

In Conversation with Sudipta Ghosh, General Counsel. CLP India Private Limited

In an exclusive conversation with Ashima Ohri, Ms Ghosh shares the three most essential for lawyers who want to work in the energy sector. Read on to find out more

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DON'T LET ANYONE TELL YOU THAT YOU CAN'T. DREAM BIG AND FOCUS ON THE GOAL. IF YOUR CORE VALUES AS A LAWYER REMAIN THE SAME, THERE AREN'T ANY SPECIAL TRAITS NEEDED FOR SUCCESS BESIDES COMMITMENT AND HARD WORK.

SUDIPTA GHOSH | GENERAL COUNSEL | CLP
INDIA PRIVATE LIMITED

Ms Ghosh your primary areas of practice include project financing and infrastructure projects. You are currently working with CLP India Private Limited, which is one of India's largest foreign-owned power company with an extensive experience of advising, drafting and negotiating project documents in the energy sector along with the execution of both conventional and non-conventional power projects in India. How has this journey been so far and where did it all begin?

My journey as a lawyer began almost two decades ago when I returned from London as a trained corporate lawyer, and it has been one thrilling ride, I dove head in into the manic world of corporate law, starting at Trilegal and then a few years at Amarchand.

At Trilegal, I had the opportunity to work with the infrastructure and energy team and was involved in advising various companies on the legal aspects of setting up conventional and renewable projects in India. Trilegal trained me in various legal specialities but the dynamics of a highly regulated power sector immensely intrigued me, and this led to the beginning of my journey in the energy and power sector.

To further hone my skillsets and knowledge of the power sector, I joined the infrastructure practice of Amarchand Managldas (now known as Cyril Amarchand Mangaldas & Associates) in 2007. At Amarchand, the learning curve was steep, it was primarily because of the quantum of transactions. I was trained to handle and manage multiple transactions at a point in time with precision and diligence. There was no room for errors!

What are the three most important things lawyers should take note of if they want to enter the energy sector.

Three most things for a lawyer to note:

1. Please wear your commercial and technical hat along with the lawyer hat. Remember there's no room for someone being only a lawyer! It's very important to have a holistic understanding of the business from various aspects and of various stakeholders, the IPPs, funding banks and financial institutions, the government and regulatory bodies
2. Power sector is a heavily regulated sector, so it is extremely important to keep track of constantly changing regulations and be updated
3. Don't label yourself as a corporate lawyer. Come with an open mind to be a lawyer with a wide variety of experience in litigation, M&A, regulatory work, financing and the entire gamut of legal work.

How has the role of a GC evolved over the years and what does it take to be a GC of your stature. Would you please allow us a peek into your role at CLP? What does this entail?

When I started my career in 2004, a General Counsel was viewed as the person who provided and managed the course of all the legal services for the company. They were often described as the gatekeepers of corporate governance. As my career progressed, the corporate world became a whole new world and with this change the role of in-house counsels, and more specifically that of the General Counsel also evolved. In today's corporate world, the role of a General Counsel has evolved to handling issues regarding strategy and risk, in addition to standard legal matters. The role of the General Counsel has expanded into being more business savvy to give relevant legal advice.

In my view, for the in-house lawyers to understand the legal risks involved, they need to better understand how the business works. They need to understand the levers within the company. During the course of my career, I have realised that the more I understood about business processes, the more the business teams trusted that I was helping them figure out the best way to get their projects done, on time, under budget and without legal repercussions. Hence, as a General Counsel, it is my and my teams' constant endeavour to become counsellors in the truest sense of the term, to not only prevent problems before they could materialize but to offer innovative legal strategies that support the business goals. We participate in strategic meetings and provide counsel as decisions are made, rather than to clean up the mess after they have occurred. We proactively advise the business decision-makers about regulatory change that could affect business operations.

As the General Counsel of CLP India, I am actively involved in advising the company on various legal aspects of setting up conventional and renewable projects, M&A transactions especially for the acquisition of projects and works closely with the business teams to establish business terms, identify legal issues and decide what type and level of risk is acceptable.

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