THINKING AHEAD FOR YOU. ALWAYS.

SD PARTNERS
ADVOCATES & SOLICITORS

KANISHKA PRASAD

Associate Partner

Advocate-on-Record, Supreme Court of India

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OVERVIEW

Kanishka Prasad is an Associate Partner at SD Partners with over a decade of experience in complex dispute resolution, with particular emphasis on insolvency and restructuring litigation, commercial disputes, and civil matters.

As an Advocate-on-Record at the Supreme Court of India, Kanishka regularly appears before the Supreme Court, various High Courts, and specialized tribunals including NCLT and NCLAT. Her practice is characterized by strategic thinking, meticulous preparation, and effective advocacy in high-stakes matters.

Kanishka guides clients through every phase of insolvency proceedings under the IBC, from initiation through CIRP to resolution plan approval and implementation. Her deep understanding of the Code's evolving jurisprudence, combined with practical litigation experience, enables her to navigate complex stakeholder dynamics effectively.

She has represented financial creditors, resolution professionals, and other stakeholders in 50+ matters before NCLT, NCLAT, and Supreme Court, including landmark cases establishing important IBC precedents.

PRACTICE FOCUS

- Insolvency and Bankruptcy
- Dispute Resolution
- Civil and Commercial Disputes

- RERA Disputes
- Consumer Disputes
- Service Matters
- Intellectual Property Rights infringement disputes

EDUCATION

- LL.B., ILS Law College 2010-2013
- B.A. (Hons) Psychology, International College for Girls, Jaipur 2007-2010

BAR ADMISSIONS

- Bar Council of Delhi, 2013
- Advocate-on-Record, Supreme Court of India, 2023

PROFESSIONAL MEMBERSHIPS

- Supreme Court Advocates-on-Record Association
- Supreme Court Bar Association

LANGUAGES

English, Hindi

REPRESENTATIVE EXPERIENCE

Supreme Court Matters:

- Represented State Bank of India led consortium in proceedings concerning the interplay between personal insolvency and implementation of the resolution plan in MBL

Infrastructure Limited, including challenge to initiation of personal insolvency against the successful resolution applicant.

- Represented promoters of Sarbat Cotfab Private Limited in the Supreme Court in a successful challenge to the NCLAT order rejecting the resolution plan.
- Assisted client in significant real estate cases, including *Pioneer Urban Land & Infrastructure Ltd. v. Union of India (2019)* in the Supreme Court, which affirmed the legitimacy of including allottees/homebuyers as Financial Creditors.
- Assisted a client before the Supreme Court of India in *Centre for Public Interest Litigation v. Registrar General of High Court of Delhi,* 2016 SCC OnLine SC 758 - matter relating to the discrepancies in the DJS Examination.
- Assisted a client before the Supreme Court of India in *Kailas Namdeo Patil and Others v. the State of Maharashtra, (2016) 14 SCC 298* and successfully secured the acquittal of one of the accused[Additional Supreme Court matters]

NCLAT Appeals:

- Represented a Resolution Professional before NCLAT in McNally Bharat Engineering Company Limited in relation to stakeholders claim and in relation to resolution plan process.

- Represented Resolution Professional before NCLAT in *Jindal Stainless Ltd. v. Mr. Shailendra Ajmera RP of Mittal Corp Ltd. & Ors*. wherein the Tribunal held that there can be no fetter on the power of the CoC to cancel or modify any negotiation with the Resolution Applicant including a Challenge Process but it is the wisdom of the CoC to take a decision in that regard.

- Represented Axis Bank and other assenting financial creditors in the Birla Tyres insolvency appeal before NCLAT, resulting in dismissal of the appeal of the dissenting financial creditor's challenge to the distribution mechanism.

- Represented Resolution Professional in appeals arising from the insolvency of Rajesh Business & Leisure Hotels Pvt. Ltd., where NCLAT set aside the NCLT order and upheld the commercial wisdom of the Committee of Creditors in approving the resolution plan.

- Represented the State Bank of India led consortium in appellate proceedings relating to MBL Infrastructure Limited concerning payment priority to dissenting financial creditors under the resolution plan

- Represented the Liquidator of Maximum Agency Pvt. Ltd. before NCLAT in successfully opposing a time-barred appeal filed by Kolkata Municipal Corporation.

- Represented financial Creditors/ members of the Stakeholders Consultation Committee in Lanco Vidarbha Thermal Power Limited before NCLAT in regard to the issue of payment of payment of PF and gratuity as CIRP cost.

- Represented client in significant real estate case *Flat Buyers Association Winter Hills – 77 v. Umang Realtech Pvt. Ltd.* in the NCLAT, which introduced the concept of 'Reverse Corporate Insolvency Resolution Process' for real estate projects.

NCLT Proceedings:

- Provided litigation support to State Bank of India in the CIRP of Jaiprakash Associates Ltd., before the NCLT.

- Represented the Resolution Professional and later the Monitoring Committee in McNally Bharat Engineering Company Limited in CIRP, approval of resolution plan, and subsequent implementation-related proceedings before NCLT.

- Advised and represented the Resolution Professional of Simplex Projects Limited across CIRP stages and subsequent proceedings concerning failure and re-running of the resolution process.

- Acted for the Resolution Professional of Rajesh Business & Leisure Hotels Pvt. Ltd. in proceedings for approval of resolution plan and CIRP-related challenges before NCLT.

- Advised and represented the Resolution Professional of Mittal Corp Limited across CIRP stages for the approval of resolution plan and subsequent implementation related proceedings before NCLT.

- Represented consortium lenders led by SBI in MBL Infrastructure Limited in applications relating to the implementation of the resolution plan and payment rights of lenders.

- Provided litigation support in avoidance transaction applications, CIRP initiation matters, and plan-implementation disputes for various stakeholders including banks, resolution professionals and corporate applicants before different NCLT benches.

Commercial Disputes:

- Represented clients in commercial and contractual disputes before the Supreme Court of India, Delhi High Court and other forums.

- Appeared and assisted in arbitration matters including EPC disputes, challenges to arbitral awards and enforcement proceedings.

- Advised and represented parties in real estate and commercial disputes under RERA and consumer laws.

- Represented clients in intellectual property disputes, including trademark infringement matters. Advised and appeared in MSME, conciliation and commercial recovery disputes involving companies, contractors and service providers