

Sanjay Patel

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Sanjay Patel has a broad commercial practice with particular specialisms in construction law and banking and finance law.

In addition to regular appearances in the English High Court, Sanjay's practice has a strong international flavour. Sanjay has appeared in a number of international arbitrations, both as sole counsel and as part of a counsel team involving a QC. Sanjay also has experience in overseas courts; he has appeared as sole counsel in both the Dubai International Financial Centre Court and the Qatar International Court.

Prior to joining 4 Pump Court, Sanjay worked in the international arbitration department of a leading US law firm. During that time Sanjay gained experience of international arbitrations under the LCIA, ICC and UNCITRAL rules. Sanjay was involved in various cases in insurance and energy sectors where over US \$50m was at stake.

Sanjay has experience in all the main areas of chambers' work, including:

- Construction & Energy
- Banking & Financial Services
- Shipping & Shipbuilding
- Professional Negligence
- Insurance

Construction & Engineering

Sanjay regularly acts in construction related disputes and is familiar with standard form construction contracts used in the UK and in international construction projects.

Sanjay's construction experience includes acting in energy cases and cases involving offshore developments.

In addition to considerable experience in arbitration and in the High Court, Sanjay regularly acts in adjudication

proceedings. Sanjay has experience of acting in heavy adjudications (both as sole counsel and as part of a counsel team) raising complex issues where parties have needed to prepare arguments to very short timescales. Sanjay has also acted in a number of construction-related professional negligence actions involving structural engineers, architects and surveyors.

As well as acting in disputes, Sanjay has also been involved in advising parties prior to contracting and also while projects have been ongoing. Advisory work has included advising on an architect's potential liability for not advising an employer on guarantee schemes and also advising on amendments to a JCT Design and Build Contract on a large development in Central London.

Featured Construction & Engineering cases

Appearing as sole counsel in a two week DIAC arbitration concerning a multi-million dollar dispute over a hotel development.

Acting for a contractor bringing a claim for £240m in a DIAC arbitration relating to a landmark development in the UAE.

Acting for a developer in a multi-million dollar dispute concerning a residential development in the UAE.

Acting for a contractor in widely reported English High Court proceedings relating to the fit-out of the Shangri-La Hotel in the Shard.

Acting in High Court proceedings regarding the total collapse of a church during an ongoing construction project.

Acting in an ad hoc arbitration between joint venture partners concerning a major transport infrastructure project.

Acting in a multi-million dollar dispute related to the delayed conversion of a supertanker into an offshore oil platform.

Advising a Middle Eastern company in relation to the termination provisions of a joint venture agreement related to downstream petroleum operations.

Banking & Financial Services

Sanjay has a particular interest in financial services and banking, and has completed a Master's degree in Finance. Sanjay has experience in pricing complex financial instruments (including exotic derivative contracts) and also corporate valuation.

Sanjay has acted for all four major UK banks in relation to interest rate swap mis-selling cases, and has been instructed in over 20 such matters. Sanjay has been instructed to advise, plead statements of case and appear in derivatives-related cases both with and without a leader. He appeared as junior counsel in *Warners Retail v RBS* [2014] EWHC 2818, where the claimant discontinued proceedings days after the bank successfully opposed an application for the admission of expert evidence. Sanjay has also been instructed in relation to a number of cases involving allegations of LIBOR manipulation. Away from cases concerning mis-selling, Sanjay has advised on disputes arising from the downfall of Lehman Brothers as well as disputes over the calculation of close-out amounts under the ISDA Master Agreement.

Sanjay also appears regularly in non-derivatives related cases. Recent High Court experience includes appearing in the Commercial Court as sole counsel in a multi-million pound dispute concerning an Indian ship owner's default under a loan agreement, as well as appearing as sole counsel in the High Court for a major UK bank to resist an emergency injunction application. Sanjay has also acted in cases involving:

- Online identity theft;
- Guarantees (including performance bonds);
- Letters of credit;
- Cases alleging negligent submission of information to credit reference agencies;
- Alleged mortgage mis-selling;
- Payment Services Regulation 2009; and
- Data protection issues affecting banks, including disputes involving subject access requests.

Sanjay has previously assisted in various regulatory matters in relation to UK and overseas regimes including a dispute over the scope of a Far Eastern regulator's powers against listed companies and their directors.

Shipping & Shipbuilding

Sanjay has been involved in several shipbuilding and charterparty disputes. Shipbuilding disputes included a claim relating to a Buyer's rights of termination under a contract based on the SAJ form, a Yard's claim against a bank under a payment guarantee and a Buyer's claim for liquidated delay damages.

Sanjay has drafted statements of case in a number of charterparty disputes and sale of goods cases more generally. Recent experience has included an unsafe port claim concerning damage caused to a container ship while at a berth, a dispute as to whether a letter of credit met the requirements of an underlying contract of sale and a case concerning the recoverability of the costs of hardening a vessel.

Professional Negligence

Sanjay has experience of acting in a variety of different professional negligence disputes. In particular, Sanjay has advised and appeared in professional negligence claims relating to solicitors, independent financial advisors, surveyors and construction professionals. Recently, Sanjay appeared as sole counsel in relation to a multi-million pound, multi-party High Court matter in which over 40 solicitors firms are being sued for failing to obtain insurance for the common parts of a residential tower block.

Insurance & Reinsurance

Sanjay has regularly appeared for insurers in disputes related to a wide range of insurance products. Recent trial experience includes the case of Hammad Shawabkeh v Daman Health Insurance Qatar LLC which concerned the meaning of the term "emergency" under a medical insurance policy. Sanjay is also acting in a dispute concerning a claim under a Construction All Risks policy.

Sanjay's insurance experience includes acting for insurers to defend fraudulent claims, and bringing claims against the insurers of insolvent companies under the Third Parties (Rights Against Insurers) Act 1930.

Publications

- "Won't you stay another day?": The ISDA Resolution Stay Protocol", *Journal of International Business and Finance* (February 2015)
- "Check The Meaning: Reanalysing the Distinction between Guarantees and Demand Bonds", *Maritime Risk International* (September 2012)
- "Founding Legitimate Expectations on Unincorporated Treaties" *Judicial Review* (March 2010)
- Contributing author for LexisNexis online Adjudication KnowHow

Education

- MA (Selwyn College, Cambridge) Law with Modern & Medieval Languages, First
- MSc (London School of Economics) Finance, Merit

Languages

- French (good working knowledge)
- Spanish (good working knowledge)