

# THANESHWAR KAFLE (RAJESH)

SENIOR ADVOCATE, SUPREME COURT OF NEPAL

## CONTACT

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## ABOUT

**Home:** Samakhushi Chok, Town Planning  
Area-29, Kathmandu, Nepal. Sindhuli,  
Hatpate-9, Ghatgau as per citizenship and  
Birth Place

**Date of Birth:** 11/12/1971

**Nationality :** Nepali

## LICENCE OBTAINED

**Status :** Advocate, (License  
No.5537 issued by Nepal Bar Counsel )

**Date of issue :** 2053(1996)

## ACADEMIC DETAILS

**Graduated :** Bachelor's Degree of Law

**From :** Nepal Law Campus, Tribhuvan University Kathmandu, NEPAL

**Year :** 1995

**Corporate Law Course:** Enterprises and Investment Lawyers Course

**From :** International Development Law Organization, Rome, ITALY

**Year :** 2005

**Training :** Training Skills Improvement

**From :** Nepal Law Society in cooperation with Local Self Government and  
Decentralization Project, Kathmandu.

**Year :** 2000

**Training :** Revenue and Trade Laws

**From :** Nepal Law Society in cooperation with DANIDA-RAS Project, Nagarkot,  
Kathmandu

**Year :** 2004

**Training :** Globalization and WTO : Impacts & perspectives for Nepal

**From :** Supreme Court Bar Association and Action Aid International Nepal

**Year :** 2006

**Training :** Globalization Effective Use of Intellectual Property Rights to Ensure  
Adequate Access to Medicine in Nepal

**From :** The International Development Law Organization in corporation with UN  
Development Program and the IDLO Alumni Association of Nepal

**Year :** 2011

**Training :** Company Law and It's Challenges for Defense Lawyers

**From :** National Judicial Academy, Lalitpur, Nepal

**Year :** 2012

## EXPERIENCE

**Worked as an associate :** Senior Advocate & Supreme Court Judge

**With :** Mr. Prkas Raut

**Since :** 2049 to 2051

**With :** Senior Advocate Late Basudeb Dhungana

**Since :** 2051 to 2053

**With :** Senior Advocate Late Mr. Shusil Kumar

**With :** Shinha , Senior Advocate & Supreme Court

**With :** Judge Mr. Anil Kumanr Shinha

**Since :** 2053 to 2067

**Working As:** An Associate

**With :** Dr. Arjun Karki, Ex. Ambassador of Nepal to the United States

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## MEMBER

### Lawyer Association

- Nepal Law Society
- Nepal Bar Association
- Nepal Council of Arbitration
- Supreme Court Bar Association

## CONFERENCES & SEMINARS

Various Seminars on behalf of Nepal Law Society, Nepal Bar Association, International Council of Jurists, Nepal Council of Arbitration, Federation of Nepalese Chamber of Commerce, Supreme Court Bar Association etc. on Judicial Reforms, Decentralization issues, Company Law drafting, Contract Law drafting, Human Rights, Constitution, Election issues, Tax and Vat issues and many other legal aspects.

## TRAVEL ON ABROAD

### FOR MEETING, CONFERENCES

- |               |              |
|---------------|--------------|
| • USA         | • INDIA      |
| • ITALY       | • SINGAPORE  |
| • SWITZERLAND | • MALAYSIA   |
| • FRANCE      | • CHINA      |
| • BELGIUM     | • BANGLADESH |
| • NETHERLAND  | • INDONESIA  |
| • THAILAND    |              |

## MAIN AREA OF PRACTICE

### Banking Law and Insurance Law

- Advising
- Written legal opinions on Corporate issues & claims
- Other general Banking and Insurance matters
- Working as election officer

### Hotel, Real Estate , Hydro Power, BOT, BOOT, PPP, EPC+Finance / Foreign Direct Investment

- Advising
- Negotiation, Drafting, Follow-up for permission
- Dispute settlement in foreign investment
- Overall advising on legal issues related with major construction projects
- Raising capital through investors, to finance your business venture.

### Commercial Arbitration

- Preparation of Claim document, submission to Arbitral Tribunal, Arguments and follow-ups, Post award actions
- Working as an Arbitrator in some proceedings.

### – Taxation (Income Tax, VAT, Customs Duty, Municipality Tax and other revenue matters)

- Advising
- Litigation (drafting of appeal, writs and petitions)
- Arguments at Revenue Tribunal, High Court and Supreme Court

### Company Law

- Advising
- Written legal opinions on Corporate issues
- Litigation (drafting of claim, appeal, writs and petitions)
- Arguments at District Court, High Court and Supreme Court
- Preparation of MOA & AOA, Board minute, AGM, company's due-diligence etc.

### Civil Law, Criminal law, Constitutional Law & All General Law

- Advising
- Litigation (drafting of appeal, writs and petitions)
- Arguments at District Court, High Court and Supreme Court

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## COUNTRY HEAD OF NEPAL & SAARC COUNTRY OF INFRABANX, CANADA

### **BACKGROUND:**

Infrabanx Corporation ("Infrabanx™") is a Canadian based Special Purpose Infrastructure Corporation, duly formed under the Canada Business Corporations Act on the 3rd day of May 2003. Infrabanx™ draws primarily on the Government of Canada and its Crown Corporations' financial and non-financial platforms and programs. This empowers Infrabanx™ and its seasoned team of professionals to act in confidence and to pursue infrastructure opportunities wherever situated with the knowledge and assurance that the Government of Canada stands ready and is available to assist in every way possible to facilitate Infrabanx's contractual undertaking requirements.

### **MANDATE:**

Infrabanx™ is mandated to put Canada, sponsoring countries, reconstruction institutions and other participants to work in a transparent, effective and disparity free environment that enables developing and least developed countries to establish set procedures, guidelines, policies and contemporary laws that will bring together investment opportunities, domestic and foreign capital, and experienced management in order to bring to fruition their infrastructure and economic development objectives.

The aim of Infrabanx™ mandate is to mobilise private investors, national and multinational banks, reconstruction institutions, governmental institutions and Canadian Infrastructure Solution's participants, to provide assistance with respect to: a) longer maturates, b) partial risk guarantee facilities, c) collateralised pool of funds and marketable securities, d) performance guarantees and assurances, and e) special purpose investment or infrastructure vehicles.

### **VISION:**

In view of the unresolved economic challenges in developing and least developed countries in the midst of the abundance of idle natural resources amongst aimless and misguided human resources, and deteriorating physical resources, Infrabanx™ has a vision with innovation that initiates, mobilises and empowers developing and least developed countries and their people to develop, maximise and market their available resources in a sustainable manner.

### **MISSION:**

Infrabanx's mission is to be the infrastructure institution of first choice that is the establisher, facilitator and enforcer of a developing country's infra and economical vehicles that are employed to initiate, mobilise, transform, guarantee and enforce contractual terms and conditions in matters concerning financial undertakings.

### **PURPOSE:**

Infrabanx™ aim is to aid and abet Canadian and other sponsoring countries' enterprises that intend to, or are doing business in developing and least developed countries. It is quite content with providing Canadian Infrastructure Solution™ and the total infrastructure solution (TotalInfra Solution™) products and services, through to its clients and prospects, specifically: a) host countries' governments, b) state-owned enterprises, c) financial institutions, and d) special purpose infrastructure vehicles.

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## COUNTRY HEAD OF NEPAL & SAARC COUNTRY OF INFRABANX, CANADA

### CORE ACTIVITIES :

#### **Mobilization**

Infrabanx's mobilisation activities include the stimulation of private sector funds, participation and mobilisation of crown/state owned financial institutions and enterprises, and public and private institutional capital in respect to medium to large-scale infrastructure projects that require a) co-financing, b) debt financing, c) equity financing, d) export credit financing, e) complementary financing f) guarantee of sovereign risk g) financing arranged in parallel; and h) partial credit guarantees programs.

#### **Promotions:**

Infrabanx's promotion activities are created to enhance the capacities of host countries' governments, qualified enterprises, financial institutions and state owned enterprises to raise debt financing and/or provide alternative solutions. Infrabanx promoting objective in this respect is to stimulate: a) political and economic stability, b) participation of institutional investors, c) risk sharing and financial sector reforms, d) credible and transparent legal framework, e) acceptable sovereign credit rating capacity, f) conversion of local currency, profits, and dividends, g) building a sustainable synergy for both people and environment, h) laws that allow ownership and uniform operations of infrastructure projects.

#### **Guarantee Services:**

Infrabanx's guarantee services provide assistance in managing risks, which are beyond its members or participants control. This is done through limited support, designed to reduce members and participants' exposure to risks. The guarantee services permit a member or participant to obtain a) expanded guarantee facility, b) commercial and sovereign risk coverage, c) partial credit guarantee for public sector projects, d) guaranteed instruments, designed to attract market sources of co-financing, e) coverage for late maturates of principal or principal repayments and interest payment, f) a risk coverage that is uniquely positioned to bear irrevocable and unconditional guarantees, and g) a base interest guarantee – in case of a floating rate facility, only the LIBOR plus the fix element. The object is to securitize members and participants' loans and other receivables within the targeted sectors.

#### **Technical Assistance :**

Infrabanx relies on the support of its Canadian members and participants, participating Crown corporations/agencies, such as Canadian Commercial Corporation (CCC), Export Development Canada (EDC), Canadian International Development Agency (CIDA) and Team Canada, as well as participating financial institutions' internal and external professionals to assist and complement its services with the relevant expertise whenever the need arise. These services comprise of the following such as a) private sector construction and operation, b) project preparation and implementation, c) review of legislation and regulations, d) institution building and support; d) regional integrated development programs, e) human resources development; f) capacity building; g) sector reforms; and h) economic and project analysis.