

Sanjay Patel

Call 2010



Sanjay is a versatile advocate whose practice focuses on large-scale disputes both in litigation and arbitration, often with a technical element.

Sanjay's commercial practice is currently recognised in the directories for energy, international arbitration and construction. He is described as "a future KC", and "a persuasive advocate" whose "drafting is nothing short of fantastic and his advocacy first rate". Sanjay is also highly rated for his ability to work under pressure – he is described as "unflappable", "one of the most user-friendly, commercially minded and legally astute barristers on the market" and someone that "brings a great sense of humour when working under pressure".

Throughout Sanjay's career he has worked on technically complex disputes concerning topics as diverse as the causes of corrosion on pipelines, financial derivatives and the technology behind energy-from-waste plants. Sanjay enjoys the challenge of grasping technical detail while presenting it to a court or tribunal in a way that can readily be understood.

In recent years Sanjay has built a particular sector specialism in energy and infrastructure disputes, although his real strength is the breadth of his advocacy experience. Since Sanjay was six years call he has appeared as sole counsel against KCs in heavy multi-week arbitrations where tens of millions of pounds have been at stake, while also being led by KCs on some of the most high profile disputes in the UK and abroad. Outside of Sanjay's core fields of energy, construction and banking, Sanjay has maintained a broad commercial practice which has included representing an employee against a sovereign wealth fund (represented by a KC) in a case involving allegations of conspiracy (reported in the [Financial Times](#), [Bloomberg](#) and [Al Jazeera](#)). Above all, Sanjay thrives as a trial advocate.

In addition to appearing in commercial cases in the TCC, Commercial Court, Queen's Bench Division and Chancery Division of the English High Court, Sanjay has appeared in arbitrations under the ICC, LCIA, DIFC-LCIA, UNCITRAL, LMAA and DIAC rules (including emergency arbitrations) and has also appeared in the Qatar International Court and the Dubai International Financial Centre Courts. Sanjay has a particular focus on disputes in the Middle East – a region he has worked in throughout his career and has come to know well. Sanjay's international experience means that he has appeared before judges and arbitrators from five continents and he is experienced at presenting cases before arbitrators from civil law and common law backgrounds. His experience of international arbitration dates back to before becoming a barrister; prior to joining 4 Pump Court, Sanjay worked in the international arbitration department of WilmerHale.

In 2019 Sanjay was appointed to the UK Government Attorney-General's B Panel of Counsel, and has advised and acted for the Government in various cases since his appointment. Sanjay has also acted for other sovereign states in

arbitration.

Sanjay enjoys building relationships with all parts of a litigation team, from paralegals to partners to in-house legal and commercial contacts. He takes pride in treating everyone he comes across with warmth and respect.

Energy

In recent years the majority of Sanjay's practice has involved disputes in relation to energy projects, both in the English High Court and in arbitration.

Featured Energy cases

Acting as lead counsel for a sovereign state in an LCIA arbitration concerning the termination of a contract relating to the construction of a power plant. The claim was valued at over US\$200m.

Acting as junior counsel for the employer in *Energy Works (Hull) Ltd v MW High Tech Projects UK*, a five-week English TCC trial in 2021 concerning the termination of a contract for the construction of an energy-from-waste project (led by Stephen Dennison KC). Judgment awaited.

Acting as sole counsel in a one week Abu Dhabi Global Market seated, LCIA arbitration concerning a claim valued at over US\$100m under a Construction All Risks insurance policy relating to damage to pipeline coatings. The arbitration involved substantial technical evidence concerning the cause of corrosion on pipeline sections.

Acting in a two week London seated, ICC arbitration concerning a fire during the course of works at a combined heat and power plant (led by James Cross KC). The claim was valued at over US\$60m.

Acting as sole counsel in a two-week DIAC arbitration seated in Dubai concerning the construction of a pipeline fabrication facility.

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.

Construction

Sanjay regularly acts in construction related disputes and has acted in cases relating to FIDIC, JCT, NEC3, IChemE and NEC3 contracts. Sanjay regularly acts in English TCC proceedings, international arbitration and adjudication.

Featured Construction cases

Acting for a contractor bringing a claim worth US\$750m in a Dubai seated DIAC arbitration relating to a landmark development in the UAE (led by Sean Brannigan KC).

Acting for a contractor in widely reported English High Court proceedings relating to the fit-out of the Shangri-La Hotel in the Shard (led by Sean Brannigan KC).

Acting as junior counsel for the main contractor in *Blackpool Borough Council v VolkerFitzpatrick* [2020] EWHC 1523 (TCC), a four week trial concerning forecasted rates of corrosion at a tram depot (led by Anneliese Day KC).

Acting as junior counsel in a two-week *ad hoc* arbitration relation to a joint venture dispute concerning the construction of a UK tram project (led by David Streatfeild-James KC).

Appearing as sole counsel in a two-week Dubai seated DIAC arbitration concerning the construction of an industrial facility.

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

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

Acting for a developer in a Dubai seated arbitration under the UNCITRAL rules concerning the construction of two skyscrapers in the UAE (led by Rachel Ansell KC).

Acting for a major UK developer in relation to defects claims made by residents on a new development (led by Sean Brannigan KC).

Acting as sole counsel in the quantum stage of an English TCC dispute concerning a groundworks contract.

Banking & Financial Services

Sanjay has a particular interest in financial services and banking, and has completed a Master's degree in Finance, which means that he has an understanding of corporate valuation and complex derivative contracts.

In recent years, Sanjay's banking experience has centred on disputes concerning performance bonds – an area in which Sanjay has an academic as well as a practical interest. Sanjay most recently appeared at first instance and appellate level in the case of *Leonardo v Doha Bank Assurance Company*, the first case before the Qatar International Court to address the rights and obligations under performance bonds. Sanjay also regularly advises banks, beneficiaries and principals in relation to demands on performance bonds and the potential for injunctive relief in relation to a bond call (a topic on which Sanjay has recently published an article: see *"Is honesty the only excuse? Restraint of non-fraudulent demands under performance bonds"*, Butterworths Journal of International Business and Finance, November 2021).

Immediately after the global financial crisis and the subsequent fall in interest rates, Sanjay acted regularly for UK banks in relation to interest rate swap mis-selling cases and cases involving allegations of LIBOR manipulation. Court experience relating to interest rate swap mis-selling includes *Warners Retail v RBS* [2014] EWHC 2818 (where Sanjay was led by John Taylor KC), where the claimant discontinued proceedings days after the bank successfully opposed an application for the admission of expert evidence. Sanjay also 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 has 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.

General commercial litigation

In addition to cases in the energy, construction and finance sectors, Sanjay also maintains a broad commercial practice. Sanjay's experience includes trial advocacy as well as urgent applications for injunctive relief.

Featured General commercial litigation cases

Acting for an employee of a sovereign wealth fund defending claims of unlawful means conspiracy and breach of fiduciary duty. As set out in the summary above, this case was reported in the [Financial Times](#), [Bloomberg](#) and [Al Jazeera](#), among other news publications.

Acting as lead counsel in a Dubai seated, ICC emergency arbitration relating to a dispute long term steel supply subcontract for a large rail project in the Middle East.

Acting in *Sky News Arabia v Kassab Media* [2016] DIFC CFI 007, a case concerning choice of law and jurisdiction agreements in a case concerning the supply of advertising.

Acting for a large entertainment group in an LCIA arbitration concerning an operating agreement for a theme park (led by Sean Brannigan KC).

Acting as sole counsel for a hotel group in an ICC arbitration concerning the termination of a hotel management agreement.

Acting as sole counsel in the English High Court in relation to various applications for freezing injunctions in relation to a construction-related fraud.

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.

Appointments

- Attorney General's London B Panel Counsel
- Part II of the DIFC Courts' Register of Legal Practitioners

Publications

- “Is honesty the only excuse? Restraint of non-fraudulent demands under performance bonds”, Butterworths Journal of International Business and Finance (November 2021)
- “Won’t you stay another day?”: The ISDA Resolution Stay Protocol”, Butterworths 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)

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)

Accreditations

RANKED IN
Chambers

UK Bar
2022

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