award in August 2022.** In the year 2020 “**Legal Comprehensive**” recognised **Mr. Som Mandal** amongst one of the best “**TOP 100 Lawyers in the world**”. In the year 2019 FoxMandal was awarded “**Times Power Icons**” award for exemplary contribution in the field of “**Global Legal Service**”. In 2018 AI (Acquisition International) awarded FoxMandal Global Excellence Award “**National Law firm of the year 2018-India**”. In 2018 ICFM (Inter Continental Finance & Law Magazine nominated FoxMandal as one of the top 100 leading firms in the world. FM was also acknowledged by “**ACQ5 Law Awards 2017**” for “**National Law Firm of the Year**” for work done across all areas. FM was also acknowledged by “**Who’s Who Legal (WWL) 2016**” and “**Mr. Som Mandal was featured as a top legal consultant in Energy and Mining sector in India**”. FM was recognized by “**Legal 500 magazine 2015 edition**” for work done across all areas. FM was awarded the “**India Law Firm Awards 2014**” for the best **Corporate Commercial Law Firm** by “**India Business Law Journal (IBLJ)**”. FM was featured in “**The lawyers- 2014 Asia**

Pacific 150” amongst “Top 10 Indian law firms”. FM won **“Acquisition International M&A award 2014”**. FM was awarded the **“Disinvestment law firm of the year – India”** by **Intercontinental finance magazine (ICFM)**, 2014. FM won the **“Acquisition international Dispute Resolution Firm of the Year Award 2013”**. The firm won **“Intercontinental Finance 2012 Global Award”**. FM was awarded the best **“Dispute Resolution Law Firm 2012 Finance Monthly Law Awards”**. FM won **“The Best National Law Firm, 2008”** award by the **International Legal Alliance Summit & Awards, 2008** at Paris and distinguished during the International Legal Awards Ceremony amongst the leading law firms from 22 countries. We have been awarded the **“Employer of Choice, 2008**, a response among over 15,000 lawyers region-wide by **ALB (Asian Legal Business)**. FoxMandal has been recognized with **“Client Choice Award, 2007”** in India from more than 1,300 individual assessments received from corporate counsel worldwide by **ILO(International Law Office)**, the **Official Partner to the International Bar Association**, for FM stands apart for the excellent client care and the quality of service. It has been awarded for the law firms' ability to add real value to their clients' business above and beyond the other players in the market. Amongst others, we have been adjudged as **“The Best Law Firm of the Year”** for India in 2006 by **IFLR (International Financial Law Review)**, a Euromoney publication.

The firm’s practice areas includes, banking and finance, (including project finance, capital markets and mutual funds), initial public offerings, insurance, commercial disputes, property law and conveyancing, corporate and commercial law, energy (including coal, oil and gas), mining, telecommunications, intellectual property, partnership, testamentary, air law (including aircraft leasing), shipping, taxation, direct and indirect, and dispute resolution by litigation and arbitration before international and domestic tribunals.

This firm’s strength is its team of experienced and trained lawyers who treasure the value of diligence and knowledge as well as creativity and innovation in addressing their client’s needs. FM aims to offer to its clients, legal advice that meets the clients’ needs and expectations, and in this it has been hugely successful as is evidenced by the firm’s ratings by various international journals.

The firm is one of the few Indian firms that carries insurance for professional negligence to provide comfort to international clients, though the same is not mandatory in India. This is in line with international practices where law firms are required to have professional negligence insurance, to safeguard the interests of their clients.

The firm is well-reputed and presents an appropriate mix of the necessary legal expertise, industry specialization and commercial acumen. The firm has a rich and varied experience in every aspect of:

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| Admiralty and Maritime Law | Arbitration and Dispute Resolution |
| Anti Dumping | Aviation |
| Banking Securities and Finance Services | Corporate and Commercial |
| Consumer and Product Liability | Disinvestment (Privatisation) |
| Employment and Industrial Relations | Environmental Laws |
| Energy (Oil & Gas) | Franchising |
| Immigration and Nationality | Infrastructure (Road, Airport, Port, Rail) |
| Information Technology | Insurance |
| Intellectual Property | Litigation |
| Mergers & Acquisitions | Project Finance |
| Real Estate and Construction | Outsourcing |
| Taxation | |

The firm has vast experience in all aspects of competition law and anti-corruption matters, including devising compliance programs relating to competition law, anti-bribery, anti-corruption laws/rules and requisite regulatory filings in this regard. Our core Competition law and anti-bribery Practice Group is assisted by in-house experts from other related key areas such as corporate compliances, intellectual property, etc.



An indicative list of matters relating to competition law, anti-bribery & corruption laws handled by the firm is as under:

1. Drafted compliance manual for **Jabil Circuit Inc, US**, to be complied with by its Indian subsidiary, Jabil Circuit India Private Limited, pertaining to, *inter alia*, competition laws.
2. Advised **Tyco International Asia Inc** on resale price maintenance.
3. Acted for **Tata Libert** in relation to restrictive trade practices.
4. Acted for **Heinz India (ltd)**. against **Chaitra Leo Burnet** in relation to unfair trade practices in T.V commercials.
5. Represented **Hyundai Motors India Limited** against **Maurti Udyog Limited** in relation to unfair trade practices through print campaign published in leading newspapers showing Hyundai products being of inferior quality as compared to Maurti cars.
6. Represented **Hyundai Motors India Limited** against **Daewoo Motors** in relation to unfair trade practices through print campaign published in leading newspapers.
7. Represented **American President Lines and others** against **Nehas Creations**, in a matter under the Carriage of Goods Act and the Monopolies and Restrictive Trade Practices Act, relating to unfair trade practices.
8. Represented **Akshardham Temple** in a PIL filed by an NGO against the **Principal Secretary, Lucknow, U.P and Akshardham Temple**. This was a case filed in the Supreme Court DDA Land Allotment Scam wherein it was alleged that the land allotted for construction of the temple was acquired through corrupt means and through political pressure.
9. Advised **Dow Chemical Company** on various issues under the Monopolies and Restrictive Trade Practices Act in relation to whether price fixation would tantamount to breach of the Act. Proceedings were pending before the US courts and FM had provided expert evidence by way of affidavit.
10. Advised **Simpson Thacher & Bartlett LLP**, on an antitrust matter in relation to merger control law in India.

11. Advised **Continental Airlines** on various issues under the Monopolies and Restrictive Trade Practices Act.
12. Advised **Norske Skog** on various issues under the Competition Act.
13. Acted for **Panalpina World TPT India Ltd** in an action before the Monopolies and Restrictive Trade Practices Commission.
14. Advising a U.S. based company on anti-bribery and corruption laws in India.
15. Advised **Citigroup** in relation to a criminal case under the provisions of the Prevention of Corruption Act against the joint venture partner.
16. Advised **Lucent Technologies** in relation to whether a particular provision breaching section 27 of the Contract Act would be hit by the Monopolies and Restrictive Trade Practices Act.
17. Advising **Win Medicare** and **Modi Mundipharma** in relation to unfair trade practices through print advertisements.
18. Advised **Tyco Valves & Controls M.E.** in relation to illegal remittance of money from abroad into an Indian bank account. Court issued a stay order preventing the Indian employee from withdrawing funds out of the account.



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