



# Niranjan Venkatesan

Barrister

Call 2015



## Scope of Practice

• Arbitration • Banking and Financial Services • Civil Fraud • Commercial Litigation • Company and Insolvency • Energy and Natural Resources • Injunctions (including freezing order and search orders) • Jurisdiction and Conflict of Laws • Professional Liability • Restitution

## Overview

Niranjan was named Legal500 Junior of the Year 2023 and nominated for C&P Commercial Litigation Junior of the Year 2023. He is regularly instructed as lead or sole advocate, often against silks, in complex commercial litigation and in international arbitration. He also has extensive appellate experience, having appeared seven times in the Supreme Court and on many occasions in the Court of Appeal in cases involving complex and important questions of law.

Before coming to the Bar, Niranjan read and taught law at Oxford, where he was a Vinerian, Eldon and Rhodes Scholar.

He has a particular interest in the conflict of laws and in misrepresentation, civil fraud and the law of damages, which were the subject of his doctoral thesis at Oxford. He also practised at the Indian Bar between 2011 and 2013 in the chambers of Mr Arvind Datar SC and is able to advise on matters of Indian (commercial) law.

Recent cases include:

***Invest Bank v El-Husseini***: Acting (as sole counsel) for the defendants in a complex c.£20 million claim in the Commercial Court under section 423 of the Insolvency Act 1986, which has already given rise to numerous interlocutory judgments

***Grand View PTC v Wong***: Acted (with Mark Howard KC and Jonathan Adkin KC) for Grand View in the Privy Council in a case that raises important questions of law concerning powers of amendment under trust deeds and the rule

against perpetuities

*Enka Insaat ve Sanayi AS v OOO “Insurance Company Chubb*: Acted (with Robin Dicker QC) for Enka in the Supreme Court and the Court of Appeal in what is now the leading case on the principles for ascertaining the proper law of arbitration agreements and the role of the court of the seat of arbitration in granting anti-suit injunctions.

*BTI 2014 LLC v Sequana SA*: Acted (with Laurence Rabinowitz KC) for Sequana and the former directors of its subsidiary company in this landmark case in the Supreme Court and the Court of Appeal. The Supreme Court’s judgment is likely to become one of the leading company law authorities of this generation and considers a number of important questions of company law concerning the duties of directors.

*Watford Control Instruments v Brown*: Acted (as sole counsel) for the successful defendant in the Chancery Division in what is likely to become one of the leading cases on the sanction for abuse of process by “warehousing”

*A v B*: Acted (as sole counsel) for the successful claimant in a c.\$7.5 million ICC arbitration arising out of the pharmaceutical industry

*PJSC NBT v Mints*: Acting (with Laurence Rabinowitz KC) for the Second and Third Defendants in this complex litigation, which has given rise to important judgments concerning issue estoppel and abuse of process and the impact of the UK sanctions regime on civil litigation.

*TAQA Bratani v FOGUK*: Acted (as sole counsel) for the Claimants in these high-profile Commercial Court proceedings concerning the forfeiture of interests previously held by the Defendant in three oil and gas fields in the Brae complex and (with David Allison KC) in a related claim under section 423 of the Insolvency Act 1986.

*R (on the application of ClientEarth) v FCA*: Acting (with Laurence Rabinowitz KC and as sole counsel) for Ithaca, the interested party, in a judicial review claim commenced by ClientEarth challenging the FCA’s decision to approve Ithaca’s prospectus.

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## Examples of Recent Cases

### Commercial Litigation

- *Invest Bank v El-Husseini*  
Acting (as sole counsel) for the defendants in a c. £20m claim in the Commercial Court under section 423 of the Insolvency Act 1986. The case has already given rise to a number of important judgments on freezing injunctions, the recognition of foreign judgments, disclosure under PD57AD, amendment applications and limitation: see [\[2023\] EWHC 2302 \(Comm\)](#), [\[2023\] EWHC 3350 \(Comm\)](#), [\[2024\] EWHC 996 \(Comm\)](#), [\[2024\] EWHC 1235 \(Comm\)](#)
- *Enka Insaat ve Sanayi AS v OOO “Insurance Company Chubb* [\[2020\] UKSC 38](#); [\[2020\] EWCA Civ 574](#)  
Acted (with Robin Dicker QC) in the Supreme Court and the Court of Appeal in what is now the leading case on the principles for ascertaining the proper law of arbitration agreements and the role of the court of the seat in granting anti-suit injunctions.
- *Grand View PTC v Wong*

Acted (with Mark Howard KC) for Grand View in the Privy Council in a case that raises important questions of law concerning powers of amendment under trust deeds and the rule against perpetuities

- ***BTI 2014 LLC v Sequana SA***

Acted (with Laurence Rabinowitz KC) in the Supreme Court and the Court of Appeal for Sequana and the former directors of its subsidiary. The Supreme Court's judgment is likely to become one of the leading company law authorities of this generation and considers a number of important questions of company law concerning the duties of directors.

- ***WCI v Brown***

Acting (as sole counsel) for the director defendant in the Chancery Division defending a claim for breach of fiduciary duty. The case has already given rise to important judgment concerning the doctrine of abuse of process by warehousing and the joinder of parties after the arguable expiry of a limitation period.

- ***Arcadia Petroleum Ltd v Bosworth***

Acted (with Laurence Rabinowitz QC and Fionn Pilbrow) in the Supreme Court and (with Mark Howard QC and Fionn Pilbrow) in the CJEU in a case concerning the jurisdictional characterisation of conspiracy, knowing receipt, dishonest assistance and breach of fiduciary duty claims under the Brussels Regulation (Recast) and the Lugano Convention. The CJEU gave judgment in April 2019: Case C/603-17 [2019] IL Pr 22.

- ***PJSC NBT v Mints***

Acting (with Laurence Rabinowitz KC) for the Second and Third Defendants in this complex litigation, which has given rise to an important judgment concerning issue estoppel and abuse of process and about the impact of the UK sanctions regime on civil litigation.

- ***LCIA Arbitration***

Acted (with Mark Howard QC) in successfully defending a c.\$2 billion claim in an LCIA arbitration arising out of a Shareholders' Agreement

- ***TAQA Bratani v FOGUK***

Acting (as sole counsel and with David Allison KC) for the Claimants in these high-profile Commercial Court proceedings arising out of the forfeiture of interests previously held by the Defendant in three oil and gas fields in the Brae complex.

- ***Crypton Digital Assets Ltd v Blockchain***

Acting for the defendant in these Chancery Division (IP List) proceedings involving claims for inducing breach of contract, dishonest assistance and conspiracy. See [2021] EWHC 1172 (Ch) where Niranjana appeared as sole advocate in an application concerning the principles governing pleading and particularising allegations of fraud.

- ***A v B***: Acting (as sole counsel) for the claimant in a c.\$7.5 million ICC arbitration arising out of the pharmaceutical industry

- ***Advanced Formulations v Personnel Hygiene Services Ltd***: Acted (as sole counsel) for the claimant in Commercial Court proceedings in a breach of contract claim arising out of the supply of non-alcoholic hand sanitiser to PHS

- ***Goldman Sachs International v Novo Banco* [2018] 1 WLR 3683**

Acted (with Laurence Rabinowitz QC and David Caplan) for the claimants in the Supreme Court in a claim worth in excess of \$600 million. The issues before the Supreme Court concern the interpretation of the EU Directive on Bank Recovery and Resolution and article 25 of the Brussels Regulation (Recast).

- ***Tiuta International Ltd v De Villiers* [2017] 1 WLR 4627**  
Acted (with Joanna Smith QC and Ed Peel) for Tiuta in the Supreme Court in a case concerning the correct approach to the assessment of damages in claims against valuers where the loan that the lender is induced to make by the negligent valuation is used to refinance a pre-existing loan.
- ***Société Générale v Goldas* [2019] 1 WLR 346**  
Acted (with Laurence Rabinowitz QC) for Société Générale in the Court of Appeal in a claim worth around \$480 million. The issues before the Court of Appeal include the interpretation of CPR rule 6.15 and the law governing the enforcement of a cross-undertaking in damages.
- ***Stanford International Bank v Proskauer Rose LLP***  
Acted (with Laurence Rabinowitz QC) for Proskauer Rose LLP in the Eastern Caribbean Court of Appeal and the High Court of Antigua in Proskauer's successful challenge to jurisdiction. The appeal arose out of a c. \$1 billion claim brought by the liquidators of Stanford International Bank for alleged breach of duty in failing to detect and report a Ponzi scheme.
- Acted (with Laurence Rabinowitz QC, Charles Kimmins QC and others) for the defendant in Commercial Court proceedings resisting the enforcement of a \$1.2 billion LCIA arbitral award. The case, which settled shortly before the hearing, involved questions relating to the English choice of law rule for arbitration agreements in the light of *Sulamerica v Enesa* and the scope of section 66 of the Arbitration Act.
- ***Arempe International v Barclays Bank (UK) plc***  
Acted (as sole counsel) in a Commercial Court claim arising out of an authorised push payment or 'APP' fraud. The claim raised issues concerning the availability of a claim against the recipient bank in negligence or unjust enrichment. Settled in January 2020. Niranjana has subsequently advised on a number of claims arising out of APP fraud.
- Acted (as sole counsel) in the High Court defending an application for a third-party debt order
- Acted (as sole counsel) in a claim for damages for the breach of a franchise and related agreements.
- Acted (as sole counsel) in successfully defending a claim arising out of a contract made with an unincorporated association
- Acted (as sole counsel) in a RICS arbitration in a claim for damages for the negligent management of a property.

## Arbitration

- ***LCIA Arbitration***  
Acted (with Mark Howard QC) in successfully defending a c.\$2 billion claim in an LCIA arbitration arising out of a Shareholders' Agreement
- ***UNCITRAL Arbitration.***  
Acted (with Laurence Rabinowitz KC) in a c.\$300 million ICC arbitration concerning the oil and gas industry
- ***ICC Arbitration***  
Acted (as sole counsel) for the successful claimant in an ICC arbitration arising out of a distribution agreement in the pharmaceutical industry
- ***Enka Insaat ve Sanayi AS v OOO "Insurance Company Chubb"* [2020] UKSC 38; [2020] EWCA Civ 574**  
Acted (with Robin Dicker QC) in the Supreme Court and the Court of Appeal in what is now the leading case

on the principles for ascertaining the proper law of arbitration agreements and the role of the court of the seat in granting anti-suit injunctions.

- ***ICC Arbitration***

Acted (with James Brocklebank QC) in a 10-day ICC arbitration in June 2021 concerning the pharmaceutical industry.

- Acted (with Laurence Rabinowitz QC, Charles Kimmins QC and others) for the defendant in Commercial Court proceedings resisting the enforcement of a \$1.2 billion LCIA arbitral award. The case, which settled shortly before the hearing, involved questions relating to the English choice of law rule for arbitration agreements in the light of *Sulamerica v Enesa* and the scope of section 66 of the Arbitration Act.
- Acted (as sole counsel) in a RICS arbitration in a claim for damages for the negligent management of a property.

## Banking and Financial Services

- ***Goldman Sachs International v Novo Banco [2018] 1 WLR 3683***

Acting (with Laurence Rabinowitz QC and David Caplan) for the claimants in the Supreme Court in a claim worth in excess of \$600 million. The issues before the Supreme Court concern the interpretation of the EU Directive on Bank Recovery and Resolution and article 25 of the Brussels Regulation (Recast).

- ***Arempra International v Barclays Bank (UK) plc***

Acted (as sole counsel) in a Commercial Court claim arising out of an authorised push payment or ‘APP’ fraud. The claim raised issues concerning the availability of a claim against the recipient bank in negligence or unjust enrichment. Settled in January 2020. Acting (as sole counsel) in the Commercial Court in an application for pre-action disclosure and a potential claim arising out of an ‘authorised push payment fraud’

## Energy and Natural Resources

- ***UNCITRAL Arbitration***

Acting (with Laurence Rabinowitz KC) in a c.\$300 million ICC arbitration concerning the oil and gas industry

- ***Afren v Shahenshah and others***

Acted (with Andrew Lodder) in a major Commercial Court action defending a c. \$1 billion claim for conspiracy, bribery, dishonest assistance, knowing receipt, breach of contract and other causes of action. The dispute arose out of the development of an oilfield in Nigeria.

## Trusts and Equity

- ***Grand View PTC v Wong:***

Acting (with Mark Howard KC and Jonathan Adkin KC) for Grand View in the Privy Council in a case that raises fundamental questions of law concerning (inter alia) powers of amendment under trust deeds, the nature of discretionary trusts, the correct analysis of the beneficiary principle and the rule against perpetuities

- ***WCI v Brown***

Acting (as sole counsel) for the director defendant in the Chancery Division defending a claim for breach of fiduciary duty. The case has already given rise to important judgment concerning the doctrine of abuse of

process by warehousing and the joinder of parties after the arguable expiry of a limitation period.

## Advocacy and instructions as sole counsel

- ***Crypton v Blockchain***:

Acted (as sole counsel) in an appeal in the Chancery Division concerning the principles applicable to pleading allegations of fraud or other serious wrongdoing.

- ***WCL v Brown***

Acting (as sole counsel) for the director defendant in the Chancery Division defending a claim for breach of fiduciary duty. The case has already given rise to important judgment concerning the doctrine of abuse of process by warehousing and the joinder of parties after the arguable expiry of a limitation period.

- ***Invest Bank v El-Husseini***

Acting (as sole counsel) for the defendants in a c. £20m claim in the Commercial Court under section 423 of the Insolvency Act 1986. The case has already given rise to a number of important judgments on freezing injunctions, the recognition of foreign judgments, disclosure under PD57AD, amendment applications and limitation: see [\[2023\] EWHC 2302 \(Comm\)](#), [\[2023\] EWHC 3350 \(Comm\)](#), [\[2024\] EWHC 996 \(Comm\)](#), [\[2024\] EWHC 1235 \(Comm\)](#)

- ***TAQA Bratani v FOGUK***:

Acted (as sole counsel) for the Claimants in a successful application for default judgment in these high-profile Commercial Court proceedings concerning the forfeiture of interests previously held by the Defendant in three oil and gas fields in the Brae complex.

- Acting (as sole counsel) in an ICC arbitration arising out of a distribution agreement in the pharmaceutical industry. There was a 1-week trial in July 2023; the award is awaited.
- Acted (as sole counsel) in the High Court defending an application for a third-party debt order
- Acted (as sole counsel) in a CMC in the Commercial Court involving contested issues relating to disclosure
- Acting (as sole counsel) in a specific disclosure application in the Commercial Court involving issues relating to privilege and waiver of privilege
- Acted (as sole counsel) in a claim for damages for the breach of a franchise and related agreements.
- Acted (as sole counsel) for the claimant in a successful claim for damages for the defective conversion of a car.
- Acted (as sole counsel) in successfully defending a claim for the alleged breach of a contract made with an unincorporated association.
- Acted (as sole counsel) in a RICS arbitration in a claim for the negligent management of a property.
- Acted (as sole counsel) in opposing a bankruptcy petition in the High Court.

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## What the Directories Say



**Chambers & Partners 2024 (Commercial Dispute Resolution)** "A genius." "Niranjan is probably one of the most intelligent barristers. He has the ability to get to the heart of a case." "Niranjan has an exceptional mind. His analysis of a case is first class."

**Legal 500 2024 (Banking & Finance)** 'Niranjan is an intellectual powerhouse and an extremely user-friendly barrister. His written advocacy is particularly persuasive and noteworthy.'

**Legal 500 2024 (Commercial Litigation)** 'Niranjan is an exceptional lawyer. He is phenomenally bright and despite his tremendous ability, he is always humble and ready to help any member of the team.'

**Legal 500 2024 (Insolvency; and Energy & Natural Resources)** 'Niranjan is an extremely bright barrister. He comes up with innovative solutions to legal problems, and is very hard working and responsive to requests.'

**Chambers & Partners 2023 (Commercial Dispute Resolution)** "His ability to get on top of the issues and complicated matters in a case at speed is astonishing." "Niranjan is brilliant, user-friendly and responsive." "Very clever and highly collaborative."

**Legal 500 2022 (Banking & Finance)** "His advocacy was very powerful, underpinned by brilliant preparation and delivered with a style that was tailored to his judge. He is a future superstar";

**Legal 500 2022 (Commercial Litigation)** "Niranjan is in a class of his own. He is exceedingly bright, has an encyclopaedic knowledge of the law, is passionate about what he does, charming to work with and a positive and supportive team member.'

**Chambers & Partners 2022 (Commercial Dispute Resolution)** "He is one of the most in-demand juniors at the moment. He has encyclopaedic knowledge and always listens to and incorporates the solicitor's views."

**Legal 500 2021 (Commercial Litigation)** "Exceptionally talented and has the skills and manner that totally belie his relatively junior level. His knowledge of the law is encyclopaedic - solicitors have never known any lawyer with such knowledge and recall of authorities";

**Legal 500 2021 (Banking & Finance)** "Brilliant and a top-notch strategic thinker. Niranjan has an absolutely mastery of procedural law and digests case law effortlessly";

**Chambers & Partners 2021 (Commercial Dispute Resolution)** "Truly phenomenal, incredibly sharp and bright and someone who knows case law inside out - he's a legal dictionary." "He is an incredibly creative thinker who comes up with ingenious arguments that no one has thought of.";

**Legal 500 2020 (Commercial Litigation):** "A huge brain and an asset to every team";

**Legal 500 2020 (Banking & Finance):** "He is extremely intelligent, user-friendly and responsive, and his written work is always first rate."

**Chambers & Partners 2020 (Commercial Dispute Resolution):** "Incredibly nice, bright and incisive, he drafts concisely and gets to the nub of an issue." "He can deal with the analysis of a complex issue in a short space of time, and he's really collaborative"

**Chambers & Partners 2019 (Commercial Dispute Resolution):** "his attention to detail is remarkable, and he's extremely responsive and very easy to work with". "Always willing to assist, he has great legal capability and offers practical advice."

# Education

- **University of Oxford**

DPhil for the thesis 'Damages for Misrepresentation in English Law' (2013-15) (the issues addressed in the thesis include the proper interpretation of the SAAMCO principle, the test of causation in misrepresentation claims and the scope of sections 2(1) and 2(2) of the Misrepresentation Act 1967).

- BCL (2010-11) (top in year, Vinerian Scholarship, three subject prizes)

- **National Law School of India University**

BA LLB (Hons) (2005-10) (top in year, twelve University Prizes, Chief Editor of the Law Review)

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# Academic Achievements

- Eldon Scholarship (awarded each year to the most promising graduate of the University of Oxford intending to practise at the Bar)
  - Vinerian Scholarship for best performance in the BCL (Restitution of Unjust Enrichment, Conflict of Laws, Personal Taxation, Evidence)
  - John Morris Prize for best performance in the Conflict of Laws
  - Rupert Cross Prize for best performance in Evidence
  - Gray's Inn Tax Chambers Prize for best performance in Personal Taxation
  - Rhodes Scholarship, University of Oxford
  - Clarendon Scholarship, University of Oxford
  - Twelve University Prizes as an undergraduate at the National Law School of India University including the Indira Khaitan Prize for University First Rank, the Justice Menon Prize for Best Graduating Student and the Subba Rao Prize for best performance in contract law.
  - Indian National Champion and Quarter-finalist in the International Rounds, Philip C Jessup International Law Moot Court Competition (2009 and 2010)
  - Richard Baxter Award for Second Best Respondent Memorial in the World and Fourth Best applicant Memorial in the World, Philip C Jessup International Law Moot Court Competition (2010)
  - Eighth Best Advocate in the World, Philip C Jessup International Law Moot Court Competition (2009)
  - Honourable Mention for Advocacy at the Willem C Vis International Commercial Arbitration Moot Court Competition, Vienna (2006)
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# Previous Experience

- **Called to the Indian Bar (2010)**

Practised at the Commercial Bar in India in the Chambers of Mr Arvind Datar SC between 2011 and 2013 and acted (led and unled) in several complex commercial and tax cases in the High Court and in the Supreme Court of India.

- **Lecturer, University of Oxford**

Lecturer in Law at Lady Margaret Hall, Oxford (2014-15)

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# Selected Publications

- 'Causation in misrepresentation: historical or counterfactual? And "but for" what?' (2021) 137 *Law Quarterly Review* 503
  - (co-authored with Ian Glick KC) '~~Choosing the Law Governing the Arbitration Agreement~~' in N Kaplan and M Moser (eds), *Jurisdiction, Admissibility and Choice of Law in International Arbitration* (Wolters Kluwer 2018)
  - (co-authored with Laurence Rabinowitz KC) '~~Restitution and Unjust Enrichment: 2017-18~~' in D Clarry (ed), *The UK Supreme Court Yearbook* vol 9 (2018)
  - '~~The Contract Remoteness Rule: Exclusion, not Assumption of Responsibility~~' in A Dyson, J Goudkamp and F Wilmot-Smith (eds), *Defences in Contract* (2017) (paper presented at All Souls College, Oxford in January 2016)
  - 'Specific and Agreed Remedies for Breach of Contract in Indian Law: A Code of English Law?' in M Chen-Wishart, A Loke and B Ong (eds), *Performance Interest in the Contract Laws of Asia* (OUP 2016) (paper presented at the National University of Singapore)
  - 'Legislative Competence: The Union and the States' in the *Oxford Handbook to the Indian Constitution* (OUP 2016)
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# Awards



# Contact Clerks



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