

ADAPTABILITY





Solicitors & Advocates



FOREWORD

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FOREWORD

"Fox & Mandal" was recognised as a leading law firm when I joined the Bar in the High Court at Calcutta. Right through my career "Fox & Mandal" gained a reputation and represented its clients in diverse litigations involving Constitutional, Commercial and Personal laws. Its clients included both Central and State Government undertakings.

The present book highlights the adaptability of the firm, traces its origins and provides an enriching chronicle of its history of one hundred and twenty five years of its legacy and its achievements.

Over the years, I have thoroughly enjoyed engaging with the bright and hardworking minds of the promising young lawyers who are an integral part of Fox & Mandal. In the changing legal landscape, where niche fields are becoming more and more prevalent, Fox & Mandal stands out for having experts in various fields, thereby providing litigants with the option of a firm that covers the entire gamut of different areas of both litigation and advisory practice. Lastly, I would be remiss if I didn't mention the many unseen members of the Fox & Mandal institution - from the clerks to the office boys to the cleaners to the stenographers - who have all played a vital role in making the institution what it is today.

I have had the pleasure and privilege of being instructed by its past and present partners. I am sure that the present partners Mr. Debanjan Mandal and Mr. Asoke Kumar Dhar will take the firm forward with its reputation well protected.

As the firm expands its foot print I wish it all success.

Soumendra Nath Mookherjee

(Soumendra Nath Mookherjee)

Advocate General for the State of West Bengal



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FOREWORD

To captivatingly narrate the more than century long and continuing journey of a law firm within a coffee table message is challenging, as one may fail to capture all the riches of the journey. Perhaps multiple ways of looking at the story of Fox & Mandal may come close to doing justice. The first, and most obvious, is its longevity — 125 years of uninterrupted existence, which is both a measure of its endurance and the exalted reputation the firm enjoys. I am sure one day it may claim credit with some of the oldest Law Firms i.e. 1. Rawle Law Offices (Estd. in 1783), Wadra Ghandy & Co, Mumbai (Estd.1883), Little & Co (Estd.1856) and Thomson, Snell & Passmore (Estd.1570), Kent, United Kingdom.

Another aspect of the story is the law firm's expanding footprint, from Kolkata where its visionary journey began in 1896 to the wider eastern region and now to the National Capital Territory. Since expansion is intrinsically linked to adaptability, this is a reflection of how the firm has evolved, from a small entity into an inclusive, professionally managed organization in sync with the changing times. The march from Pre-Independence to post globalisation keeping continuity and pace with immense changes without break is remarkable. The potential for deep research into the link between law and economics as changes are ushered in is verily in the veins of the Firm.

A third aspect of the story is Fox & Mandal's beginnings — how a meeting between two young attorneys, one an Englishman and the other an Indian, led to the firm's establishment. Mr. J.K. Fox and Mr. G.C. Mandal are said to have met at the Freemasons' Lodge in the then Calcutta as members of the oath-bound fraternity. What they went on to do was unprecedented: an Indo-British equal-partnership law firm. Not too long ago, Indian lawyers were still largely on the periphery of the fraternity. In a way, therefore, the partnership was a definite acknowledgement that Indian lawyers were as competent as their European counterparts. The story continuous.

Each of these individual aspects is a story by itself. But what fascinates me is the underlying thread: a reminder that destiny works in intriguing ways and that it is up to us, humans, to take the cue from various chapters of history dream high and act accordingly. Where this coffee table compilation succeeds is the way it presents the thread and, through it, a slice of India's legal heritage from the closing years of the 19th century without going too much into the intricacies of law. What it offers, instead, is a quick, easy read, with just enough to interest both students of law and the lay reader. I stand in due praise.

Congratulations to Mr. Asoke Kumar Dhar, Mr. Arun Kumar Mandal, Mr. Debanjan Mandal, a fourth-generation lawyer from Mr. G.C. Mandal's family, their partner in Delhi, Mr. Kunal Vajani and their other partners for coming up with the idea of a coffee table book to commemorate a remarkable milestone. And my best wishes for the long journey ahead.

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Tushar Mehta
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FOREWORD

A law firm by its very nature implies gravitas, a reputation built over the intellectual thrust and parry of razor-sharp logic. To be counted among the better-known law firms of the day enhances that status further. But to have maintained that impeccable reputation for 125 unbroken years is an extraordinary achievement. It is my pleasure that I have been asked to write the foreword for this coffee table compilation on Fox & Mandal, one of India's oldest law firm with a legacy since 1896 and which has also recently been honoured by India Post with the rare tribute of a Special Day Cover, possibly the only such instance in the country's legal history.

This book does not go into the complexities of law. That is not its intention and there are enough weighty tomes for those interested in such pursuits. What it offers instead is an engaging account of a tale which started in or around the year 1896, of a partnership (and that too, in the days of the East India Company, an equal partnership) between John Kerr Fox and Gokul Chandra Mandal, two young lawyers, the former a British Attorney and the latter an Indian, and through their story and that of their successors who have been part of the firm, a glimpse of India's legal heritage. Today, Debanjan Mandal, a fourth-generation lawyer from G.C. Mandal's family is a Managing Partner of Fox & Mandal amongst those leading from the front, in the firm's journey to its next milestone. In a way, therefore, the story of Fox & Mandal mirrors the evolution of India's legal history, from the closing years of the 19th century to the present.

My congratulations to Fox & Mandal for coming out with this highly readable book that also details how, as a brand, it has adapted to the challenges of time and a changing world, moulding itself to an inclusive, professionally managed entity where the story is all about the firm and not of an individual or family. It is stories like these that contain valuable lessons — especially those that can make a difference between struggling existence and robust survival. I also take this opportunity to congratulate Debanjan on his collaboration with Kunal Vajani for expanding Fox & Mandal's own footprint to the National Capital. I wish Fox & Mandal the very best for the years ahead.

(Tushar Mehta)

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FOREWORD



“THE CHARM OF HISTORY AND
ITS ENIGMATIC
LESSON CONSIST IN THE FACT THAT,
FROM AGE TO AGE,
NOTHING CHANGES AND YET
EVERYTHING IS
COMPLETELY DIFFERENT.”

ALDOUS HUXLEY

FOREWORD

Debanjan Mandal, Managing Partner



Mr. John Kerr Fox, an Englishman, and my great-grandfather, **Mr. Gokul Chandra Mandal**, came together to establish a firm of solicitors: **Fox & Mandal**



Enigmatic words indeed, from one of the foremost thinkers of the last century, but what Huxley sought to convey through this nuanced assertion in his non-fiction novel, *The Devils of Loudun*, where the above quote has been taken from, was that our ‘fundamental identity’ remains the same; it’s only the context that changes. The context has changed for us too, possibly in every frame of reference. What has not changed are the values of the firm on which this book is based, which is what we have inherited. This coffee table book on Fox & Mandal, the-125-year old law firm of India, of which I have the privilege of being the Managing Partner, was an initiative of Times Response (a unit of the Times of India Group), which took pains to author and publish it.

And now that it is done, this has veritably become a walk down the intangible lane of memory, so to speak, to relive and recreate the subtle turns on the road, the bends manoeuvred, that made the difference between discontinuity and robust survival.

More than a century ago, in 1896, two young attorneys, Mr. John Kerr Fox, an Englishman, and my great-grandfather, Mr. Gokul Chandra Mandal, came together to establish a firm of solicitors: Fox & Mandal, one of India’s oldest law firm. Legend has it that the two men, one barely thirty, the other even younger, met at the Freemasons’ Lodge in the city of Calcutta members of the fraternal, oath-bound society. It

would be the beginning of a successful journey. In fact, recognition would come early, within a few years.

By the turn of the century, Fox & Mandal had established itself as one of the most reputable law firms in the country. Some of the legally significant cases it fought - and won - would find mention in law journals of those times within a few years of its establishment.

John Kerr Fox died in 1921, and his son would relinquish all claims to the firm and Fox & Mandal would go on to become one of modern India’s premier full-service law firms. It is also perhaps the only instance of an Indo-British joint

venture in the legal field to have been in continued existence for more than 125 years.

Over the years, Fox & Mandal has transitioned itself from a family-driven entity to a fully professional organisation; which I consider a testament to its adaptability to the challenges of time and a fast-changing world while retaining its spatial connection to its genesis.

Fox & Mandal still operates from the same building where John Fox and G.C. Mandal started their journey together.

Fox & Mandal has taken all the challenges that came in its way, in its stride. What is the secret to Fox & Mandal's existence? How has it, as a brand, tackled the relentless alteration of situation and circumstance, both external and internal? When the firm started, India was still half a century away from freedom. Today, it is 75 years into Independence, a landmark that almost coincided with the firm's 125 years. India is a sovereign, billion-plus democracy with global heft. Along with politics, the economic framework too has altered, while commercial, corporate and constitutional laws, the fields Fox & Mandal specialises in, have become more complex to accommodate the intricacies of burgeoning

industry and enterprise. Yet the firm has thrived and remains one of the premier law firms in the country.

As a fourth-generation lawyer in the founding family of the firm, I felt all this needed to be acknowledged, not merely as a tribute to our forebearers but also as a written record for those who are to come later. Thus was born the idea of a coffee table book, to share with those interested in India's legal history; the story of the firm's genesis. This book is also a brief account of some of the key people who have helmed Fox & Mandal over the years, taking their legacy forward; while remaining true to the firm's fundamental identity and approach to business: the fine balance between profitability, the needs of contemporary society, and giving back to society a bit of what we take from it.

The book would not have seen the light of day without the untiring efforts of my legal assistant, Ms. Mahima Cholera, a young law graduate of the West Bengal National University of Juridical Sciences, a premier law college of India, to which she ascribes full credit for her legal skills. Mahima relentlessly pushed this project with the authors and publishers; and together with our Chief Operating Officer, Mr. Debasish Bose, IAS, made

this happen. Credit goes to the entire team at Times Response for authoring this, Mr. Sumit Das Gupta and his team for their valuable edits and inputs. Distinguished author and a friend, Mr. Alapan Bandyopadhyay, IAS, Chief Adviser to the Chief Minister of West Bengal, Chairman of the West Bengal Heritage Commission, and former Chief Secretary of West Bengal, guided me all through the exercise and pointed out the right resources to stitch this together: I remain indebted to him.

My wife, Anasuya, has always been a source of support and inspiration in this journey.





Ms. Madhurima Das, my sister, turned out to have more skill sets than I knew her to possess. With dogged determination and using research tools on the internet, she traced the present generation of the Foxes in some other part of the world; starting with archival records of the ship passenger manifest in which the Foxes left India in the 1950s! In the process, she foxed all of us. The last leg of this Sherlockian exercise was completed by Mr. Abhishek Khaitan, Solicitor and Managing Partner of Bower Cotton Hamilton LLP, London, UK, who interviewed the descendant of the first Fox in the firm living far across the globe and obtained photos and an acknowledgement of the historic association. My deepest gratitude to Abhishek for this.

And I give the last word to my friend, Ujjal Sinha of Genesis Advertising Private Limited, who convinced me of the capability of Adaptability while designing this book for us.

The biggest challenge we faced in putting this together meaningfully, was to piece together disjointed pieces of history, in the absence of most of the dramatis personae about whom this book is, with only hearsay pieces of information and some old records; a bit here and there,

that had to be stitched together in the societal context and presented in a readable way. When the Times Group wanted us to give them instances of the firm's involvement in leading cases, we had to put together an army of enthusiastic research students from the NUJS who were interning with the firm to rummage, under the watchful eyes of Mahima, through the depths of legal history and make us a list of reported cases where the firm was mentioned. The result was very satisfying; none of us ever knew that the first reported case located by the team, where the firm is mentioned as having appeared for one of the parties, dates back to a few years after the firm was born, way back to 1901! Credit also goes to my secretarial team, headed by Mr. Goutam Das, for bringing all the records together and the transcription.

All my partners deserve due credit for being integrally connected with this project at some stage or the other; in its ideation, incubation or execution.

Our senior partner, Mr. Asoke Kumar Dhar, and our erstwhile senior partner, Late Arun Kumar Mandal, have always encouraged me to bring this together.



P r e s e n t l e a d e r s h i p t a k e s f



resh guard for the next milestone

“no longer
caretakers of the
past, but
catalysts towards
a dynamic
future”.

At the same time as this book, came the new branding of the firm to distinguish us from two other similarly named but different and separate law firms. A premier branding agency of the country gave us a unique visual differentiation in a new logo. And the most exciting part of the journey was the design and release of the special cover and the stamp of the firm by India Post on the momentous occasion of Fox & Mandal, celebrating its quasiquicentennial; I am told it was the first in the history of India for a law firm.

I end this message with a line, the credit for which belongs to a young, next-generation lawyer, who said that to him it appeared that the new branding of the firm at 125, as its present leadership takes fresh guard for the next milestone, signifies that the partners were “no longer caretakers of the past, but catalysts towards a dynamic future.”

I hope that all of you readers enjoy going through the pages of this book as much as I did in bringing this together!

Thank you,
Debanjan Mandal
15th July, 2023

RECREATING
THE
BRAND

FOX & MANDAL



RECREATING THE BRAND

Kiran Khalap

Chapter One: Long-termism in Business, Worldwide

Is long-termism in business a growing rarity worldwide?

Data point: A McKinsey report said the average lifespan of S&P-listed companies in the USA was 61 years in 1958.

Today it is 16 years.

Or, are we wearing lenses coloured by current times and the US in general?

Data point: Back in 2008, a Bank of Korea report found that 5,586 companies in 41 countries were older than 200 years.

56% of these were in Japan (more about that later).

Data Point Two: Le Henokiens Association in Europe

“Membership to the Le Henokiens Association is based on company longevity (the minimum period of existence is 200 years) and permanence (the family must be the owner or majority shareholder of the company and one member of the founding family must still manage the company or be a member of the board).

“Furthermore, the company must be in good financial health and up-to-date.”

When we analyse “56% of these were in Japan...” we come up against several hypotheses.

Yoshinori Hara, dean and professor at Kyoto University’s Graduate School of Management, who worked in Silicon Valley for a decade, says

that Japanese companies’ emphasis on sustainability rather than quick maximisation of profit is a major reason why so many of the nation’s businesses have such staying power.

“In Japan, it’s more: how can we move [the company] on to our descendants, our children, our grandchildren?” he explains.

So, is the pursuit of profit a recent deviation, promoted by Nobel Prize winner Milton Friedman, who famously said; “The business of business is business?”

We are helped immensely in our pursuit of this understanding by Professor Colin Mayer of Oxford.

Amazingly, he starts with the etymology of the Goddess of Wealth in India.



"Lakshmi, the Hindu goddess of wealth, health, fortune, and prosperity. The roots of the word are laks and laksa, which respectively mean to perceive, observe, know, goal, aim and objective. Together, they signify ‘know and understand your purpose’.”

Prosperity follows clarity.

Then he enlightens us with the etymology of the word ‘company.’

“From Old French compaignon, literally ‘one who breaks bread with another’, based on Latin com- ‘together with’ + panis ‘bread’.”

Companies were all about working together, not trampling on other employees as if they were competitors.

That is what companies always did: build communities.

Whether it is Bournville in the UK or Jamshedpur in India.

He ends with an assertion for the future.

“Profit is not a purpose any more than the pursuit of happiness is a purpose of mankind. Indeed, profit maximisation is as unlikely to create wealth as hedonism is to achieve happiness.”

PS: For the record, chlorophyll defined and articulated the world’s oldest brand, Eternal Mewar. It is 1400 years old!

Chapter Two: Long-termism in India by Fox & Mandal

Against this backdrop, let’s consider Fox & Mandal.

How and why has it not just survived but thrived over 125 years?

At chlorophyll we use the scientific principles of branding to understand such successes.

The simple way to summarise our science is this.

Brands that thrive over time have, on one hand, a core belief that never changes, and on the other hand, the agility to adapt to every change in its stakeholders’ lives.

Imagine Fox & Mandal founded in 1896 in Kolkata.

Started as a partnership of Mr. John Kerr Fox, an Attorney of English origin, and Mr. Gokul Chandra Mandal, an Indian Attorney.





Today, this is the only instance of an Indo-British joint venture in the legal profession to have been in continued existence for more than 125 years.

What was the context within which Fox & Mandal operated then?

In 1896, the Indian economy was \$66 million. India was ruled by the British Crown; the Indian Penal Code was drafted by an Englishman (Thomas Babington Macaulay); with Chartered High Courts in Calcutta, Bombay and Madras and the Supreme Court in Calcutta.

Now imagine the context of Fox & Mandal today.

India’s economy at \$3 trillion-plus has just bested the UK’s; it is the world’s largest democracy; the legislative, executive and legal frameworks are guided by a Constitution inked by one of the greatest Indian legal minds (Dr. B. R. Ambedkar). New Delhi has the Supreme Court of India with 25 High Courts in the states.

Fox & Mandal’s success continues to prove the virtue of long-termism, one of the finest examples from India for the world.

The next question every intelligent individual would ask is; “How?”

How did Fox & Mandal manage this extraordinary journey with changing global configurations, changing governments, changing economies and changing laws?

When Debanjan Mandal came to chlorophyll, he came up with what we refer to as a ‘wicked’ problem, one that has seemingly no single correct answer.

In 1984, three of the then Partners of the Firm decided to open a new law firm headquartered in New Delhi, to expand the Firm’s footprint in North India. This was the genesis of the firm “Fox Mandal & Co.”

In 1996, three of the then Partners of the Firm decided to open a new firm in Bengaluru and named it “Fox Mandal & Associates”. Local partners were soon co-opted into each of the two firms.

That’s the wicked branding problem chlorophyll had to solve together with Fox & Mandal leaders: three firms with the same brand name or, if you wanted to be fussy, similar names.

How do you give yours a unique identity?

Option One: creating a new brand name would mean abandoning the invaluable goodwill and equity of the firm built over 125 years. Perish the thought.

Option Two: continuing would mean continuing the confusion in the minds of not just current but also future stakeholders.

Not just among clients, but among judges and counsel, even couriers!

Wicked problem indeed!

Chapter Three: Long-termism for Fox & Mandal in the future

To find the answer, we had to return to the original brand question: what is the unchanging core of Fox & Mandal established in 1896?

If we could find that, we could celebrate that in words and images.

Even better if the words and images that defined the original Fox & Mandal co-founded by Mr. Fox & Mr. Mandal, immediately separated it from the Foxes in 1984 and 1996.

Chlorophyll followed its time-tested six-step process. Practised its inside-out research first: structured brand dialogues with multiple employees. We distilled the learnings into two directions that would be valid for the brand Fox & Mandal for the next 125 years. Then we followed up with the Delphi technique of research.

- A Delphi interview is a 45-minute conversation with a trend or industry expert.
- We interviewed a mix of non-competing professionals, who were identified based on their areas of expertise having an impact on the project objective.

Senior Advocates, Judges and Clients

Dialogues with such a diverse group of experts allowed us the opportunity to step back and identify the points of convergence / intersections. We had a dialogue with 14 top-notch experts.

Amazingly, we realised that the three remarkable attributes that defined Fox & Mandal, were mirror images of all the attributes of global brands that have survived centuries ...as articulated earlier.

1. The balance between profitability that keeps the firm self-reliant, and the needs of society that elevates its purpose. Fox & Mandal is famous for starting the dialogue with its client to solve the key problem...which may not be legal at all!
2. The unique ability of adaptability: Does every problem have a solution? Yes, so let's start with a clear definition of the problem. Can research help excellence? Yes, let's conduct an online research to access the best data. Can technology add to efficiency? Yes, think through camera positions in online consultations!



3. The lack of obsession with one's own needs and a focusing instead on the needs of stakeholders.

The wicked problem was unravelling!

All chlorophyll needed to do was harness the creativity of its passionate team to find a visual and verbal identity that would achieve the twin but seemingly irreconcilable objectives of:

1. Articulating the unchanging core of the brand Fox & Mandal
2. Articulating it in such a way that it did not remind ANYBODY of the other firms

We asked ourselves the most basic questions.

Q1: What belongs uniquely to a human being over time?

A1: Signature A2: Face A3. Voice

We didn't have voice or signature samples, so we decided to use their faces. The face of one of the founders was available. For the other, an artist's impression had to suffice, based on discussions with a direct descendant of that founding family.

Q2: What belongs uniquely to Fox & Mandal that doesn't belong to the other 2 firms?

A1: The date of birth. 1896. Instead of 1984 and 1996.

A2: The original co-founders: J.K. Fox & G.C. Mandal; not just Mandals. The next step was what is referred to as 'simple but not easy'.

We finalised an identity anchored in the faces of the original co-founders with the irrevocable facts of the co-founders.

Here is the final identity that solves the wicked problem. But wait!

This identity solves the problem visually.

India is an EAR country; we trust our ears more than our eyes!

HORN OK PLEASE is the legend at the back of every truck. It means "I can see you in the rearview mirror, but you are not real until you make a noise"

Our richest heritage of music, dance and medicine was not committed to sheets, it was learnt by ear. So, how do the proud Fox & Mandal employees introduce themselves...orally?

"I am the original Fox & Mandal?"
(Trying too hard?)

"I am the old Fox" (Bring a smile to your face, right?)

"I am the first Fox" (ditto!)

"I am the oldest Fox" (factually correct and brings a smile to your face!)

So that's the verbal introduction we can use. Finally, we condensed the entire brand distinctiveness into four words;

"The ability is adaptability."

So, here we are at the end of an intense five month pursuit: a unique problem solved uniquely, using the science and art of branding!



Written by
Kiran Khalap, co-founder and
MD of chlorophyll

Born in 1958, he juggles three passions and one career. His passions are writing, rock climbing and spiritual evolution. After an organic chemistry degree, Kiran started his working life as a school teacher & house-master in J. Krishnamurti School, an experimental residential school in Varanasi.

He started his career in advertising in 1983 as a copywriter at Lintas. He ended up being the CEO and Chief Creative Officer of Clarion Advertising.

In 1999, he co-founded chlorophyll, a brand consultancy. Chlorophyll has differentiated over 350 brands and created

over 50 brands from scratch. It has four IPs and its own innovation lab.

Kiran was Chairman of the committee that consulted with UIDAI, the Government of India's arm that developed Aadhaar, the world's largest biometrics-based identity project.

He is an online teacher, he designed and delivered the brand module for the Liverpool Business School + upGrad MBA in 2020.

He won the Indo-UK Short Story Writing Award in 1995, published three books of fiction, Halfway Up the Mountain, Two Pronouns and a Verb, and Black River Run, and read from them in London, Singapore, New York and Beijing.

He facilitated the IFSC World Cup in Bouldering, a form of rock climbing, in Navi Mumbai in 2016 and 2017: events that were voted the best in class in those two years by the global participants. This facilitated the inclusion of rock climbing in the Olympics in 2020/21.

He is a part of the Foundation whose aim is to put an Indian on the Olympic rock climbing podium by 2035.

His probono work includes advising several NGOs (Non-Governmental Organisations) on brand and communication: Arpan (Against child sexual abuse), Protsahan (Healing abused female teenagers with Art) and Together (Creating sanctuaries for autistic children and their parents).

Kiran has a species of spider named after him, thelcticopis kirankhalapi.

Kiran practices vipassana, the ancient system of meditation, daily.



chlorophyll

STAMP
OF
ADAPTABILITY

FOX & MANDAL
16





STAMP OF ADAPTABILITY

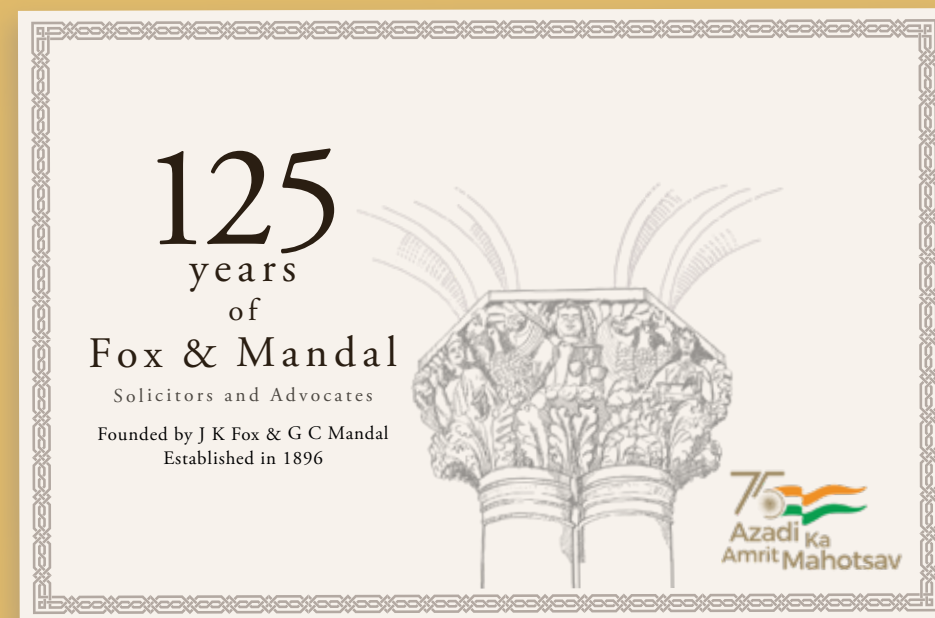
Abin Chaudhuri

Each stamp has a story to tell. A story packed into a small piece of commemorative paper. It may be in remembrance of someone who changed the course of history. Or it can be a tribute that retrieves the essence of an event from the mausoleum of clock time.

Today, it has been more than 125 years since an Englishman and an Indian came together to form a law firm, Fox & Mandal, a partnership of its kind never seen till then. So, I was delighted when Mr. Debanjan Mandal, Managing Partner of Fox & Mandal, asked me to design a special cover and stamp that India Post had agreed to release, in celebration of the partnership that has adapted itself over a century and a quarter and its enduring legacy.

The cover and stamp tries to link Fox & Mandal's past with its continuing story of growth and adaptation in a changing world, while the sepia-tinted motif seeks to offer a

glimpse of the city's legal heritage. It was in this city, the former capital of British India, that the country's oldest high court would come up in 1862. Many of Fox & Mandal's memorable and defining legal battles would be fought in the Calcutta High Court. The picture of Fox & Mandal's two founders, J.K. Fox (artist's impression) and G.C. Mandal, and the typography are all a part of the attempt to tell a story — a narrative of progress and professionalism shaped by the principles on which the firm was established on in 1896. The sketches of some of the columns on each side of the main gate of the High Court, with its figures signifying justice, reassurance and learning, formed part of the backdrop of the Special Cover. In this fusion of the past and the present lies the impetus for the future. If the book is a written account of that legend that has already spanned four generations, the stamp is a visual metaphor of that journey.



The stamp has been conceptualised by architect Abin Chaudhuri, founder of Abin Design Studio, whose work focuses on the idea of holistic design through multi-disciplinary collaboration.

Through his intrepid explorations into the ‘unknown’ and his experimentation with materials, technology, art, and culture to provide a ‘soul in the shell’; Chaudhuri intends to push the boundaries of thought, the prevailing socio-cultural landscape, and the spatial construct and even challenge the role of architecture in society. The studio has received several national and international accolades.

Launch of the Special Cover

The Indian Postal Department released the Special Cover on Fox & Mandal at an event held on January 20, 2023, to commemorate 125 years of the firm. The stamp and the Special Cover link Fox & Mandal’s past with its continuing story of growth and adaptation in a changing world; while offering a glimpse of the firm’s legal heritage. It is this remarkable and enduring legacy that the main speakers at the event dwelt upon, after the

host had set the tone, recalling the firm’s beginnings at a time described as the “high noon” of the Indian renaissance.

Those present were treated to a short film on Fox & Mandal’s history and on the making of the cover and stamp before the eminent guests - Mr. Anil Kumar, Postmaster General, Kolkata Region; Mr. Soumendra Nath Mookherjee, Bar at Law, Sr Advocate and Advocate General of West Bengal, and Mr. Alapan Bandyopadhyay, IAS and Chairman, West Bengal Heritage Commission — shared their ideas and insights with the audience.

Fox & Mandal’s Managing Partner Debanjan Mandal also spoke of the rare honour for the firm and for everyone associated with it. He thanked India Post for commemorating this moment of the firm’s institutional life and acknowledged the contribution of all its stakeholders whom he called the “pillars” in the firm’s continuing story of growth and progress in the field of law.

The idea & inspiration



LEGACY OF THE LANDSCAPE
LIBRARY OF A FIRM

Fox & Mandal Solicitors and Advocates was established in 1996 by J.K. Fox and G.C. Mandal. Since its inception, it has been the intellectual and professional hub of the firm. It has been the only place where the firm's history, its values, its culture, its growth, and its future have been documented. It has been the place where the firm's legacy has been preserved and passed on to the next generation. It has been the place where the firm's legacy has been celebrated and its future has been envisioned. It has been the place where the firm's legacy has been lived and its future has been built.



Scan the code to get a glimpse of the making of the spiral Cover and Stamp



FOX & MANDAL SOLUTIONS

20
FOX & MANDAL

REPUTATION
FOR
EXCELLENCE

Standing on a lineage of 125 years, Fox & Mandal is an iconic law firm of India which was established in or around 1896 . It is probably the only instance of an Indo-British joint venture in the legal profession to have been in continued existence for more than 125 years.

The firm started as a partnership between John Kerr Fox, an attorney of English origin, and Gokul Chandra Mandal, an Indian attorney.

MANDAL

SOLICITORS & ADVOCATES

After the demise of John Fox, the partnership was reconstituted in 1922 with induction of other solicitors; and since then the firm has undergone several reconstitutions. However, there has always been at least 1 partner tracing roots to the family of the other founding partner, namely in the line of G.C. Mandal. His only son, S.K. Mandal, who was also a solicitor of great repute, having qualified in 1924, became a partner of the firm. S.K. Mandal was succeeded by two of his sons — Dinabandhu Mandal and Arun Kumar Mandal — and a grandson (daughter's son), Asoke Kumar Dhar, amongst others, as partners of the firm.

Dinabandhu Mandal passed away in 2020 and Arun Kumar Mandal passed away in 2023. The present partners of the firm who trace their origin to the founding partner are Asoke Kumar Dhar and Arun Kumar Mandal's son, Debanjan Mandal. The firm is now a multi-locational, full service law firm in India; with a large number of partners and fee earners.

Fox & Mandal has no connection with Fox Mandal & Co. or Fox Mandal & Associates.

Access the website of Fox & Mandal at
www.foxandmandal.co.in

LAYING A FIRM FOUNDATION



Fox & Mandal - *the story of a legacy:
bequeathed by an Indian and an Englishman*

Independence was still half a century away when two gentlemen, one a lawyer of British origin and the other an Indian attorney, sat down across a table one day. By the time they emerged from the first-floor room, just across the street from where Calcutta High Court now stands in its sandstone-and-red-brick grandeur, John Kerr Fox and Gokul Chandra Mandal had charted a new course in India's legal history.

It was 1896 - the exact date is not known- but what is indisputable is that the two men did start a firm of solicitors in equal partnership, where one of the partners was British and the other, an Indian.

Thus was born Fox & Mandal — one of the country's oldest law firms and a continuing legacy that has crossed 125, a landmark anniversary that celebrates a century-plus trove of memories as well as the firm's chronology of success. It is, perhaps, also the only instance of such Indo-British partnership in the field of law which has thrived for a century and a quarter.

In a way, the partnership between John and Gokul was also a defining moment for legal practitioners of Indian origin, a direct if belated acknowledgement that they were equal to their European counterparts in their chosen field. For long, Indians had been on the periphery, denied permission to plead in the higher courts of their own country.

Over the years, Fox & Mandal would go on to handle a host of important and legally significant cases, expanding its footprint while building on its inheritance, despite the inevitable interventions of time, the untimely death of a partner and other factors. That inheritance has thrived, not only in name and reputation but also in the woodwork, in the walls lined with bookshelves, framed certificates that take visitors back in time, and the elegant wooden stairway that leads to the room where John and Gokul had put the final seal of their partnership many years ago.

John died in 1921 and GC passed away in 1930. But the firm's spatial connection to its past has remained. While it has expanded to other floors, Fox & Mandal's head office still uses the same set of rooms in the same address where it started — 12, Old Post Office Street — now a chaotic vehicle-clogged stretch in the BBD Bag area of Calcutta, the then capital of British India. This book is both a tribute to that beginning and a chronicle of the passage of years since.

This is also a story of how an Indian gentleman laid the foundation of a firm that would create and change the course of India's legal history in many ways (more details in the following chapters). Today, Fox & Mandal is among the largest law firms in India.

So, how did it all begin?

The story goes that John and Gokul met at the Freemasons' Lodge in the city. They were both members of the lodge, a basic unit of the oath-bound Masonic society that stressed on fellowship, among other things. While that may have played a role in introducing them to each other, their legal background was a common point of interest.



Freemasons Lodge in Calcutta



Enrolment Certificate of G.C. Mandal



Group photo of G.C. Mandal with Acharya Jagadish Chandra Bose, Acharya Prafulla Chandra Roy and other leading lights on January 5, 1916



John was 32 and had been practising as a lawyer when the two started the partnership. While John's certificate of enrolment as an attorney of the High Court is not available, records from 1895 mention one J.K. Fox, B.A., Solicitor, assistant to S.J. Leslie and Sons, residing at 33, Free School Street, Calcutta, as Kolkata was then known. In 1897, his residence was shown as 3, Wood Street, Calcutta. According to birth records that are available, John was born on May 18, 1864, to William Godfrey and Lydia Ann, and baptised on July 13 at St. John's Church, Calcutta.

GC's original certificate of enrolment as an attorney of the High Court in Calcutta is dated December 18, 1895. Gokul counted among his peers pioneers like Acharya Jagadish Chandra Bose and Acharya Prafulla Chandra Ray.

When exactly the firm was incorporated is not documented. However, it appears from a note that Fox & Mandal was started on June 23, 1896. John owned half the share of the partnership business; Gokul Chandra the remaining half.

The story of Fox & Mandal also sums up the evolution of legal practice in the country since the Parliament of Great Britain passed the Regulating Act of 1773 (formally, the East India Company Act, 1772), the first step towards a centralised management of the East India Company's rule in India.

The Backdrop

The 1773 law was the earliest precursor to the existing Advocates Act, 1961. According to the Bar Council of West Bengal, it authorised the King by Charter or Letters Patent under the Great Seal of Great Britain to establish a Supreme Court of Judicature at Fort William in Bengal. This court was invested with "full power and authority to exercise and perform all civil, criminal, admiralty and ecclesiastical jurisdiction" and "to form and establish such rules of practice and such rules for the processes of the said court and to do all such other things as would be found necessary for the administration of justice."

Following this Act, a charter was issued on March 26, 1774, establishing the Supreme Court of Judicature at Fort William. Clause 11 of the charter made it clear who were eligible to practice before this court. Those permitted to practice were:

- (1) "Advocates," an expression that extended only to English and Irish barristers and members of the Faculty of Advocates in Scotland, and
- (2) "Attorneys", which then meant only British attorneys or solicitors.

The clause also had a provision that made it clear that no other person would be allowed to appear and plead a case in the court, effectively slamming the door shut on Indians.

Similar Supreme Courts, with similar jurisdictions and powers, were established in Bombay and Madras too. The charters that established these courts directed each of them to approve, admit and enrol only attorneys, which meant only British, Irish and Scottish advocates. In short, Indian legal practitioners had no entry into any of these three courts in Bombay, Madras and at Fort William in Bengal.

The door would partly open for Indians with the Bengal Regulation VII of 1793 that cleared the way for vakils practicing before the Mughal Courts, to appear before the East India Company's Courts. The regulation called "for the appointment of vakils or native pleaders in the Courts of Civil Judicature in the provinces of Bengal, Bihar and Orissa" (as Odisha was known then). It empowered the Sudder Dewanny Adawlut — the Supreme Court of Revenue in British India, established at Calcutta by Warren Hastings — to enrol pleaders for all the Company's Courts and fix the retaining fee for pleaders and scale the professional fee based on a percentage of the value of the property under litigation. The extraordinary feature of this regulation was that only Muslims and Hindus could be enrolled as pleaders under it. Twenty-one years later, the Bengal Regulation XXVII of 1814 would consolidate the law on the subject of pleaders, who were empowered to act as arbitrators and give legal opinion against the payment of a fee.



G.C. Mandal's residence at Kolkata

The next important piece of legislation was the Bengal Regulation XII of 1833, which permitted any qualified person, of whatever nationality or religion, to be enrolled as a pleader in the Sudder Dewanny Adawlut. The three Supreme Courts of Judicature would, however, remain off limits to indigenous practitioners for a few more decades before Clause 9 of the Letters Patent of 1865 made legal practice a more level playing field. "[W]e do hereby authorise and empower the said High Court of Judicature at

Fort William in Bengal to approve, admit, and enrol such and so many advocates, vakils and attorneys as to the said High Court shall seem meet...," the clause provided, although other distinctions would remain till 1932.

The Letters Patent of 1865 came a few years after Calcutta High Court, the oldest High Court in India, was established as the High Court of Judicature at Fort William on July 1, 1862, replacing the Supreme Court of Judicature.

It was against this nearly century-old backdrop that an Indian gentleman formed an equal partnership with an Englishman and laid the foundation of a firm of solicitors in 1896, opening a new chapter in the country's legal history.

The world outside was changing too. To provide a global perspective, a year earlier, German physicist Wilhelm Röntgen had discovered X-rays, which would revolutionise diagnostic medicine, Athens would host the first modern Olympic Games in 1896, while Italian physicist and inventor Guglielmo Marconi would perfect a system of wireless telegraphy (radiotelegraphy).

Important cases

Coming back to Fox & Mandal, the firm would go on to handle some notable cases that helped shape legal jurisprudence in the country. The first such case which came to be reported in the Indian Law Reports, Calcutta, in 1901 (within three years of the firm's establishment), clarified the law pertaining to trust property. Hon'ble Justice Sale In the Matter of M.A. Shard reported in Indian Law Reports (a famous law journal of its time) in its edition of 1901, volume 28, Cal page 574, held that for the personal debts of a

trustee, the property of the trust could not be attached by the creditors. This distinction between the capacity of the debtor as a trustee and as a judgment - debtor remains significant even today.

One more such case the firm took up was the dispute between Bissessur Dass and Johann Smidt, one of the earliest cases to establish the law concerning the liability of brokers in a contract they had entered into without authority. The Calcutta Weekly Notes, a law journal, would report the case in its issue for the year 1905-06 (Volume 10, Page 14), which would show that within a few years of its establishment, Fox & Mandal was already handling significant cases that would set legal precedents.

(A reported case means one where a judgement of the High Court or the Supreme Court has decided a question of law or settled an issue of public importance or general interest, and thus has been published in journals so that anybody can refer to it if needed.)

The case - Bissessur Dass & Anr. and Johann Smidt & Ors. - had come up before one of the most reputable jurists of those times, Justice Woodroffe. Fox & Mandal were the solicitors for the defendant firm, Johan Smidt, while Mr. B.L. Mitra, an advocate, appeared for the broker. (Mr. Mitra would go on to become the only Bengali member of the Constituent Assembly that drafted the Constitution of India).

The case followed the principle laid down in two famous English judgments - Downman vs. William and Seal vs. Wilkinson - to hold that it was upon the plaintiff to establish the absence of want of authority in the broker, and that a judge had no jurisdiction to pass in a contested suit any decree where there was no evidence or admission by the defendant under Section 622 of the Civil Procedure Code, 1902.

Another important case that Fox & Mandal handled was also in the early 1900s viz. Heeralal Agarwalla & Co. vs. Joakim Nahapiet & Co., which came to be widely reported in various journals, including the Indian Law Reports, Calcutta, All India Reporter, Calcutta and the Calcutta Weekly Notes. It was one of the earliest cases to decide an important proposition of law under the Indian Arbitration Act of 1899.

Fox & Mandal had advised and appeared for M/s. Heeralal Agarwalla & Co. before a Calcutta High Court division bench of Justice C.C. Ghose and Justice Buckland in a case where party-appointed arbitrators had disagreed and referred their dispute to an umpire. However, the award passed by the umpire was challenged before a Committee under the Calcutta Jute Association and, finally, the award of the Committee was filed in court under Section 11 of the 1899 Arbitration Act. The question of law involved was whether such an award by a Committee could be filed in

Court under Section 11. The division bench, after hearing both sides, held that there was no bar to filing such an award with the court under the said section.

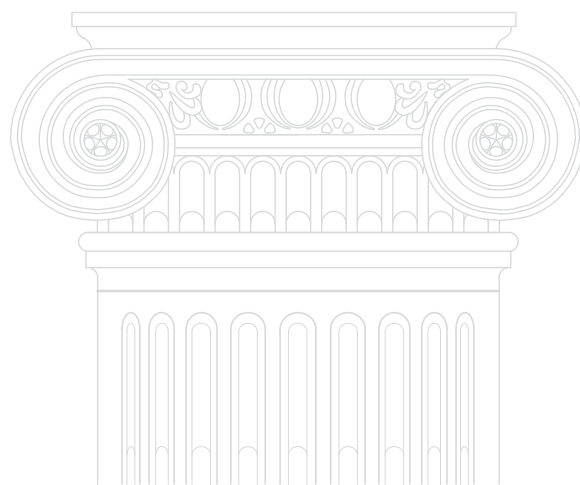
A legally significant case that Fox & Mandal was part of is, perhaps, the most relevant in the backdrop of the Covid-19 pandemic of 2020 and in the context of the famous legal principle known as force majeure. On August 4, 1914, when Britain declared war on Germany, thereby plunging the British Empire into the First World War, a shipment of goods consisting of partly Belgium- and partly German-manufactured goods were on a German steamer, the S.S. Steinturm, which was at sea. The steamer was subsequently captured with its cargo by a British cruiser and taken to Colombo for adjudication. The cargo mainly consisted of goods shipped by a Calcutta-based firm, Madhoram Hurdeo Das. The Prize Court condemned the vessel but released the cargo, which was brought to Calcutta. The government then notified the parties that the goods had arrived and asked them to take delivery of the items.

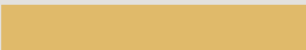
The plaintiff, however, refused to accept the delivery of the goods for breach of contract and sued the defendant firm, in Calcutta High Court, where a single-judge bench ruled in favour of the plaintiff. An appeal was thereafter prepared by the defendant before a division bench where Fox & Mandal represented the plaintiff. Faced with an unprecedented situation, the court adjudicated upon the effect of war on the

execution of a contract where the performance of the contract had become impossible in terms of Section 56 of the Indian Contract Act. The division bench of Justice Sanderson and Justice Mookerjee held that performance of contract when rendered impossible by outbreak of war did not lead to a breach of contract.

In 1924, Fox & Mandal was at the helm of a dispute between the Administrator-General of Bengal and Balkissan Misser over recovery of possession of a debuttar property left by one Ashuram Barman. This case, which came to be reported in a leading law journal, was presided over by Justice Page of the High Court where Fox & Mandal represented the defendant, Balkissan Misser.

Hindu law recognises ‘debttar property’, a unique concept under which property can be dedicated to an idol or deity, which is recognised as a juristic entity and considered to be a perpetual minor. Thus, cases involving debuttar property were largely new to most English judges, especially in 1924 when the law related to debuttar property was still at a very nascent stage.





United Church of Northern India, Eastern Himalayan Church Council

Burial at SINGTOM CEMETERY in DARJEELING Nirk Session rites according to church of England

Sl. No. in Register	Date of Death	Date of Burial	NAME	Age	Trade/Profession	Cause of Death/ Medical certificate	Signature and Designation of person by whom buried
	<u>24th</u> <u>OCTOBER</u> <u>1921</u>	<u>25th</u> <u>OCTOBER</u> <u>1921</u>	<u>JOHN KERR FOX</u>	<u>56</u>	<u>SOLICITOR'S</u> <u>12 OLD POST</u> <u>OFFICE STREET</u> <u>CALCUTTA</u>	<u>INFLUENZA</u> <u>& HEART</u> <u>FAILURE</u>	<u>B. F. JOHNSTON,</u> <u>CHAPLAIN,</u> <u>DARJEELING</u>

I Certify that the foregoing is a true copy of an entry in the Burial Register of the ST. ANDREW'S CHURCH, aforesaid, and that this copy was made by me on this Sixth day of February in the year 2016

witness my hand Rupert S. Lee
Secretary, Church Council,
St. Andrew's Church,
The Mall Darjeeling



Among other important points, this case decided the law pertaining to adverse possession in the context of debutter property by holding that even in the absence of a shebait (trustee), when adverse possession is proved, the limitation period will run and a suit for possession in the name of the idol is maintainable.



Name survives death

John Kerr Fox died on October 24, 1921, at the age of 56, without leaving a Will, and was buried in the Singtom Cemetery, Darjeeling, the next day. The burial is recorded in the burial register at St. Andrews Church, Darjeeling. The death certificate shows his profession as a solicitor and mentions his address as 12, Old Post Office Street, Calcutta - the same as the firm's.

Following John's death, his son Harold Vivian Fox relinquished his rights to the firm. He agreed to accept, in full settlement and satisfaction of his father's half share in

the business, a sum of Rs 7,000. Among the documents available are two original money receipts and receipts of handing over to Harold, assorted papers, including government promissory notes, bank passbooks and papers relating to John's estate. The goodwill of the name Fox & Mandal continued to be a property of the firm, although the Fox family's association with it had ended.



Harold Fox
Photo Courtesy: His Daughter

Official Assignee to Ruffuddin
No. 460.
21st December 1894.
Recd from A. B. Mills
Esq. Official Assignee
of Tennanac two
pieces three only being
the amount of sub-
stitution costs for filing
plead against the
defendant above named
in the above Estate.
Rs. 10/2/3 Jk F
for

Receipt signed by John Kerr Fox

Received a
Rs. 2/0/0.
I have from Mr. G. Mandal
the sum of Rs. 1065/- in
last payment of the sum
of Rs. 5000/- (seven thousand)
which I have paid to
him in full settlement and
satisfaction of my father's
late Mr. G. Mandal's half share
in the business of the firm
which he carried on in
partnership with the
said Mr. G. Mandal under
the firm of late of Mr. Mandal
is now the late Mr. Mandal
and in the name
of the Bank & Co. of
Bombay.
Harold Fox

Receipt signed by Harold Fox





In the mid-1950s, Harold, then a clergyman by profession, his wife Louise, a music teacher, and their daughter left India permanently. Extensive research in archival records maintained by international foundations which assist in tracing roots threw up the missing links. These were confirmed by a direct descendant of John in an interview given a few days before the completion of the writing of this book by a direct descendant of John. The research team was surprised to be informed that John's son, Harold, was also a qualified lawyer and had worked briefly at Fox & Mandal.

Harold, however, quit the legal profession during his father's lifetime and joined a company in Calcutta in a post in the sales division which would

bring him in touch with a large number of people. In or around 1946, Harold's family moved to Coonoor in South India during which time Harold became a Minister of the Church, before eventually leaving India permanently with his family.

Some old photographs of the family and a letter confirming the relationship were also received from the direct descendant of John and Harold. Respecting this descendant's privacy, the publishers are not revealing any further information about her identity in this book, apart from a photograph from her younger days.

[REDACTED]

Mr. Debanjan Mandal
Managing Partner
Fox & Mandal
12, Old Post Office Street
Kolkata - 700 001

7th December, 2022

Dear Mr. Mandal,

It was a pleasure talking to you on 28th October, 2022 along with [REDACTED]
[REDACTED] In addition to whatever I have already informed you
in my earlier email and telephonically, I wish to confirm as follows:

- (a) That my grandfather (father's father) Mr. John Kerr Fox with Mr. G. C. Mandal had founded a firm of Solicitors in Calcutta which they named "Fox & Mandal" in or around the year 1896.
- (b) Mr. John Kerr Fox died on 24th October, 1921 leaving behind my father, Mr. Harold Vivian Fox as his only heir. My father had duly settled accounts of the Estate of Late John Kerr Fox with the Firm and had no claim in respect of the Firm, its assets and properties.
- (c) My father who was also a qualified lawyer, had worked briefly in Fox & Mandal, but during the lifetime of my grandfather had quit the legal profession and joined a Company in its sales division. In or around 1946 when I was 4 years old we moved from Calcutta to Coonoor in the South of India. My father was connected with the Church as a Minister.
- (d) We moved back to [REDACTED] in 1955.
- (e) There was no other law firm in India or England with which my grandfather or my father was associated.
- (f) [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

I compliment Fox & Mandal and its partners on completing 125 years and am proud that the Firm still bears as part of its name, the surname of my grandfather, "Fox".

With best wishes.

Yours sincerely,

Sd/-

[REDACTED]

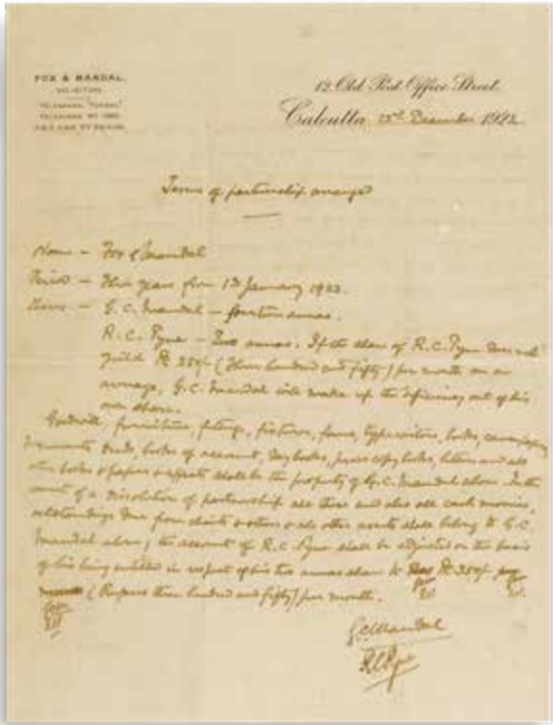
Letter from the descendant of John Kerr Fox

New partnership

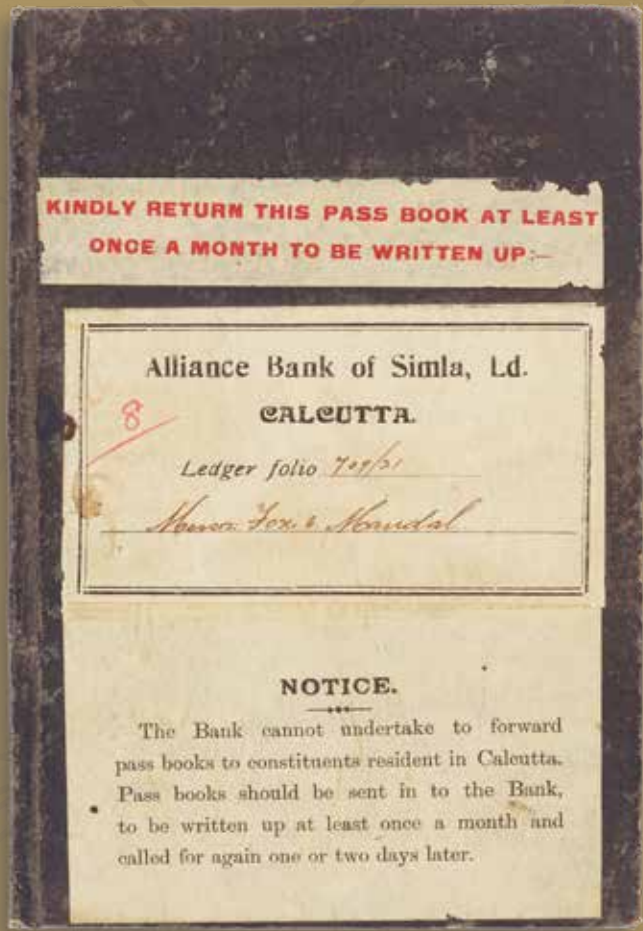
According to writings on the letterhead of the firm, the reconstituted partnership took effect on December 22, 1922, between Gokul Chandra and one R.C. Pyne. Gokul Chandra’s share was 14 annas (87.5%), while Pyne held the remaining 2 annas (12.5%), the whole being considered as 16 annas.

Gokul Chandra’s only son, Sudhir Kumar (SK) Mandal, joined the firm in 1924 and appears to have been admitted into the partnership soon after he had enrolled as a solicitor in the High Court on July 20 of that year. (The next chapter deals with the SK Saga.)

Gokul Chandra died on November 28, 1930, aged around 60, and thus ended the first episode of the Fox & Mandal saga. But the ground for the future had been sown. Today, Gokul Chandra’s great-grandsons, Asoke Kumar Dhar and Debanjan Mandal, are the senior partner and managing partner respectively of the firm. While that makes Debanjan the fourth-generation lawyer in his family, following his father, grandfather and great-grandfather, the majority of the present partners, and the partnership started by the partners of the firm with the same name, in which the partners carry on their profession, are competent professionals who have been chosen for their ability and not family connections.



Record of the terms of partnership
dated December 22, 1922



Passbook of Alliance Bank of Simla

Fox &

Kandal P. Co.

Folio _____

Debit account

with

IMPERIAL BANK

OF INDIA.

Date 1924

Particulars

Ch. per No.

Withdrawal.

Deposit

De.
or
Cr.

Balance.

Sept 4 By spec. Cash Acc.

15 To Chgoe bank

21 By bank

Nov 26 To Chgoe 1750

Dec 14 By and from Cons. General
O. Balch

460

460

460

Cr.

460

335

750

Dr.

335 6-

999 6-

460

1750

1750

Passbook of Imperial Bank of India

INHERITANCE AND INDIVIDUAL GLORY



FOX & MANDAL
36

The S.K. years - *patriarch of the firm:
solicitor to central government*

Gokul Chandra was among the few attorneys who dominated the legal profession in Calcutta as the 19th century drew to a close. That dominance would be carried forward over the following decades, with Fox & Mandal handling cases that were legally significant; settling important points of law for future reference, as we saw in the previous chapter. Then, one day, tragedy struck. John Fox died suddenly of heart failure after a bout of influenza.

Over the next few years, Gokul Chandra would helm Fox & Mandal with new partner R.C. Pyne, the reconstituted partnership picking up from where death had briefly interrupted the firm's ascending graph. But John's death, at the age of 57, would have played on Gokul Chandra's mind. He himself was 51, no longer young, and needed an able person to take charge of the firm after him. That person would be his only son, Sudhir Kumar Mandal (S.K.), a man with mesmerising eloquence and razor-sharp command over the intricacies of law, twin qualities that would be reflected in his arguments.

One of the first cases the firm handled after the baton had passed from Gokul Chandra to Sudhir Kumar was about a matter then unique to India: the partition of a Joint Hindu Family.

The 1937 case, Lala Baij Nath Prasad vs. Ram Gopal Lachhmi Narayan, was one of the first in India to give recognition to an implied partnership without any formal agreement. Fox & Mandal had appeared on behalf of the appellant, Lala Baij Nath Prasad, and the case would be widely reported in the All India Report of 1939 [AIR 1939 Cal 92] as well as in the Indian Law Reports [ILR (1938) 1 Cal 369].





The Calcutta High Court of yesteryears

The concept of a Joint Hindu Family would play a key role in the later enactment of the Income Tax Act of 1961, where the ‘Hindu Undivided Family’ (HUF) is treated as a ‘person’ under Section 2(31) for the purpose of assessment. The law also recognises joint family businesses and the right of members of such joint families to receive the protection of law.

Sudhir Kumar Mandal

Sudhir was born in Chinsurah (Hooghly), then a prosperous trading town 40 km upstream from Calcutta, on December 30, 1898. S.K. cleared his matriculation exams in 1915 from Hindu School, the alma mater of some of the finest intellectuals Bengal has produced. Six years later, in 1921, Sudhir would complete his post-graduation with a Master’s Degree in English from Calcutta University. But literature wouldn’t be his chosen profession; the young man already knew what he wanted to do — follow in his father’s footsteps and ensure the continuity of his family lineage. For that, he needed a law degree, which he got from the University Law College, Calcutta, in 1922. He became an articled clerk to his father and, on July 20, 1924, was enrolled as a solicitor in the High Court. He was a Bell Chambers Gold Medalist, securing highest marks in the final Attorneyship Examination. As already mentioned in the previous chapter, Sudhir appears to have been admitted into the partnership at Fox & Mandal soon after becoming a solicitor.

Sudhir Kumar Mandal was the grandson-in-law of the renowned Bengali businessman and philanthropist, Raja Hrishikesh Laha, C.I.E., owner of Prawn Kissen Law & Co. Hrishikesh Laha was a renowned name in the trader community of Subarnabaniks. As a philanthropist, Laha had donated Rs. 1,00,000 to the Chinsurah waterworks and Rs. 75,000 to the Hindu Vishwa Vidyalyaya. Apart from being a successful businessman specialising in export and import, and an owner of ships, Hrishikesh Laha was an honorary magistrate, Sheriff of Calcutta, president of the Bengal National Chamber of Commerce for 26 years, member of the Imperial League and Bengal Legislative Council as well as Vice-President of the Imperial Bank of India.

Hrishikesh Laha was the son of Maharaja Durgacharan Laha, C.I.E., ("Twelve Men of Bengal in the Nineteenth Century (1910)" by Francis Bradley-Birt). In 1863, Maharaja Durgacharan Laha founded the Calcutta City Banking Corporation along with Patit Paban Sen, Hira Lall Sil, Manockjee Rustomjee, W. W. Anderson and other notable persons. This came to be known as the Imperial Bank of India after merging with a few other banks. The Imperial Bank of India was one of the oldest and the largest commercial banks of the Indian subcontinent and was subsequently transformed into the State Bank of India in 1955.



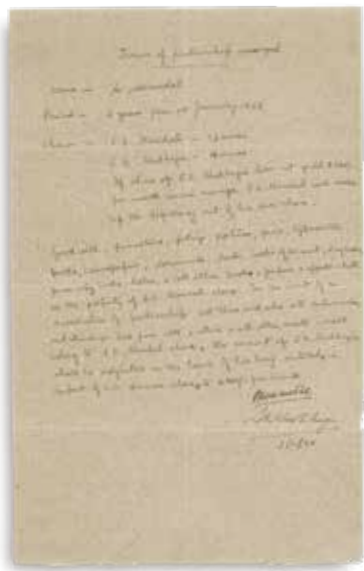
S.K. was admitted and enrolled as an attorney of the High Court on July 20, 1924.

Joining forces

On January 1, 1933, Sudhir entered into a partnership with S.K. Mukherjee, a popular figure in Howrah and a future speaker of the West Bengal Legislative Assembly, as he set about consolidating the already stellar reputation, Fox & Mandal had gained. Sudhir's share in the partnership was 12 annas to Mukherjee's 4 annas.

Sudhir and Saila Mukherjee, who remained a partner till June 1952, when he resigned to become the House Speaker, would together run Fox & Mandal for fourteen years. On January 1, 1947, Sudhir Kumar inducted his cousin, Sarashi Bhusan Mandal, as the third partner.

A few years later, the firm would take up another legally significant case relating to industrial disputes in an era where disagreements between employees and organisations were increasingly coming up before courts. Fox & Mandal would successfully represent the staff association in this case, The Lloyds Bank Limited vs. The Lloyds Bank Indian Staff Association (Calcutta Branches); securing for the employees, a morale booster when the court ruled in their favour in 1951.



The terms of partnership between S.K. Mandal and S.K. Mukherjee



If the association's victory was another feather in Fox & Mandal's cap, S.K.'s individual star was at its zenith too. A few years earlier, in February 1946, he had become the solicitor to the Central Government in Calcutta, an office he would hold for 23 years till March 1969, a period that would largely overlap with another prestigious responsibility. S.K. was also a solicitor in the Income Tax Department for about 20 years from 1950 to 1970.

Notable cases

One of the notable cases Fox & Mandal would handle in the early years of S.K.'s long tenure related to a 1938 dispute over an insurance claim between a claimant, Hemanta Kumar Das, and the Allianz Und Stuttgarter Life Insurance Bank.

In India, the concept of insurance as a buffer against misfortune goes a long way back— to the writings of Manu (Manusmriti), Yagnavalkya (Dharmashastra) and Kautilya (Arthashastra). These texts refer to the pooling of resources that could be redistributed in times of calamities such as fire, floods, epidemics and famine. But it would be only in the 1800s that the business of life insurance would begin here, and another hundred years or so to gain momentum.

More business would also mean increasing policy-related disputes, such as the one between Hemanta Kumar Das and the Allianz Und Stuttgarter Life Insurance Bank, where the case revolved around the requirement to submit proof of age.

What happened was that the policyholder had provided his horoscope as proof of age, which the company had then accepted to start his policy. However, when the policyholder died, the company rejected the insurance claim submitted by his heir, Hemanta Das, on the ground that insufficient documents had been given as proof of age. Fox & Mandal had successfully fought the case on behalf of the claimant, with the court ruling that since the company had earlier accepted the horoscope as proof of age, it could not resile from the agreement now.

A couple of years later, in 1940, Fox & Mandal would represent one of the parties in a dispute over the interpretation of the Indian Trusts Act of 1882. Maharaj Bahadur Singh and Tej Bahadur Singh (the plaintiff, whom Fox & Mandal represented) were co-trustees in a trust that had been set up for certain religious objects. An interesting feature of this case was that the plaintiff, Tej Bahadur, was also the son of the defendant, Maharaj Bahadur Singh. The legal battle in this case, which sheds light on the rights of a co-trustee once he relinquishes his trusteeship, was limited to the relationship of the father and son in the capacity of co-trustees.

In its verdict, the division bench of Justice Derbyshire (who was the Chief Justice of Calcutta High Court then) and Justice Panckridge held that even after a trustee had relinquished his office, he could sue his co-trustee for accounts of the trust.

The 1951 Lloyds Bank case, mentioned earlier in this chapter, was another landmark case that Fox & Mandal would take up during S.K.'s stewardship of the firm.

The emergence of unionisation among employees began with the establishment of cotton and jute mills in India in the late 1870s. The unions were formed to negotiate and bargain with the factory or mill owners on behalf of the workers. By the turn of the century, various organisations, including banks, had staff associations that would bargain for the rights of employees, leading to disputes that sometimes ended up in court. One such dispute concerning a bank was The Lloyds Bank Limited vs. The Lloyds Bank Indian Staff Association (Calcutta Branches) case, which was decided by an Indo-British



division bench of Justice Arthur Trevor Harries (the then Chief Justice of Calcutta High Court) and Justice Banerjee. The association would be represented in this legally significant case by Fox & Mandal, which engaged Advocate E.R. Meyer, one of the most well-known Barristers of those times.

The case dealt with issues pertaining to the Industrial Disputes Act, 1947, a nascent legislation in 1951 when the case was decided. The English Bank, Lloyds, was carrying on business in India through its two branches in Calcutta. In or around 1948, following a dispute with the bank, the employees went on a strike. The employees would eventually call off their strike but the bank did not effectively comply with the terms the two sides had agreed upon, forcing the staff association to step in and take legal action. The association succeeded in getting relief against the bank, in a significant victory of unionisation in those times.

During his tenure as a solicitor to the Income Tax Department between 1950 and 1970, if one turns the pages of the Income Tax Return (ITR), a legal journal on Income Tax, it would reveal that Sudhir Kumar had appeared for the Income Tax Department in all the important cases in the

11/2/77

Mr./Mrs./Firm/Attorney M/s. Fox and Mandal, Adv.

Address: 12, Old Post office Street,
Calcutta - 700 001.

His/Her/Firm (proprietor/ Partner) name has been entitled in the Register No. Partnership
..... at page no. 36..... maintained in this department.

1. Sheri S. K. Mandal, Adv.
2. Sheri S. B. Mandal, Adv.
3. Sheri R. N. Dhar, Adv.
4. Sheri D. Mandal, Adv.

Suandansi 22/6/2022
Section Officer/ Superintendent
Correspondence Department, Original Side

Calcutta High Court. Further, as a solicitor to the Central Government of Eastern India, S.K. had defended the Union Government in important matters of his time. M.C. Setalvad, the first Attorney General for India, recognised S.K.'s hospitality in his autobiography. S.K. was also a solicitor to a number of government companies or statutory corporations, including Indian Airlines, the Life Insurance Corporation of India, Tea Board, Institute of Chartered Accountants of India and the Coal Board, among others.

Coming back to Fox & Mandal, the partnership would again be reconstituted with the inclusion of S.K.'s cousin, S.B. Mandal, a leading solicitor in Kolkata during his time. S.B., an expert in company law and arbitration matters, did not take a break until the end of his life in 1984.

Of Sons and Grandsons

In January 1962, Ramendra Narayan Dhar, a nephew of Sudhir Kumar, would join Fox & Mandal as a partner in the firm. The partnership would be reorganised again on July 1, 1973, to admit Dinabandhu Mandal (S.K.'s son) as a partner. The firm then had four partners: Sudhir Kumar, S.B. Mandal, nephew R.N. Dhar, and son Dinabandhu. Nearly 75 then, S.K. was still very much at the helm — and a respected figure outside.

A measure of that individual reputation would come on

October 9, 1974, when the Incorporated Law Society of Calcutta celebrated his fiftieth year in the legal profession with a citation, in a befitting recognition of Sudhir Kumar's exalted status within the fraternity. Within the firm, the partnership would be reconstituted again after S.B. Mandal's death on September 14, 1984. On September 25, 1984, S.K.'s youngest son, Arun Kumar Mandal; R.N. Dhar's son, Saila Kumar Dhar, and S.K.'s grandson, Asoke Kumar Dhar, would be admitted into the partnership.

The next deed, dated January 1, 1988, records Sudhir Kumar's retirement — two days after the patriarch stepped into his ninetieth year— but the remaining partners would carry on the partnership business in Calcutta under the name and style of Fox & Mandal.

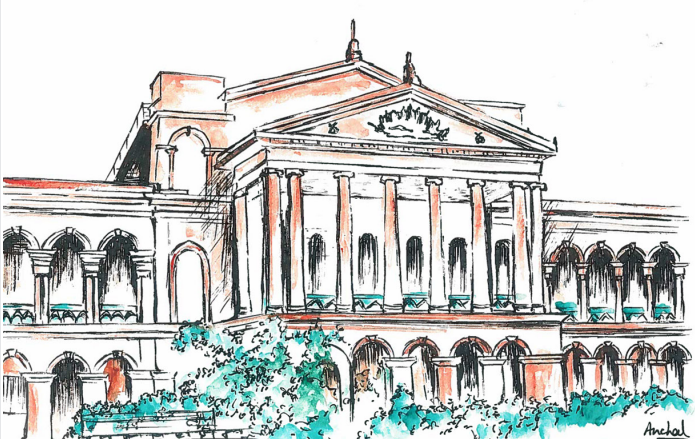
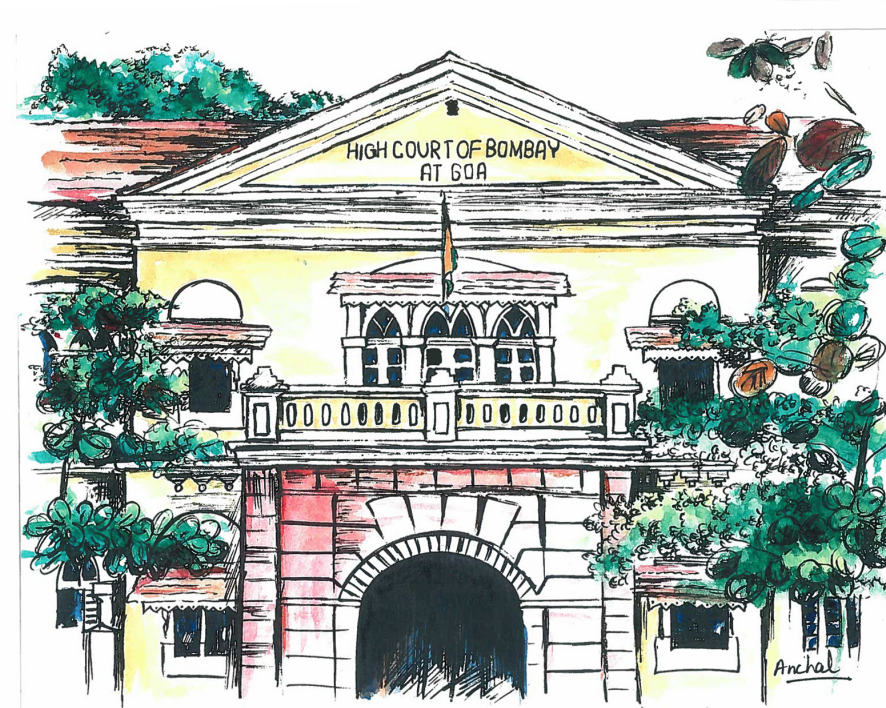
S.K. died on January 18, 1988, bringing the curtains down on a six-decade-old association with the firm he had nurtured, into one of the most respected in this part of the country. It was in S.K.'s years between 1930 and 1988 that Fox & Mandal had grown as a premier and well respected law firm.



S.B. Mandal



*Golden Jubilee Celebration of S.K. Mandal
Attorney of Law by the Incorporated Law Society*



Courtesy: lawsuitsandmore.com

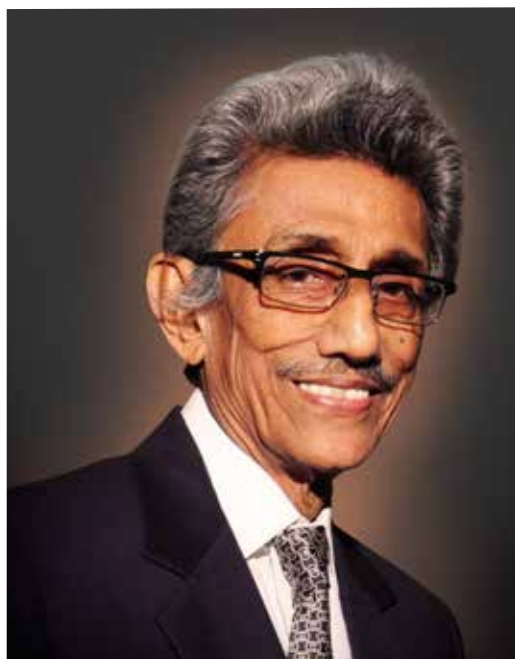
THE THREE LEADERS

FOX & MANDAL
46

*Helmed by brothers Dinabandhu Mandal
and Arun Kumar Mandal, and their nephew,
Asoke Kumar Dhar,
Fox & Mandal continued its journey.*



Dinabandhu Mandal




Arun Kumar Mandal



Asoke Kumar Dhar



T H E T H R E E L E A D E R S



The late 1980s were tumultuous, in multiple senses of the term, a period both stormy and path-breaking. If one insurgency convulsed some parts of the country, caste-based violence threatened to shred the social fabric. As if that were not enough, enter the volatile mix of politics and persuasion. Not that it was entirely a troubled matrix, because change of the positive kind, was happening too. Industrial de-licencing, a more liberalised economy, and advancement of technology; especially information technology, meant the country was on the cusp of development. That would take time, there would be ups and downs too, including the humiliating act of pledging gold, but the journey towards the new millennium had started. It was in this situation of ferment that S.K. Mandal would retire as a partner in Fox & Mandal on January 1, 1988.

The partnership, as we have already seen in the previous chapter, had been reconstituted in 1984, when S.K.'s youngest son, Arun Kumar; Ramendra Narayan Dhar's son, Saila Kumar, and S.K.'s grandson, Asoke Kumar Dhar, were taken on board.

But even before S.K. retired, he had for all practical purposes handed over the responsibility of the firm to Dinabandhu (or Dinu, his second son), Arun Kumar (his youngest son) and his grandson, Asoke. His decision not to continue as a partner beyond December 31, 1987, merely formalised the change of guard. The transition was smooth; S.K.'s successors had not just soaked up the firm's nearly century-old ethos but were also exploring the frontiers of evolving legal practices.

A landmark case that Fox & Mandal would successfully take up early in the Dinu-Arun-Asoke era was in 1990 when the firm represented Air India Limited in a dispute between RM

Investment & Trading Co. Pvt. Ltd. and the American multinational, Boeing Company. This was one of the earliest cases where the purchase of aircraft by an Indian entity (Air India) from a foreign manufacturer (Boeing) led to a controversy. This litigation enabled the firm to work alongside the best legal minds of the time, including Nani Palkhivala, Senior Advocate and jurist, and N.N. Gooptu, former Advocate-General for West Bengal.

The Transition

By then, however, in 1984, these three partners had decided to open a new firm in New Delhi and to start practicing the profession in North India with other partners. This was how a new firm, Fox Mandal & Co., came into being. Since 2020, with the passing away of Dinabandhu Mandal, the firm that was started in New Delhi has ceased to have any common partners with Fox & Mandal. It has, however, always been run as an independent entity, separate from the firm.

In 1996, another entity - Fox Mandal & Associates - would be opened by Dinabandhu, Arun Kumar, Asoke and others in Bangalore. This firm has also ceased to have any common partner with Fox & Mandal and is charting its own path.

Making a Mark

Between Dinabandhu, Arun, and Asoke, Fox & Mandal would establish itself as a multi-disciplinary law firm that went on to handle a wide range of cases, from public sector and high-stake corporate disputes to those involving real estate, banking and finance, transactions and advisory services.

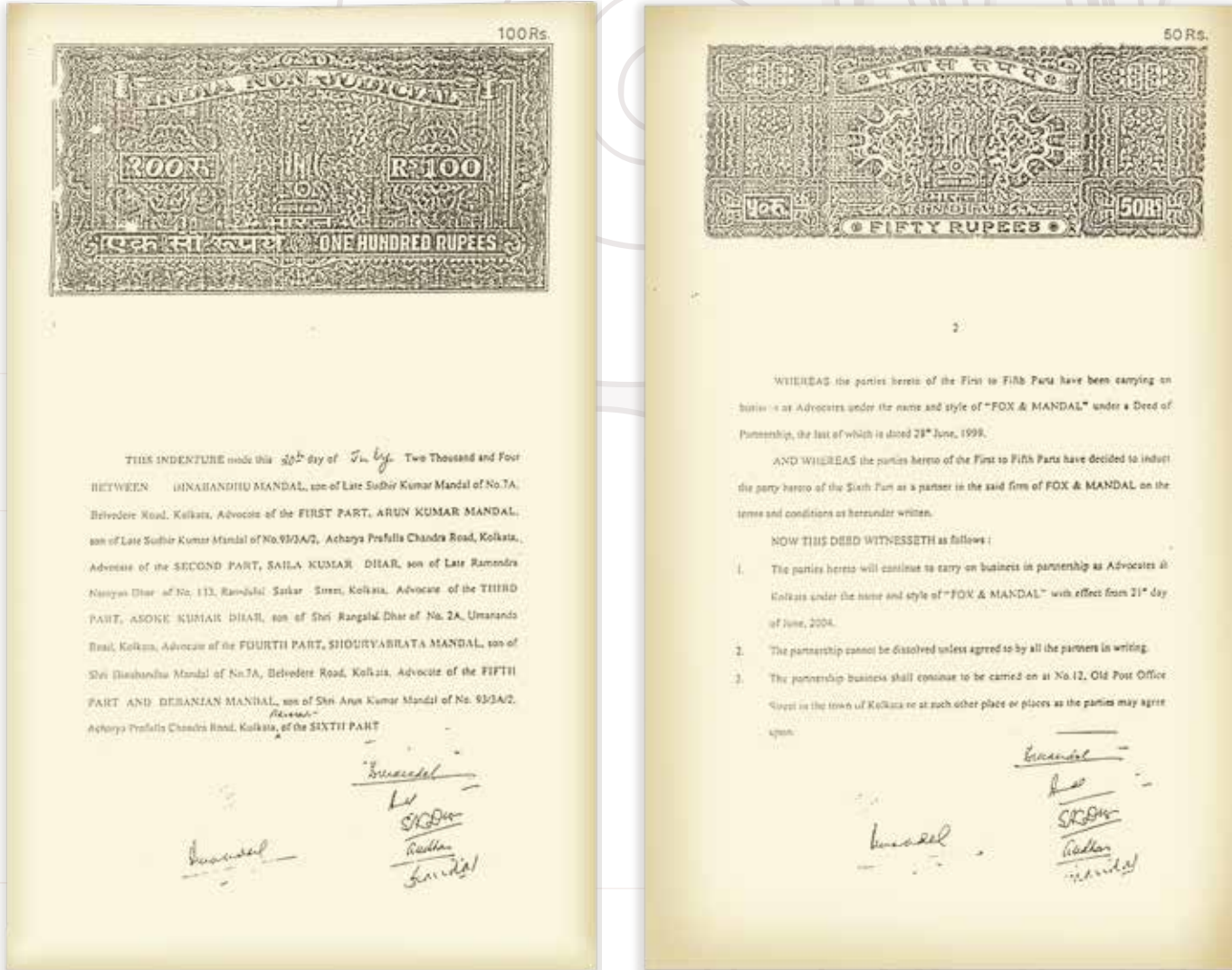
Among these cases was one that concerned a dispute that

arose over the application of the Factories Act of 1948. The dispute was over who had the final say on the affairs of a factory of a government company incorporated under the Companies Act. The case would eventually reach the Supreme Court, which settled the law on the matter.

Dinabandhu was at the forefront of a host of important legal battles of his time and was widely respected, not only within the fraternity but also in business circles. Arun and Asoke were known for their distinguished practice in resolving public sector disputes. Asoke would also make his mark as an expert in labour law. He was also a Bell Chambers Gold Medalist like his grandfather, S.K. Mandal. The firm, under his guidance, successfully defended the Coal Mines (Nationalisation) Act, 1973, after the coal mine owners had filed hundreds of cases challenging the nationalisation of coal mines in India.

A New Entrant

The partnership would be reconstituted again on July 20, 2004, when Arun Kumar's son and the fourth-generation lawyer in his family, Debanjan Mandal, joined as a partner, according to a deed made on that day by the six partners - Dinabandhu, Arun, Saila, Asoke, Shouryabrata and Debanjan.



Deed of Partnership of the Firm dated 20th July, 2004





Team at Kolkata



Shortly after Dinabandhu passed away in 2020, an internal revamp in 2022 led to the firm being able to take steps to start on its own in other cities in the country, and an exciting phase of growth started in its 125th year. Arun Kumar Mandal lived a full life of more than 80 years and passed away on May 17, 2023, leaving the firm's management in competent professional hands.

Some notable cases of Dinu-Arun-Asoke era

Fox & Mandal represented Air India Limited and Ratan Tata in a landmark dispute between RM Investment & Trading Co. Pvt. Ltd. (RMI) and Boeing Co. in the year 1990. This was one of the earliest cases where the purchase of aircraft by an Indian entity (Air India) from a foreign manufacturer (Boeing) had led to a controversy. RMI had entered into an agreement with Boeing Co., wherein RMI agreed to provide Boeing with consultancy services for promotion of sale of Boeing aircrafts in India. However, Boeing refused to pay commission to RMI when Air India placed an order for two Boeing aircraft. As a result, a suit was filed by RMI in the High Court at Calcutta claiming \$17.5 million as compensation from Boeing. While the single-judge bench passed a favourable order for RMI, certain remarks were made against Air India and Ratan Tata (who was the chairman of the airline then). That prompted Air India and Ratan Tata to file an appeal. A division bench of the High Court later expunged the offending remarks in its judgement reported in the Calcutta Law Times at 1993 (2) Cal LT 423. A special leave petition was then filed by RMI against this order of the Calcutta High Court in the Supreme Court but the top court dismissed the plea in its

judgement reported in Supreme Court Cases at 1994(4)SCC 541.

A few years after the Air India judgement, Fox & Mandal would take up a case for Indian Oil Corporation, where the Supreme Court would settle a key point of law under the Factories Act of 1948.

The legal faceoff was over the power to appoint an 'occupier', or, to put it simply, for a layperson, someone who has the ultimate control over the affairs of a factory. Following an amendment in Section 2(n) of the Factories Act, 1948, the Inspector of Factories at Namkum, Ranchi, had directed that a director of the Indian Oil Corporation Limited (IOCL), a central public sector undertaking, would be the occupier of its Namkum Depot.

The court had dismissed the petition, prompting the client of the firm (the IOCL) to file a special leave petition in the Supreme Court. On July 14, 1998, the Supreme Court ruled that since "factories run by [the] IOCL are effectively and really owned and controlled by the Central Government, they fall within the purview of clause (iii) and not clause (ii) of the first proviso to Section 2(n) of the Factories Act, 1948", effectively settling the law on the matter. This clarity was not only significant for the Indian Oil Corporation but all industries across the country that

were facing a similar situation.

The top court directed the Inspector of Factories to accept people appointed by the Central Government, and not an IOCL director, to manage the affairs of the factory at Namkum as occupier of those factories under the purview of Section 2(n) of the Factories Act.

Another important case that Fox & Mandal would take up and which eventually reached the Supreme Court, concerned a price-adjustment dispute between a public sector unit and a foreign entity. This was a time, in the post-liberalisation era, when various PSUs had started engaging with foreign firms for projects across sectors such as power and energy, among others.

The West Bengal State Electricity Distribution Company Limited (WBSEDCL) and Taisei Corporation, a Japanese entity, had entered into one such contract for the construction of the Purulia Storage Pump. It was India's first 900MW pumped storage project whose main objective was to meet peak load demand and utilise the excess available power during non-peak time to flatten the demand curve. Fox & Mandal represented the Japanese entity.

As the contract was with an international entity, it contained a price-adjustment clause, which was in line with the contract templates of the International Federation of Consulting Engineers, a standards organisation for construction technology commonly known as FIDIC. But a dispute would later arise between the WBSEDCL and Taisei Corporation over this price-adjustment clause.

Fox & Mandal represented Taisei in this dispute, underscoring

yet again the reputation it had established as a multi-disciplinary law firm. This case was handled by the Firm through Asoke, who was ably assisted in this case, and many more of the leading cases he would go on to handle, from the 2000s by his daughter Sharmistha Ghosh, now a partner in the firm.

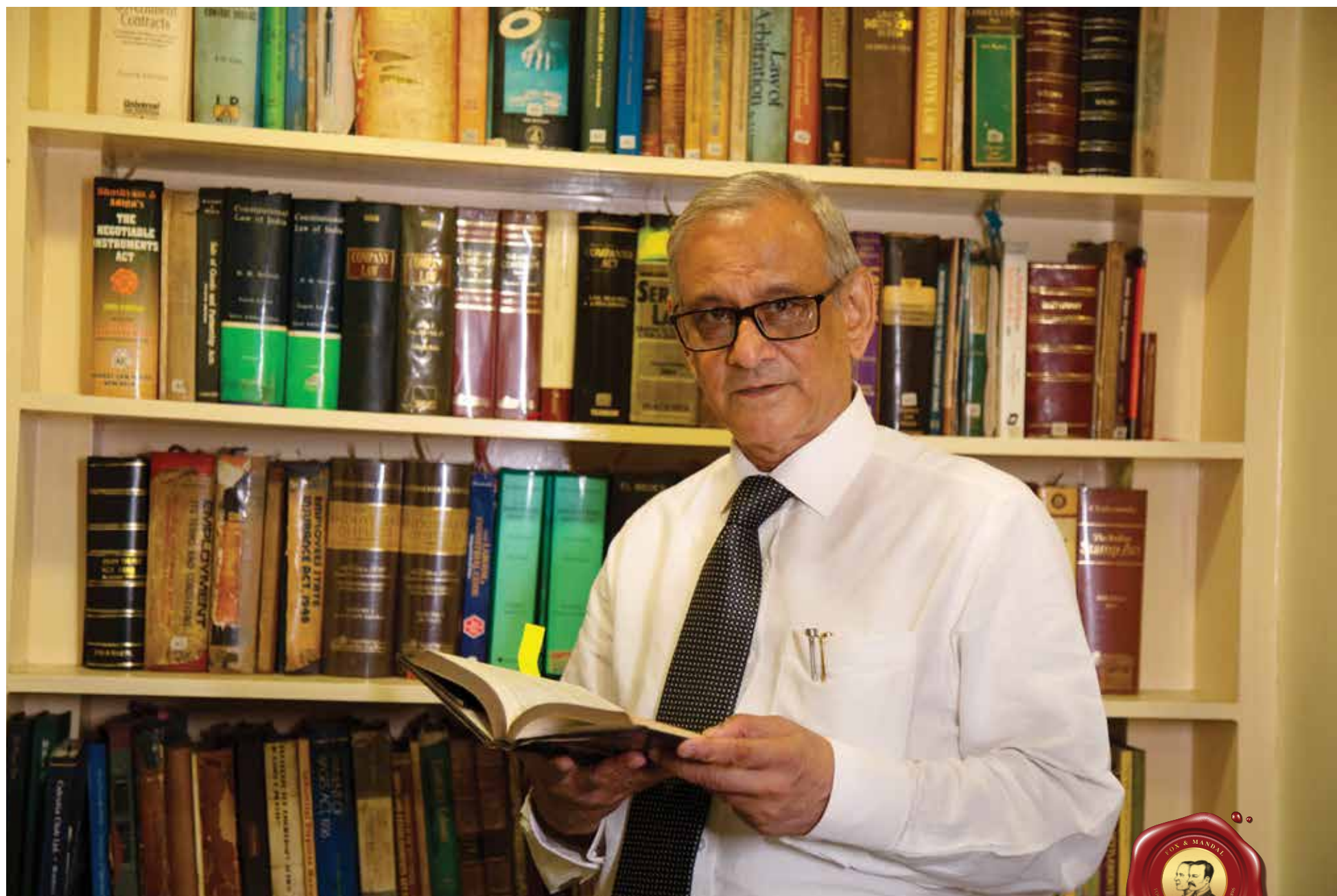
Fox & Mandal, it was clear, had become a law firm known for handling different types of cases. That reputation would reach a new high when a major sugar refinery approached the firm to represent it in a dispute with a regulator over levy of market fees.

Various sectors in India have been subject to strict government regulations, which have over time been relaxed. Agriculture, along with essential commodities, is one such sector. What happened in this case was that one such regulator, the Tamluk Regulated Market Committee, set up under the West Bengal Agricultural Produce Marketing (Regulation) Act, 1972, imposed a market fee on Shree Renuka Sugars Limited, which operated a refinery at Haldia, the industrial port city in Purba Medinipur.

Shree Renuka Sugars, which imported raw sugar for its refinery, had engaged Fox & Mandal to challenge the levy of market fees under the 1972 Act. In a reported judgement in 2014, the Calcutta High Court ruled in favour of the sugar refinery, clarifying that the 1972 Act did not apply to the import of raw sugar. The appeal filed by the Tamluk Regulated Market Committee against the said judgement is pending.



Arun Kumar Mandal



Asoke Kumar Dhar



TAKING FRESH GUARD

Transformation of Fox & Mandal into a 'brand'



*Debanjan Mandal has had the privilege of
working with the finest legal minds*

Change is the only Constant.

The ancients understood that very well, expressing it in ways few have done since. Time flows, they would say, and everything is always in a state of flux. But what applies to the universe, applies to the affairs of humankind also. It is a philosophy that Fox & Mandal had embraced too as it adapted seamlessly to the changing needs of the modern era and a new millennium.

The winds of change would start blowing around the late 1990s, with the induction of the new guard.

In 2004, Debanjan, a fourth-generation lawyer in his family and a grandson of Sudhir Kumar Mandal and great-grandson of G.C. Mandal, was admitted into the partnership. A decade later, it was time for Saila to step down.

A stalwart of the legal profession of his day, Dinabandhu Mandal expired in 2020. One of his sons, Shouryabrata Mandal, who had been a partner from the late 1990s, moved out in 2022, leaving behind the original partnership to continue with the firm's remaining three partners, Arun Kumar Mandal, Asoke Kumar Dhar and Debanjan Mandal, and the LLP which the firm had incorporated in 2017, with its nearly 20 partners and more than 100 associates, of counsel and other fee earners.

The story of the transition of Fox & Mandal the firm from a single-city firm to having a presence in multiple cities would not be complete without due reference to the alignment of the firm in 2020 with Kunal Vajani, a Solicitor trained in Mumbai and heading the firm's operations in New Delhi as the Joint-Managing Partner. Kunal holds the distinction of being the Court Member (India) - ICC International Court of Arbitration, Paris. With a law degree (LLB) from Government Law College, Mumbai, India, and a master's (LLM) from Harvard Law School, USA, Kunal is also qualified as a Solicitor, Supreme Court of England & Wales, and is a registered practitioner with the DIFC Courts, Dubai.

Poised to spread its wings in other centres of the country as well, the firm continues to repose faith in the leadership of its young lawyers and seasoned leaders.

Fox & Mandal has always positioned itself as a law firm which does not believe in growth in numbers only, but in its quality of services and partner engagement for each assignment.

Its ability to adapt has allowed Fox & Mandal to transform itself from a family-driven firm into a professionally managed brand, carving out a niche for itself in India as a one-stop address for corporate and commercial matters, dispute resolution, matters related to real estate, government services and projects. It was in this milieu of delivering legal services that Debanjan would groom himself into a position of professional leadership.

Debanjan learnt the nuances of law watching his senior partners and the brilliant legal counsel of Kolkata, who he had the fortune to work with closely, while handling complex cases. An added privilege was working with some of the finest legal minds of his time. Among them were the likes of Somnath Chatterjee, Anindya Kumar Mitra, Samaraditya Pal, Sakti Nath Mukherjee, Pratap Chatterjee, Soumendra Nath Mookherjee and Abhrajit Mitra on the civil, corporate and constitutional law side and Joymalya Bagchi (now an Hon'ble Judge of the High Court) on the criminal law side; to name just a few of the brilliant lawyers Debanjan had the good fortune to work with and learn under. Three of the leading lawyers of his times, Anindya Kumar Mitra, Jayanta Kumar Mitra and Soumendra Nath Mookherjee with whom Debanjan had several opportunities and privilege to work with, would also go on to become Advocates-General for West Bengal.

The journey of Debanjan would be incomplete without chronicling the opportunity which would come relatively early in his career as a partner when the reputed chartered accountant, Rajendra Singh Lodha, hired Fox & Mandal to represent him in the Birla-Lodha dispute over the last Will and Testament of Priyamvada Devi Birla, following the death of the Birla Corporation chairperson in July 2004. In the headline-grabbing case, Debanjan's team had engaged with some of the best legal minds of the time, including Senior Advocate Harish Salve, former Solicitor-General of India, and Anindya Kumar Mitra, former Advocate-General of West

Bengal, to name a few.

The judgement of the Supreme Court which would soon follow in the case, Krishna Kumar Birla vs Rajendra Singh Lodha, was legally significant as it settled the law of the right of third parties to challenge testamentary instruments. In this battle now spanning for over 18 years, the role of Debanjan's partner, Sanjiv Kumar Trivedi, cannot be over emphasised.

Other milestone cases the firm would successfully handle during this period were related to landholdings and real estate, a booming sector in the new era. Fox & Mandal has represented several real estate groups in navigating Bengal's complex land laws in disputes which eventually were settled by the Supreme Court of the country.

The times of Debanjan Mandal

An alumnus and gold medalist of St. Xavier's Collegiate School and St. Xavier's College, Kolkata, Debanjan had started early, joining the firm as an apprentice even before he entered Law College, in 1990. In 1999, he enrolled as an advocate with the Bar Council of West Bengal and, as mentioned earlier in this chapter, was admitted to the partnership, one of the youngest then. Today, he sits on the boards of several leading corporations in the eastern region, including market leaders in different sectors, from services to products. It was, however, Fox & Mandal's transformation from a family-run entity into a professional firm that perhaps best defines the period of Debanjan. While the wider legal

landscape also played a key part in the firm's evolution, Debanjan had helmed the change, setting high standards and encouraging young recruits from diverse backgrounds to break through the proverbial glass ceiling.

For Fox & Mandal, the new environment of legal education which started in this millennium was in perfect sync with its vision of the firm's future as a professional organisation where the emphasis would be on merit. It was towards that end that the firm opened its doors to lawyers freshly graduated from law schools across the country, reflecting its long-term outlook of grooming talented youngsters into future partners.

Level playing field

For the young recruits, their training would transcend their basic legal education, complemented by global exposure. The grooming begins right from day one so that the recruits can absorb as much as possible. For those who show initiative, there's enough incentive to push themselves harder.

From a societal point of view also, Fox & Mandal has evolved with the times. In an age where discrimination by birth is no longer acceptable and barriers — gender-based or otherwise — are falling away, the firm's human profile is more diverse and inclusive than ever before. Many of those now part of the firm are from different socio-economic backgrounds and everyone gets a level playing field to realise their full potential.

A positive fallout of the philosophy of investing in the brightest legal talents, irrespective of their background, has been the diversity of perspectives they have brought, helping Fox & Mandal deliver effective solutions to different types of matters, whether it is landmark public infrastructure projects, disputes over inheritance or contested land allotments; a tricky terrain in West Bengal.

The variety of cases has only served to enhance Fox & Mandal's reputation, from one of India's oldest and marquee law firms to one that could be depended upon for solutions. The wide range of cases has also helped expand the firm's area of practice, first in Kolkata, and then beyond the eastern metropolis to other parts of the country.

A significant contribution which still continues in the firm over the last two periods, has been that of Solicitor and Senior Partner Asoke Kumar Dhar; another grandson of Sudhir Kumar Mandal. Asoke Kumar Dhar passed his Bachelor of Arts (Honours in English) in 1969, Master of Arts in English in 1971, and Bachelor of Laws in 1973. He became a Solicitor in December 1976 and obtained the Bell Chamber's Gold Medal for securing the highest marks in the Attorneyship Final Examination in 1976. He was articled to Dinabandhu Mandal, Partner of Fox & Mandal, and thereafter joined the firm and became a partner in 1984. Since joining the firm, he has been practising in the Calcutta

High Court, the Supreme Court of India and various courts and tribunals in India, in commercial, constitutional, and labour and service matters. His special interest is in labour and employment laws.

Indeed, every partner played their part in Fox & Mandal's growth and their role in the firm's success story can hardly be overemphasised. No matter how challenging a case might be, Fox & Mandal has the reputation of a firm that has always stood by its clients. That has been a covenant it had committed itself to when two young lawyers forged a partnership a century and quarter ago.

Infrastructure

One of the projects taken up by Fox & Mandal in this millennium - and which is worth a mention - related to public infrastructure, as the firm forayed into landmark projects in West Bengal. It was a field brimming with opportunity because of increased autonomy, the corporatisation of public sector units and the willingness to experiment with public-private-partnerships as a way of developing infrastructure.

The Kolkata Metropolitan Development Authority (KMDA) engaged the firm as its legal consultant for its first water supply project in the PPP mode. The project mainly involved laying a supply pipeline network in Salt Lake, on the eastern

fringes of the city of Kolkata, delivery of potable water and the construction of a sewage treatment plant in the planned township in the eastern part of the Greater Kolkata area. The project went on to be successfully implemented, improving living conditions for hundreds of thousands of people living and working in this area.

One project would lead to another, as the firm's newly gained experience of working with a public body helped it land a similar assignment with the Haldia Development Authority, which too was planning a water supply project for the industrial port city, a few hours' drive from Kolkata. This project was also successfully commissioned in the year 2008. In this project, Debanjan was assisted by his partner, Rohit Singhania.

Another key infrastructure assignment that would come Fox & Mandal's way was a public-private-partnership project that the Kolkata Municipal Corporation had undertaken to upgrade man entry brick sewers through trenchless technology in nine roads, in or around the year 2010. The project was funded by the Jawaharlal Nehru National Urban Renewal Mission, an initiative launched in December 2005 by the Government of India to fast-track the planned development of identified cities.

Apart from the experience of handling the legal side of infrastructure schemes, there would be other takeaways too for Fox & Mandal. As these projects involved interactions with all the global Big 4 transaction advisers, they would lead to a long-term working relationship with these global firms.





Debanjan Mandal
with his team



Healthcare

From public infrastructure to healthcare was but a short step. In 2013, Fox & Mandal's legal assessment and advice would play a major role in the West Bengal Medical Services Corporation Limited's initiative to set up 21 tertiary healthcare institutions in the State, all of them super multispeciality hospitals, under a project financed by the Backward Region Growth Fund. Fox & Mandal had drafted the tender documents, except those that dealt with the technical and commercial aspects of the project, and handled all the legal issues involved till the finalisation of the contract with the successful bidder.

Subsequently, as legal consultant to the transaction advisers, Fox & Mandal would review documents prepared for ten categories of urban projects, for which toolkits were being prepared by the Indian government's flagship Swachh Bharat (Clean India) Mission.

In all these projects, Bhargav Mitra, another partner in Debanjan's team, was deeply involved and continues to remain so.

It was a new era of development; economic restrictions had eased and with it the scepticism that had characterised attitudes to business and investment not so long back. To Fox & Mandal's credit, it embraced the change, widening its legal ambit to include non-litigation cases as it adapted to the evolving environment.

Welfare schemes

In or around 2015, Bengal would witness the rise of student-centric initiatives aimed at empowering girls and boys through welfare schemes. The West Bengal Scheduled Castes, Scheduled Tribes and Other Backward Classes Development and Finance Corporation, a statutory body under the administrative control of the State's Backward Classes Welfare Department, had hired Fox & Mandal to draft tender documents and manage the bid process for procuring bicycles under one such scheme named "Sabooj Sathi". The bicycles, to be procured from reputable companies, were to be distributed among secondary and high school students. Five years later, the World Summit on the Information Society would award the winner's prize for 2020 to the State government for this bicycle project.





Team at New Delhi



PSUs

The dusk of the PSU era set in around 2017 in West Bengal as the State felt the need to restructure, amalgamate and wind up public sector units that were no longer being effectively utilised. This was going to be a mammoth exercise involving 46 PSUs across the State. Fox & Mandal would be appointed as the legal consultant to spearhead that project which is still on.

Landholding and Real Estate

Alongside its association with public infrastructure projects, Fox & Mandal would take up cases related to landholdings and real estate, already a buoyant sector in the mid-2000s. But fragmented landholdings, long-held tenancy rights and the complexity of Bengal's land laws meant legal solutions were needed if large projects were to go ahead. Fox & Mandal's case roster for real estate would soon be full with projects of the new era, which would see the rise of gated societies with multiple towers, club houses and other amenities.

One such case the firm handled was that of a well-known real estate group that had taken up a Rs. 100 crore-plus project, only to get embroiled in a dispute over "thika tenancies", sometime around the year 2010. Thika tenancy was a system that allowed landlords to lease their vacant land to tenants who had the liberty to not only erect

temporary structures on these leased plots but also own and lease them to subtenants, or “bharatiyas”. In 1949, the Calcutta Thika Tenancy Act would be enacted to restrict random evictions by landlords. Later, the State government, in line with land ceiling reforms, aimed at equitable distribution of land, provided for vesting of the property rights of landowners through the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 1981.

Coming back to the 2010 dispute, Fox & Mandal had represented the real estate group in what would be reported as the leading case settling the law relating to thika tenancies in the State. A division bench of Calcutta High Court decided in favour of the real estate group, ruling that a thika tenancy could not be bestowed upon those who had erected pucca (concrete) structures before the Calcutta Thika Tenancy (Acquisition and Regulation) Act, 2010, had been passed. The decision, upheld by the Supreme Court in 2022, would come as a huge relief for the real estate sector. In this landmark case, three of the present partners in Debanjan’s team - Biswajit Kumar, Ajay Agarwal and Shruti Swaika - remained involved at different stages.

In 2011, Bengal transitioned from three decades of rule by a communist party-led government to one led by the Trinamool Congress. The change of guard coincided with a

raft of disputes and litigation in Calcutta High Court as the State’s new rulers overturned many decisions the earlier government had taken. One such decision the new dispensation would scrap, claiming it was arbitrary and discriminatory, pertained to plots the Left Front government had allotted just before the elections. Fox & Mandal’s team of Sandip Dasgupta, partner, had led the battle on behalf of the government housing development corporation WBHIDCO. A single-judge bench had upheld the government’s decision, ruling that the entire process of allotment under the chairman’s quota was a “sham”. A division bench of Calcutta High Court gave its stamp of approval to the Single Judge’s decision in favour of Fox & Mandal’s client, a decision upheld by the Supreme Court of India.

Another landmark case of the decade immediately preceding the firm’s quasiquicentennial was about the right to light and air of a building’s and its occupants vis-a-vis a neighbour’s right to construction on their own plot of land according to municipal rules and regulations. As this book goes to print, the principal objection was to the construction of the tallest high rise in Eastern India, which, it was claimed, would interfere with the neighbouring building’s right to light and air. A single-judge bench of the High Court at Calcutta in a reported judgment upheld the right to construct the high rise

in accordance with municipal rules, even if that meant inconveniencing the neighbour. Here, the Fox & Mandal team of partners; Biswajit Kumar and Shruti Swaika, represented the developer of the high rise and was led by the eminent jurist Ram Jethmalani, Senior Advocate. Ajay Agarwal who had assisted Debanjan in conduct of the litigation from the side of the developer as inhouse counsel went on to join Debanjan’s team as a partner in the firm’s real estate practice.

Administrative

Almost a decade later, Fox & Mandal would again be in the thick of things over another contested decision, this time taken by the State government. It was a time when the Covid-19 pandemic was at its peak, which meant scheduled elections to the Kolkata Municipal Corporation could not be held. The State government had then set up a board of administrators to discharge the functions of the civic body till the elections were held. The decision was challenged in the High Court where Fox & Mandal represented the State and defended its move to set up the board of administrators



which had effectively tackled the impact of the rampaging virus. After the High Court ruled in favour of the State, the matter had reached the Supreme Court. Fox & Mandal's team, led by Debanjan Mandal and his partner Sourav Bhagat, represented the State even upto the Supreme Court, which upheld the decision of the High Court.

Towards the Future

The purpose of mentioning these case summaries is two-fold. One is to highlight the firm's legal achievements in the new millennium and to, reflect how it positioned itself in an evolving, post-liberalisation India; all the while learning and responding to the challenges of an increasingly complex legal milieu that such changes inevitably bring. That has been the defining achievement of the present period of change. While

there would always be differences in opinion regarding the change itself, what none can dispute is that success depends to a large extent on how well one adapts to the flux, even if that means the old order must yield to the new.

Today, along with litigation and corporate practice, the firm also has a focus on the banking & finance sectors, private equity, insolvency and bankruptcy, family estates and trust planning. Fox & Mandal has thus adapted in its thrust towards the future, nurturing of traditional verticals and creating new ones, encouraging young talent from across the country to excel while rebranding itself as a modern, professionally managed entity with a glorious tradition.



T o w a r d s t h e f u t u r e

ADAPTABILITY