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Ben Zelenka Martin

Barrister
Call 2016

Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud and Investigations • Commercial Litigation • Competition • Energy and Natural Resources • Insolvency • Jurisdiction and Conflict of Laws • Shareholder Disputes

Overview

Ben Zelenka Martin works the full range of Chambers' practice, in both contentious and non-contentious matters. He has experience in corporate advisory work and complex litigation, including shareholder disputes and civil fraud claims. He works as part of counsel teams of various sizes, and has appeared as sole counsel in the High Court and various County Courts.

Recent cases include:

- **Getir founders v Mubadala:** acting for the founders of the Getir group of companies against sovereign wealth fund investors.
- **North East Scotland Pension Fund v Hermes Infrastructure II GP LLP and Hermes GPE LLP**: Acting (with Steven Elliott KC and Constantine Fraser) for the North East Scotland Pension Fund (NESPF) in its high-value dispute with Hermes concerning the acquisition of a stake in a Swedish onshore wind portfolio by Hermes Infrastructure Fund II LP. NESPF alleges that the Defendants breached contractual and tortious duties as GP and Manager of the fund.
- **Da Silva & Ors v Brazil Iron Limited & Anor:** Acting (led by Nicholas Sloboda KC) for the two UK-domiciled parent companies of a Brazilian mining company in their defence of Brazilian law claims brought by 103 members of communities in Bahia, Brazil relating to the activities of the Fazenda Mocó mine.
- **Crane Bank and others v dfcu Bank and others:** Acting for the claimants (with Hannah Brown KC, David Caplan, and Lauren Hitchman) in a high-value Commercial Court conspiracy claim in which it is alleged that several defendants conspired with the Bank of Uganda in order to procure the "resolution" and sale at an undervalue of the assets and liabilities of one of Uganda's leading financial institutions.
- **SKAT v Solo Capital Partners LLP (in administration) and Ors**: Acting (led variously by Laurence Rabinowitz KC, Jamie Goldsmith KC and others) for the Danish Tax and Customs Administration in a claim relating to an alleged conspiracy involving fraudulent withholding tax reclaim applications in the sum of DKK 12 billion (approximately £1.5 billion). The case featured in The Lawyer's "Top 20 Cases" for 2021 and has been described by Foxton J as "*one of the largest and most complex pieces of litigation to be heard in the Commercial Court*".
- **ICC Arbitration**: Acting (with Edward Cumming KC) for a manufacturer in a dispute over the termination of a contract relating to the development of a new line of products.
- **Lonestar Communications v Kaye, Marziano, Cellcom, Polani and Orange**: Acting for Cellcom (with Sonia

Tolaney QC and Tim Goldfarb) in Commercial Court proceedings arising out of alleged cyberattacks on a telecommunications company in Liberia, involving allegations of vicarious liability for economic torts in connection with the alleged cyberattacks.

- **LMAA Arbitration**: Acting (with Daniel Toledano KC) for the purchaser of a yacht in a dispute over termination of the construction contract.
- **Autonomy v Lynch and Hussain**: Acting (with Laurence Rabinowitz QC, Patrick Goodall QC, Conall Patton QC and others) for Autonomy and others in fraud claims worth $5 billion in relation to the acquisition of Autonomy by the HP group. The case featured in The Lawyer's "Top 20 Cases" for 2019. A 93-day trial concluded in January 2020, which Hildyard J noted "may rank amongst the longest and most complex in English legal history". The 1200 page (excluding schedules and appendices) judgment on liability "may well be unparalleled". Quantum to be determined in a later judgment.
- **LCIA Arbitration**: Acting (with Alexander Gunning KC) for the defendant in a high-value dispute under a Share Purchase Agreement.

Examples of Recent Cases

Commercial Litigation

- **North East Scotland Pension Fund v Hermes Infrastructure II GP LLP and Hermes GPE LLP**: Acting (with Steven Elliott KC and Constantine Fraser) for the North East Scotland Pension Fund (NESPF) in its high-value dispute with Hermes concerning the acquisition of a stake in a Swedish onshore wind portfolio by Hermes Infrastructure Fund II LP. NESPF alleges that the Defendants breached contractual and tortious duties as GP and Manager of the fund.
- **Da Silva & Ors v Brazil Iron Limited & Anor**
  Acting (led by Nicholas Sloboda KC) for the two UK-domiciled parent companies of a Brazilian mining company in their defence of Brazilian law claims brought by 103 members of communities in Bahia, Brazil relating to the activities of the Fazenda Mocó mine.
- **Ferrufino Arango -v- AIDrivers Limited (2023)**
  Acted (as sole counsel) for the successful claimant in King's Bench Division proceedings to recover damages for repudiatory breach of a consultancy agreement, successfully resisting an application to set aside default judgment and obtaining a final third party debt order under CPR 72.
- Acting (as sole counsel) for the claimant purchaser in a breach of warranty claim under a share purchase agreement.
- Advising (as sole counsel) an equities trader on the availability of injunctive relief to restrain a broker from making a margin call.
- Advising (led by Laurence Emmett KC) an industry participant in relation to JR proceedings following a decision by the regulator in relation to a statutory charging scheme.
- **Lonestar Communications v Kaye, Marziano, Cellcom, Polani and Orange**
  Acting for Cellcom (with Sonia Tolaney QC and Tim Goldfarb) in Commercial Court proceedings arising out of alleged cyberattacks on a telecommunications company in Liberia, involving allegations of vicarious liability for economic torts in connection with the alleged cyberattacks.
- **LMAA Arbitration**
  Acting (with Daniel Toledano KC) for the purchaser of a yacht in a dispute over termination of the construction contract.
- Acted for the third defendant (including representation as sole counsel at the CCMC) in proceedings involving claims for breach of contract, restitution, and rescission alleged to be worth up to around £17.5 million.
- Acting (with Giles Wheeler KC) for the claimant in proceedings for recovery of a loan of £2.5 million (under the facility agreement and related personal guarantee), involving issues of construction and rectification.
- Appeared for the defendants at a case management hearing in a Part 8 claim in which it was alleged that a signature on a shareholders' agreement had been forged.
- **Autonomy v Lynch and Hussain**

Acting (with Laurence Rabinowitz QC, Patrick Goodall QC, Conall Patton QC and others) for Autonomy and others in fraud claims worth $5 billion in relation to the acquisition of Autonomy by the HP group. The case featured in The Lawyer's "Top 20 Cases" for 2019. A 93-day trial concluded in January 2020, which Hildyard J noted "may rank amongst the longest and most complex in English legal history". The 1200 page (excluding schedules and appendices) judgment on liability "may well be unparalleled". Quantum to be determined in a later judgment.

- **Macquarie Capital (Europe) Ltd v. Nordsee Offshore MEG I GmbH**
  Acted (with Daniel Toledano QC and Douglas Paine) in a €19 million claim for payment of completion and advisory fees in respect of an offshore windfarm project in the North Sea. The dispute includes issues relating to the German permit and grid connection regimes.
- Advised the hirer of a venue on availability of force majeure provisions to terminate the hiring contract.
- Advising and settling draft Particulars of Claim for a private equity investor in relation to breach of exclusivity provisions in a term sheet.
- Advised (with Lord Neuberger) an international mining conglomerate in relation to settlement of tax and other disputes with a foreign government.
- Advised (with Steven Elliott QC and Michael D'Arcy) an aerospace company in relation to compliance with pre-completion undertakings and satisfaction of conditions precedent under an SPA.
- Settled a Defence for the developer of an energy from waste (EfW) plant in relation to a claim for fees by a financial advisor under various engagement letters, involving issues of construction and estoppel by acquiescence and convention.
- Appeared (as sole counsel) in the Circuit Commercial Court for the defendant housing association at the hearing of its successful application for security for costs in a claim relating to the termination of an agreement for a proposed property development.
- **Credebt Exchange Limited v Zinc Group**
  Acting (as sole counsel) in Circuit Commercial Court proceedings for the claimant invoice factoring business in a deceit claim against a recoveries agent.
- Acted for Mr Oleg Sheyko in his claim for over US$10 million against Consolidated Minerals Limited ("CML") before the Jersey Royal Court (Samedi Division), assisting in successfully resisting CML's appeal from an order debarring it from defending the claim on the basis of serious disclosure failings.
- Settled particulars of claim for a client seeking unpaid sums that had accrued under an underwriting agreement.
- Settled particulars of claim for a client seeking damages for breach of an agreement to restore a classic car.
- Settled particulars of claim for a client seeking damages for breach of an oral agreement to purchase shares.
- **SIAC Arbitration**
  Assisted Laurence Rabinowitz QC, Nick Sloboda, Tamara Kagan, Andrew Lodder, and Henry Hoskins in a multi-billion dollar oil and gas dispute regarding alleged fraud and breach of warranty under an SPA.
- **Royal Devon and Exeter NHS Foundation Trust v Atos IT Services UK Ltd**
  Assisted Zoe O'Sullivan QC and Andrew Lomas in acting for the Defendant IT supplier in a dispute over the digitisation of NHS patient records.
- Settled a defence and counterclaim to a claim for sums allegedly due on termination of a contract for managed printing services.
- Settled particulars of claim for a client alleging that his company had been missold an interest-rate swap by an international financial services group.
- Acted (as sole counsel) for a solicitor making an application for third-party disclosure from a bank to assist in enforcement proceedings.
- Assisted in preparing evidence for a claimant seeking sums due under an agency agreement, which engaged issues relating to the treatment of transfer fees under the Conduct of Employment Agencies and Employment Businesses Regulations 2003/3319.

Arbitration

- **LCIA Arbitration**
  Acting (with Alexander Gunning KC) for the defendant in a high-value dispute under a Share Purchase Agreement.

- ICC Arbitration
  Acting (with Edward Cumming KC) for a manufacturer in a dispute over the termination of a contract relating to the development of a new line of products.
- LMAA Arbitration
  Acting (with Daniel Toledano KC) for the purchaser of a yacht in a dispute over termination of the construction contract.
- SIAC Arbitration
  Assisted Laurence Rabinowitz QC, Nick Sloboda, Tamara Kagan, Andrew Lodder, and Henry Hoskins in a multi-billion-dollar oil and gas dispute regarding alleged fraud and breach of warranty under an SPA.
- Assisted (during pupillage) Steven Elliott in defending an arbitration claim for unpaid sums under an agency agreement, raising issues relating to the Bribery Act 2010.

Banking and Financial Services

- Advising (as sole counsel) an equities trader on the availability of injunctive relief to restrain a broker from making a margin call.
- Credebt Exchange Limited v Zinc Group
  Acting (as sole counsel) in Circuit Commercial Court proceedings for the claimant invoice factoring business in a deceit claim against a recoveries agent.
- Advising and settling draft Particulars of Claim for a private equity investor in relation to breach of exclusivity provisions in a term sheet.
- Settled a Defence for the developer of an energy from waste (EfW) plant in relation to a claim for fees by a financial advisor under various engagement letters, involving issues of construction and estoppel by acquiescence and convention.
- Acting (with Giles Wheeler KC) for the claimant in proceedings for recovery of a loan of £2.5 million (under the facility agreement and related personal guarantee), involving issues of construction and rectification.
- Macquarie Capital (Europe) Ltd v. Nordsee Offshore MEG I GmbH
  Acted (with Daniel Toledano QC and Douglas Paine) in a €19 million claim for payment of completion and advisory fees in respect of an offshore windfarm project in the North Sea. The dispute includes issues relating to the German permit and grid connection regimes.
- Settled particulars of claim for a client alleging that his company had been missold an interest-rate swap by an international financial services group.

Civil Fraud and Investigations

- SKAT v Solo Capital Partners LLP (in administration) and Ors
  Acting (led variously by Laurence Rabinowitz KC, Charles Graham KC, Jamie Goldsmith KC and others) for the Danish Tax and Customs Administration in a claim relating to an alleged conspiracy involving fraudulent withholding tax reclaim applications in the sum of DKK 12 billion (approximately £1.5 billion). The case featured in The Lawyer's "Top 20 Cases" for 2021. The case has been described by Foxton J as *"one of the largest and most complex pieces of litigation to be heard in the Commercial Court"*.
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- Autonomy v Lynch and Hussain
  Acting (with Laurence Rabinowitz QC, Patrick Goodall QC, Conall Patton QC and others) for Autonomy and others in fraud claims worth $5 billion in relation to the acquisition of Autonomy by the HP group. The case featured in The Lawyer's "Top 20 Cases" for 2019. A 93-day trial concluded in January 2020, which Hildyard J noted "may rank amongst the longest and most complex in English legal history". The 1200 page (excluding schedules and appendices) judgment on liability "may well be unparalleled". Quantum to be determined in a later judgment.
- Credebt Exchange Limited v Zinc Group
  Acting (as sole counsel) in Circuit Commercial Court proceedings for the claimant invoice factoring business in a deceit claim against a recoveries agent.

Competition

- **Sainsbury's Supermarkets Ltd v (1) MasterCard Incorporated; (2) MasterCard International Incorporated; (3) MasterCard Europe S.P.R.L [2020] UKSC 24**
  Acted as junior counsel for the claimants (with Mark Brealey QC and Derek Spitz) in the proceedings following the judgment of the Supreme Court concerning interchange fees implemented by MasterCard (as an association of banking undertakings) in breach of EU Competition law.

Energy and Natural Resources

- **Da Silva & Ors v Brazil Iron Limited & Anor**
  Acting (led by Nicholas Sloboda KC) for the two UK-domiciled parent companies of a Brazilian mining company in their defence of Brazilian law claims brought by 103 members of communities in Bahia, Brazil relating to the activities of the Fazenda Mocó mine.
- Settled a Defence for the developer of an energy from waste (EfW) plant in relation to a claim for fees by a financial advisor under various engagement letters, involving issues of construction and estoppel by acquiescence and convention.
- Acted for Mr Oleg Sheyko in his claim for over US$10 million against Consolidated Minerals Limited ("CML") before the Jersey Royal Court (Samedi Division), assisting in successfully resisting CML's appeal from an order debarring it from defending the claim on the basis of serious disclosure failings.
- **Macquarie Capital (Europe) Ltd v. Nordsee Offshore MEG I GmbH**
  Acted (with Daniel Toledano QC and Douglas Paine) in a €19 million claim for payment of completion and advisory fees in respect of an offshore windfarm project in the North Sea. The dispute includes issues relating to the German permit and grid connection regimes.
- Assisted (during pupillage) Sa'ad Hossain QC in advising a client on the proper construction of a notice clause in a contract.

Jurisdiction and Conflict of Laws

- **Lonestar Communications v Kaye, Marziano, Cellcom, Polani and Orange**
  Acted for Cellcom (with Sonia Tolaney QC and Tim Goldfarb) in Commercial Court proceedings arising out of alleged cyberattacks on a telecommunications company in Liberia, involving allegations of vicarious liability for economic torts under Liberian law in connection with the alleged cyberattacks.
- Appeared (as sole counsel) for Linklaters LLP, successfully resisting an application disputing the court's jurisdiction to hear its claim for unpaid fees. The defendant had sought to argue that it had no contract with Linklaters, so that Linklaters could not rely on an exclusive jurisdiction clause to establish jurisdiction under Article 25 of the Recast Brussels I Regulation.

Shareholder Disputes and Company Law

- **Getir founders v Mubadala:** acting for the founders of the Getir group of companies against sovereign wealth fund investors.
- Advising and settling draft Particulars of Claim for a private equity investor in relation to breach of exclusivity provisions in a term sheet.
- Appeared for the defendants at a case management hearing in a Part 8 claim in which it was alleged that a signature on a shareholders' agreement had been forged.
- Acted (with Craig Orr QC and Michelle Menashy) for the Defendants (Moore Freres LLC and Last Lion Holdings Ltd) in a 4-day conjoined trial of a claim for an injunction and an unfair prejudice petition: Re Last Lion Holdings Ltd [2018] EWHC 2347 (Ch). The Claimant (a minority shareholder in Last Lion) alleged that the Board of Last Lion had unreasonably refused to consent to a sale of its shares to a third party.
- Appeared in the Central London County Court on several occasions to make applications under the Companies Act 2006, including applications for: an extension of time for registration of a company charge, the rectification of the particulars of a company charge, and for the rectification of the companies' register under section 1096.
- Advised the tenants of a block of flats on proposed alterations to the articles of association of the company managing the block.

What the Directories Say

Chambers & Partners 2027 (Fraud: Civil) “Ben is an excellent advocate and an extremely intelligent junior – he is measured, persuasive and strategically astute. He is able to distil complex points very quickly and get to the heart of the problem.” “Ben is fantastic! He has a great work ethic and an organised mind, and he is willing to muck in on financial detail, open to practical solutions and a pleasure to work with.” “Ben is always solutions-oriented and is able to provide practical advice to drive the litigation strategy forwards. He is responsive and has a collaborative approach.” “Ben will fight the client’s corner, in the space of adversity if necessary, and is very robust and thoughtful with his legal analysis.”

Chambers & Partners 2027 (Commercial Dispute Resolution) “Ben is formidably intelligent and often the smartest person in the room. He’s also one of the hardest-working and most approachable juniors at the Bar.” “Ben is an excellent junior barrister who is approachable, responsive and a great commercial tactician. He is pragmatic and a great support to the instructing team.” “Ben is very hardworking and has a great ability to get over the detail of a case very quickly. He is able to produce high-quality work at a fast pace and to remain calm under pressure.” “A strong junior who is approachable and builds client relationships well.”

Legal 500 2027 (Commercial Litigation) “Ben is very responsive and always ready to engage in discussions on all aspects of the case, from strategic to legal analysis. His advice is clear, and he has strong drafting skills.”

Chambers & Partners 2026 (Fraud: Civil) “He understands the commercial issues at play, as well as client’s needs, and he adapts accordingly.” “A pugnacious advocate.”

Legal 500 2026 (Fraud: Civil) “An intelligent and industrious junior.”

Chambers & Partners 2025 (Fraud: Civil) "Ben is hugely switched on. He was always available and gives very clear and concise advice from legal and practical perspectives." "His written advisory work is well structured and difficult to argue with. He is great on a counsel team."

Legal 500 2025 (Fraud: Civil) “A junior with a commanding court presence.”

Education

City Law School: BPTC (Outstanding) [2015-2016]

City University London: GDL (Distinction, Top of Year) [2014-2015]

University of Oxford: BPhil (Philosophy) [2012 - 2014]

University of Oxford: MA (Philosophy, Politics and Economics) (First Class, Top of Year) [2009-2012]

Academic Achievements

Arden Scholar (Gray's Inn) [2017]

Bedingfield Scholarship (Top BPTC Scholarship), Gray’s Inn [2015]

Du Cann Prize (Mooting Competition, final before Stephen Phillips, Asplin, Andrews JJ), Gray’s Inn [2016]

Maitland Advocacy Prize (Mooting Competition, final before Newey J) [2014]

David Karmel Entrance Award (Top GDL/CPE Scholarship), Gray’s Inn [2014]

Henry Wilde Prize (for Outstanding Performance in Philosophy Finals), University of Oxford [2012]

Two Hicks Prizes (for Outstanding Performances in Economics Finals), University of Oxford [2012]

3 Verulam Buildings Prize (for the best performance in the GDL), City University London [2015]

European Law Prize, City University [2015]

Languages

German (basic)

Awards

2027 Chambers Ranked in UK Bar

Ben Zelenka Martin

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Contact Clerks



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