

Captive and C&I Project Development

AZB & Partners is widely regarded as a leader in this space, having advised on numerous renewable energy projects, particularly in the solar, wind, hydro, biomass and waste to energy sectors. Our clients include financial / strategic investors (including Indian and foreign sovereign funds), project companies, sponsors, contractors, banks and financial institutions, including ECAs. The Firm and its lawyers have advised on investments into / exits from renewable energy platforms, as well as on individual assets.

Our work includes:

- Advising on acquisitions, entry / exit strategies, foreign investment regulations and joint ventures (JVs)
- Assisting with legal / regulatory issues concerning renewable projects to evaluate their feasibility
- Drafting / negotiating project, investment, financing, security and engineering procurement construction (EPC) and operation and maintenance (O&M) agreements with counterparties, including governmental authorities
- Assistance with dispute resolution before courts, tribunals and regulatory bodies in relation to project related / regulatory issues
- Advising on tariff / regulatory issues
- Advising on antitrust, capital markets, intellectual property, tax, employment / pension and real estate issues
- Advising on the regulatory framework governing development of renewable energy projects and transaction structuring



International Finance Corporation on establishing a ground-mounted and rooftop solar energy-based group captive power solution between the participating tenants of the Mahindra World City, Chennai, India's first integrated city and Greenfield operational special economic zone (MWCD) – a JV between the Mahindra World group and Tamil Nadu Industrial Development Corporation.



L&T Infrastructure Finance Company L&T) on the group captive status of a (i) 50.4 MW operational wind power project in Tadas, Karnataka, set up by Renew Wind Energy (Karnataka); and (ii) 50 MW operational wind power project in Karnataka, owned by the Hero Group.



Tata Power on all legal and regulatory aspects of changing the structure of a captive power plant to a generating power plant, including advising on shareholding and power consumption requirements under the Electricity Act, 2003 and the Electricity Rules, 2005.



Adobe India with respect to (i) procuring 10 MW power for captive use in its facilities located in Noida – the source being a 70MW solar PV project in Uttar Pradesh; and (ii) proposed amendments to the Electricity Rules, 2005.



Prism Cements on its proposed investment in BLA Power, with the objective of designating a unit of BLA's thermal power plant as a captive power plant and purchasing power from this unit as a captive power consumer.



Amtek Group on structuring the captive arrangement with its group companies relating to its captive power plant, including advising on the Electricity Act, 2003, the Electricity Rules, 2005 and the relevant judgements of SERCs and APTEL.



CLP India on all legal and regulatory aspects of the proposed conversion of its operational wind farm project in Tamil Nadu into a captive / group captive generating plant



LM Wind Power Blades (India) Private Limited on procuring power for its manufacturing facility in Karnataka from a captive power project.



Focal Energy on its power supply arrangement from its group captive solar PV power project located in Rajasthan to KEI Industries.



Green Infra Wind Farms on setting up its 24 MW group captive wind power plant in Tamil Nadu



UltraTech Cement on the documentation for its procurement of power on a captive basis for its cement making facilities



ENGIE on its proposed development of a solar power project on a group captive basis.

Energy & Infrastructure

AZB & Partners is widely regarded as a leader in energy and infrastructure sectors, having advised on numerous townships and real estate, waste management, water, IT, energy and other urban infrastructure projects. Our clients include government agencies, development financial institutions, project companies, sponsors and contractors.

Our work includes:

- Analysing and advising on the regulatory regime governing energy and infrastructure projects
- Due diligence on the project companies and project
- Evaluating the legal feasibility of projects, including land related aspects and structuring financing transactions and documents accordingly
- Transaction structuring based on the law, commercial objectives and best industry practices
- Drafting, reviewing and negotiating tender documents, including concession agreements, supply and service level contracts, sub-contracts and EPC and O&M packages under turnkey and split contract structures
- Conducting bid selection processes and advising on critical issues during selection process, including with respect to principles of international competitive bidding and the administrative and other applicable laws



Model Economic Township, a Reliance Industries Limited subsidiary, engaged in developing an industrial township project in District Jhajjar, Haryana, involving (i) advising on land laws and the land acquisition process; and (ii) drafting and finalizing contracts for various construction activities and utilities, including water supply, sanitation facilities, waste collection and disposal, street lighting and other urban infrastructure.



The Department of Telecommunications, Ministry of Information and Technology and Bharat Broadband Network on corporate and regulatory advice in relation to the 'BharatNet Project,' India's largest project in telecommunications on a PPP basis, aimed at creating 9 packages across 16 Indian states, comprising individual or multiple telecom licensed service areas through a design, build, finance, operate & transfer ("DBFOT") concession.



International Finance Corporation and the Government of Maldives on a solid waste management project in the Maldives, involving (i) reviewing environment regulations in the Maldives for implementing a solid waste management program for residential and C&D waste, on a PPP basis; (ii) advising on the contract structure to be adopted for awarding the project to a private participant; and (iii) drafting of bid documents and transaction documents.



Veolia India on (i) its investment in a company engaged in constructing and operating waste management; (ii) setting up an effluent treatment plant in an industrial area owned by the Maharashtra Industrial Development Corporation; (iii) its development of re-use and brackish water plants in Gujarat; and (iv) its investment in an environmental management company providing total turnkey project supplies and analytical, operation, maintenance and consultancy services.



IFC and the Government of Rajasthan on selecting an energy saving company for the development and maintenance of an energy efficient mechanism for public street lighting in the cities of Jaipur, involving (i) drafting and finalizing the bid and transaction documents; and (ii) providing regulatory advice on public street lighting and the functions of power utilities and municipalities.



Earnest Towers (an SPV of Vornado Realty Trust, Starwood Capital Group, Urban Infrastructure Real Estate Fund, The Chatterjee Group, Hiranandani Properties, Sharanya Trading and Jai Corp) on the setting up and formation of the 'First International Financial Centre Condominium,' involving drafting and finalizing various construction and utility contracts.



Ranchi Smart City Development Corporation on formulating various Value Capture Financing Tools for its smart city development under the Smart City Mission of the Government of India, involving (i) a legal analysis of existing state and municipal laws in Ranchi; (ii) advising on various VCF tools; and (iii) assisting with proposed changes in existing state and municipal laws.

ZURICH AIRPORT



Zurich Airport and Yamuna International Airport on its bid to develop the greenfield Noida International Airport at Jewar on a DBFOT basis, involving (i) reviewing the bid and transaction documents; (ii) preparing/submitting the financial and technical bids; (iii) advising on the transaction structure of the SPV; (iv) designing and drafting bid documents for the selection of contractors.



China Fortune Land Development on its proposed 1500 acre industrial model township in Haryana, involving (i) contract drafting and negotiation; (ii) advice on land acquisition proceedings under the Land Acquisition Act, 1894; and (iii) the position of the Swiss Challenge Method under Indian law.



Shapoorji Group on setting up and developing a residential group housing project and development of special township project in Pune, involving (i) drafting bid documents for selecting contractors; and (ii) contracts relating to the construction, development and maintenance of various parts of the township under split and composite packages.



Steel Authority of India in connection with the selection of a contractor for the maintenance of its townships in various states in India, on PPP basis, involving (i) preparing risk matrices and highlighting key risks in the tender; (ii) advising on the mitigation plans; (iii) drafting the requisite bid documents.



Mahindra & Mahindra in connection with its proposed JV with United Utilities to implement the Tirupur water supply project, involving (i) structuring the transaction for the JV company; and (ii) drafting and finalizing the transaction documents.



Alfanar Energy on the construction, development and operation of a 50 MW solar power plant in Benban Egypt, including reviewing the financing documents and drafting the EPC contracts.



EverSource Capital in relation to setting up of solar power projects in various Indian states, involving drafting and finalizing the requisite contracts for setting up rooftop and ground mounted Solar PV projects and T-lines.



Gujarat Water Infrastructure on the drafting various agreements in relation to its construction of a 100 MLD sea water desalination plant on a PPP/DBFOT basis at Jodiya-Jamnagar, Gujarat, a first-of-its-kind pilot project in Gujarat.



Terrawatt Initiative and International Renewable Energy Agency on (i) evaluating regulations on the cost of solar energy; (ii) the standardization of solar contracts for global efficiency; and (iii) developing a Common Risk Mitigation Mechanism for solar projects.