

Stephen Cogley KC and Alexander Wright successfully maintain €225m worldwide freezing order against major Russian oil refinery

Stephen Cogley KC and Alexander Wright (together with Alan Gourgey KC, Christopher Jay and Michael Ryan) have successfully acted for VTB Commodities Trading DAC (“VTB”) in maintaining a €225 million worldwide freezing order (“WFO”) against JSC Antipinsky Refinery (“Antipinsky”).

VTB had entered into prepayment agreements with Antipinsky by which it purchased effectively all of Antipinsky’s production of VGO between April and July 2019 at a price of €194,759,518.45. In April 2019 Antipinsky and its forwarding agent JSC Machinoimport (“Machinoimport”) ceased communicating with VTB and it became apparent that VTB was selling cargoes of VGO to third parties, including Petraco Oil Company SA (“Petraco”). On 30 April 2019 VTB therefore obtained an *ex parte* WFO and further injunctive relief against Antipinsky under section 44 of the Arbitration Act 1996, in support of six sets of LCIA arbitration proceedings which it had commenced the previous day.

Each of Petraco and Antipinsky sought to vary or discharge the WFO on various grounds. After a number of hard-fought hearings, including not fewer than 16 allegations of material non-disclosure being advanced against VTB (most of which were ultimately abandoned), and extensive evidence being adduced as to risk of dissipation (which was in the event conceded by Antipinsky) Phillips LJ held that the WFO should be continued until the termination of the arbitration proceedings.

Phillips LJ’s judgment marks the third in a trilogy of successes obtained in rapid succession for VTB (in each case, represented by Messrs Cogley KC, Wright, and Jay) in this complex dispute. VTB also secured a very considerable arbitration award on its debt claims in November 2019, and succeeded in December 2019 on an expedited hearing of jurisdictional issues that came before the Commercial Court (Teare J) on a rare invocation of section 32 of the Arbitration Act 1996 that considered *inter alia* the circumstances in which a party may lose its rights under an arbitration agreement by commencing proceedings in other jurisdictions.

The judgments of [Phillip LJ](#) and [Teare J](#) are now published and available to the public.

Mr Cogley KC and Mr Wright were instructed by Colin Gibson, Adam Sturt and Tracey Wright of Fieldfisher LLP, and Anthony Riem, Jon Felce and Natalie Todd of PCB Litigation LLP.