

India

Practices and Industries

PRIMARY CONTACTS

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India's economy is rapidly expanding and offers unique trade and investment opportunities. India is quickly developing into a global center of technology, but many other sectors are also growing at an unprecedented pace. As economic ties deepen between the United States and India, businesses and entrepreneurs need experienced counsel who can guide them through the different business cultures and laws and help them capitalize on new opportunities. With years of experience working on matters relating to India, Haynes and Boone attorneys are key advisers to emerging and established companies in a wide variety of industries.

Our attorneys offer a combination of superior cross-border transactional capabilities, together with prominent regulatory, governmental relations, and litigation/arbitration capabilities. This combination allows us to offer clients extraordinary depth and scope of service. Although we, like other foreign firms, are not qualified to practice law in India, we work regularly with several leading Indian law firms and barristers to address the particular needs of our clients.

With many years of experience in the region, we offer our clients an understanding of the Indian legal environment and business community that ensures transactions are completed with speed, efficiency and sound judgment. We have particular experience in cross-border transactions and those involving the laws of multiple jurisdictions.

Technology and Outsourcing

The main focus of this practice is to help clients manage and leverage their mission-critical technology and business processes. Representing both users and providers of technology and outsourcing services, we are very well positioned to help, and we access our capabilities to address virtually any issue that can arise in the structuring, negotiation, renegotiation or workout of complex technology and outsourcing relationships. Our lawyers in this practice area distinguish themselves from other firms in multiple ways, including: (1) having advanced degrees in law, business and engineering; (2) having the experience to draft and negotiate all aspects of a transaction including, for example, the master terms and conditions, statement of work, performance standards and pricing; and (3) using lean staffing to work collaboratively with clients to "get the deal done" in a cost effective and timely matter.

Projects

Haynes and Boone prides itself in having an extraordinarily accomplished and experienced Projects group. Our lawyers have pioneered the application of limited recourse project finance techniques internationally for more than 30 years. We have represented the full spectrum of project

participants, including credit providers, underwriters, advisors, sponsors, project joint ventures, insurers, contractors, government agencies, and multilateral institutions.

We have represented clients in projects in industries such as:

- Oil and gas
- Petrochemicals, including exploration, production, storage, refining, gasification and LNG
- Power, including independent power projects, cogeneration, coal, hydroelectric, nuclear, wind and alternative power
- Power transmission and distribution
- Pipelines
- Telecommunications
- Waste disposal and recycling
- Mining and natural resources
- Pulp and paper
- Transportation, including airports, rail, roads, and shipping
- Other types of infrastructure

Our [Projects](#) Practice is strongly involved in matters relating to asset dispositions, restructurings, credit enhancements, and political risk mitigation techniques. We regularly draw upon our lawyers and professionals who have expertise in supporting fields such as M&A, energy regulation, tax, bankruptcy, environmental regulation, and international trade.

International Trade Regulation

The growth in trade between the United States and India has led to a number of trade frictions, with antidumping and countervailing actions filed in both countries involving products from shrimp to steel. Haynes and Boone, LLP has been a leader among U.S. law firms in this practice, representing India's largest private sector steel producer in multiple proceedings. Our experienced trade lawyers, including a former Assistant General Counsel of the U.S. International Trade Commission, are adept not only at trade litigation support, but also at counseling our clients to avoid problems before they arise. This includes advice on export controls and international sanctions, pricing and competition issues, and intellectual property rights and remedies. We work closely with leading lawyers in New Delhi and elsewhere in India to provide our clients balanced advice with close regard to the legal systems of both countries.

Representative Experience in India

- Represented a developer, equity participant and equipment supplier in connection with its participation in a 2,100-MW, US\$3.1 billion project financing of a power plant in the State of Maharashtra, India.
- Represented a developer in the planned expansion of a 660-MW coal-fired project in Orissa, India.
- Represented a developer of a planned 1,000-MW coal-fired project in Karnataka.
- Represented a financial sponsor in various Indian telecommunication projects, including Spice Cell Company.
- Represented a U.S. company in connection with its joint venture in India for the development of mid-market business hotels.

- Represented state entities of Turkmenistan regarding the Turkmenistan-Afghanistan-Pakistan-India gas pipeline project.
- Represented Tata Steel in connection with the U.S. Department of Commerce administrative reviews of antidumping and countervailing duty orders on certain hot-rolled carbon steel flat products from India.
- Represented a major Indian chemical company in the acquisition of assets of a U.S. chemical, including the due diligence review, which focused on particularly complex legacy (and ongoing operational) environmental issues, as well as drafting and negotiation of the agreements for the proposed transaction.;
- Represented interested parties in connection with the sale of a captive software company in India.
- Represented a U.S. building supply company in establishing a local sales representative in India.
- Represented a geo-spatial technology company (Indian company) in connection with a dispute under a memorandum of understanding with a U.S. company.
- Represented a U.S. consulting company in its stock acquisition of an Indian consulting company.
- Represented a U.S. healthcare provider in connection with a memorandum of understanding for the acquisition of an Indian hospital group.
- Represented a U.S. financial software company in connection with its Reseller Agreement with an Indian company.
- Represented customers in the U.S. on transactions that outsourced applications maintenance and development work to companies in India.