

# Ron Chatterjee

Call 2004



Ron Chatterjee has a wide-ranging commercial practice encompassing both litigation and international arbitration. He has particular experience in commercial and insurance disputes, construction and engineering matters, and professional negligence claims.

In addition to substantial experience of conducting his own cases in the English High Court (particularly in the Technology and Construction Court and Commercial Court) and in arbitration, he regularly acts as junior counsel (led both within and outside chambers) on high-value, high-profile and often technically complex disputes.

Before coming to the Bar, Ron spent two years as a management consultant with McKinsey & Company working with clients across a broad range of industries. As a result, he is well aware of the commercial realities and pressures faced by his clients and seeks to bring a commercially-minded approach to all his work.

Ron has particular expertise and experience in:

- Commercial
- Insurance
- Technology & telecoms
- Construction and energy
- Professional negligence

## Commercial

Ron is regularly instructed to advise and act for a range of clients across a wide variety of commercial and contractual disputes, both in litigation in the English High Court and Court of Appeal, and in arbitration.

### Featured Commercial cases

- Acting for a European manufacturer of lead-acid car batteries in a substantial commercial dispute (worth c. €125

million) with the global vehicle manufacturer (Nissan) to whom the batteries were supplied. The case raised complex factual, legal, technical and quantum issues (across four expert disciplines) over the course of a four-week trial in the TCC.

- Acting for the bank Société Générale in a c. US\$500m claim against its insurers concerning the physical loss of gold bullion in Turkey and Dubai ((listed by The Lawyer magazine as one of the top 20 cases of 2011); and in relation to claims against the consignee of the gold bullion: *Société Générale v. Goldas Kuyumculuk Sanayi Ithalat Ihracat AS* [2017] EWHC 667 (Comm).
- Acting for a claimant in relation to a post-judgment worldwide freezing order and associated relief obtained against individual and corporate international defendants; including obtaining orders for specific disclosure and for committal for contempt of court in failing to comply with disclosure orders: *VIS Trading Co. Ltd. v. Nazarov* [2016] 4 W.L.R. 1 and [2016] EWHC 245 (QB).
- Advising and representing the successful defendant at a seven-day trial in the High Court in a claim by a commercial agent for commission alleged to be due under a commercial agency agreement and/or under the Commercial Agents (Council Directive) Regulations 1993. The claim raised issues of contractual construction, rectification, estoppel by convention and implied terms.
- Acting for the claimant bank in a fraud claim against company directors arising from a fraudulent invoice discounting scheme.
- Acting for the purchaser of a company in a multi-million Euro claim for damages for breach of warranty by the seller in relation to a share purchase agreement.
- Advising a manufacturer and distributor of commercial vehicles in relation to its obligations under a supply of services contract.
- Advising a high net worth individual in relation to a substantial claim in respect of monies advanced for a commercial property investment.
- Acting as Treasury counsel on a number of matters, including in relation to a Commercial Court action brought by Lloyd's Names against HM Government.

## Insurance

Ron is regularly instructed on a wide range of insurance matters across a range of classes of business, including property, product liability and professional indemnity. His work includes advising on policy coverage, drafting statements of case, and conducting both interim and final hearings for both insurers and policyholders. In addition, Ron has completed a three-month secondment in the in-house legal department of a major international insurer, assisting and advising on a range of insurance disputes and issues.

## Featured Insurance cases

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- Acting for the bank Société Générale in a c. US\$500m claim against its insurers concerning the physical loss of gold bullion in Turkey and Dubai ((listed by The Lawyer magazine as one of the top 20 cases of 2011).
  - Advising a leading international and London market insurer in relation to policy wording in light of the Insurance Act 2015.
  - Regularly acting for policyholders and insurers in disputes raising a variety of complex coverage, policy interpretation, non-disclosure/misrepresentation and fraud issues, across a wide variety of types of insurance policy.
  - Acting for insurers in numerous subrogated claims arising out of fires and flooding events; including substantial claims in connection with fires occurring at hospitals, large industrial premises, commercial residential developments and domestic properties.
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## Technology & Telecoms

Ron has been instructed in a wide range of technology-related disputes.

## Featured Technology & Telecoms cases

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- Acting for a major global software company in relation to a large scale (claims and cross-claims totalling in excess of £350 million), technically complex and long-running commercial IT project arbitration between an international IT supplier and the sub-contractor software company, arising out of the termination of the UK Government's National Programme for IT across the NHS (at the time the largest ever IT public procurement project in the UK).
  - Acting for a claimant health organisation in a breach of contract claim against a provider of electronic document management IT services.
  - Acting for a claimant bringing an urgent application for an interim injunction against an IT authentication security system software development company to enforce post-termination contractual obligations.
  - Acting for a specialist data centre design and build company in a claim brought against it by a supplier of bespoke IT data centre cooling plant and associated equipment.
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# Construction & Engineering

Ron advises and acts in a wide range of domestic and international construction disputes, both litigated and arbitrated. He has experience of dealing with claims for defects, delay and disruption, extensions of time, loss and expense, liquidated damages, and valuation and final account claims. Ron is used to working alongside clients, experts and solicitors in document-heavy cases which often involve highly technical issues.

## Featured Construction & Engineering cases

- Acting in an ICC arbitration for a consortium of international contractors in relation to a multi-billion dollar rail infrastructure project in Saudi Arabia. The case involved wide-ranging disputes between the contractors and their designers, relating to nearly 200 individual claims, and covered most engineering and architectural aspects of rail projects, including tunnelling, viaducts, alignment, track speed, stakeholder management and station design.
- Acting in a DIFC arbitration for an MEP sub-contractor in a claim against a major Emirati contractor relating to a high-profile development, one of the largest construction projects recently built in Abu Dhabi. This wide-ranging dispute – worth hundreds of millions of Emirati Dirham – was governed by UAE law and concerned substantial delays, numerous variations, and payment disputes.
- Acting for the employer in an UNCITRAL arbitration against a main contractor relating to the construction of a substantial residential, office and retail development in Ras Al Khaimah. The matter was governed by UAE law.
- Acting for the employer in an ICC arbitration against a main contractor relating to the construction of a substantial residential, office and hotel development in Dubai. The matter was governed by UAE law.
- Acting for a main contractor against a subcontractor in a DIAC arbitration concerning delay, disruption and defective work in the construction of a large retail development in Dubai. The matter was governed by UAE law.
- Acting for the main contractor in an ICC arbitration against a sub-contractor relating to the construction of a trunk road in Ghana.
- Advising the main contractor of a hydropower project in Kenya in relation to legal issues arising under the FIDIC form of contract.
- Advising the main contractor of a hydropower project in Ethiopia in relation to the CECA form of subcontract.
- Acting for the claimant in a substantial claim for property damage and consequential business interruption losses against a main contractor arising out of a flooding incident at commercial premises.
- Acting for an employer against a main contractor in TCC proceedings arising out of the redevelopment of a major hotel in London.

- Acting for and advising a main contractor in relation to a claim against its subcontractor arising out of flood damage to commercial premises resulting in property damage and business interruption losses to the employer.
- Acting in a claim brought by an employer against a piling contractor and structural engineer in relation to a redeveloped site in London.
- Advising and acting in a number of cases involving allegations of defective workmanship on both domestic and commercial construction projects.

## Professional Negligence

Ron's professional negligence practice covers claims relating to a wide range of professionals, including construction professionals, insurance brokers, solicitors and financial advisers.

### Featured Professional Negligence cases

- Acting for the bank Société Générale in a c. US\$500m professional negligence claim against the bank's producing and placing brokers in respect of an insurance claim relating to the physical loss of gold bullion in Turkey and Dubai.
- Advising insurance brokers in a Commercial Court action brought against them for alleged negligent placement of a policy of professional indemnity insurance.
- Instructed on behalf of claimant solicitors facing substantial professional negligence counterclaims arising out of their handling of applications to the English court for search and seizure and freezing orders in support of foreign proceedings. Succeeded, on appeal to the High Court, in obtaining orders dismissing the counterclaims on the basis of a limitation defence. The appeal raised the question of the proper construction of section 35 of the Limitation Act 1980. The defendants' subsequent appeal to the Court of Appeal was dismissed: *Al-Rawas v. Hassan Khan & Co.* [2017] 1 W.L.R. 2301 (CA).
- Acting for a defendant financial adviser in relation to a claim brought against it arising out of allegedly negligent pension fund investment recommendations.
- Acting for a quantity surveyor in a claim brought by a commercial developer alleging negligence in the preparation of bills of quantities, allegedly leading to the developer tendering for a commercial construction contract at an undervalue.
- Instructed on behalf of purchasers of a substantial residential property in a professional negligence claim against a professional inspection consultant retained by the property developer.
- Advising a contractor in relation to a possible negligence claim against its solicitors arising out of the solicitors'

handling of adjudication proceedings on behalf of the contractor.

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- Acting on behalf of purchasers of a substantial residential property in a professional negligence claim against their chartered surveyors.
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- Acting for an architect defending a claim in respect of alleged negligent design of a commercial property roof covering.
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- Acting for a defendant solicitor in relation to quantum in a conveyancing professional negligence claim.
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- Acting for a structural engineer defending a professional negligence claim brought by residential employers.
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- Acting for a surveyor/contract administrator defending a substantial claim for professional negligence brought by a property developer.
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## Previous experience

2000–2002 McKinsey & Company (strategy consultant)

2002 Prime Minister's Strategy Unit (consultant)

## Education

- MPhil Economics (Trinity College, Cambridge University), Distinction
- MA (Cantab) Economics (Trinity College, Cambridge University)
- Dip Law (City University), Distinction (top of year)
- BVC (Inns of Court School of Law), Outstanding (top of year)