Vasanti Selvaratnam QC practices in all aspects of international commercial litigation and arbitration, regularly handling force majeure disputes, jurisdiction issues and all forms of interim urgent relief, including freezing orders and anti-suit injunctions. She specialises in large scale commercial cases both in court and in arbitration, including dry shipping and commodity disputes, related documentary credit issues, wet shipping, insurance, banking, conflict of laws and civil fraud. She is particularly noted for her user friendly “hands on” approach to cases and for her ability quickly to get to grips with disputes raising complex factual and technical issues which require a sound grasp of expert evidence and mastery of detail.

Reported leading cases include: *The Starsin* (2003, House of Lords, commercial litigation, shipping); *Arkin v Borchard Lines and ors* (2003/04, Court of Appeal, commercial litigation; shipping; competition law); *Noga v Abacha Defendants* (2007, commercial litigation, civil fraud), *Front Ace c/w Vicky t* (2008, Court of Appeal, shipping), *The Wadi Sudr* (2009/10, Court of Appeal, commercial litigation, EU jurisdiction dispute post West Tankers); *Rimpacific v Daehan Shipbuilding, Madoff Securities International Ltd (in liquidation) v Yacht Bull Corporation* (2009, Anti suit injunction, jurisdiction dispute); (2010, Conflict of laws, inter-relationship between EC Insolvency Regulation and Judgments Regulation); *BNP Paribas SA v (1) Open Joint Stock Co Russian Machines (2) Joint Stock Asset Management Co Ingostrakh-Investments* (2012, Court of Appeal, anti-suit injunction, jurisdiction); *Emirates Trading Agency LLC v Prime Mineral Exports Private Ltd* (2014, friendly discussions clause a condition precedent to right to commence arbitration); *Emirates Trading Agency LLC v Sociedade de Fomento Industrial Private Ltd* (2015, clarifies law on estoppel arising from a prior partial interim award on jurisdiction where the constitution of a majority of the Tribunal has changed).

Other recent noteworthy cases include: *Nakanishi Marine v Gora Shipping and Attica Finance* [2012] EWHC 3383 (Comm) which considers the effects of a tripartite subordination agreement on the rights of a junior lender as against the borrower and guarantor and *RBS v Fal Oil Co Ltd and ors* [2012] EWHC 3628 (Comm) which is a leading case on interim relief under section 25 CJJA 1982.

In 2013 Vasanti joined the LOF Panel of Arbitrators.

Recommended in Chambers and Partners and Legal 500, she is noted for her tenacity and for being ‘a poised and highly measured advocate’. Vasanti Selvaratnam's practice embraces all aspects of:
- International trade, commodities, shipping and transport, including:
  - Full range of charterparty, bill of lading and international sale of goods disputes
  - Shipbuilding and refund guarantee disputes
  - Ship sale and purchase
  - Marine insurance
  - Salvage and collision
  - Wreck removal
  - Pollution
  - Limitation of liability
  - CMR
  - Jurisdiction disputes
- International commercial litigation, including:
  - Energy
  - International Sale of Goods
  - Documentary credits
  - Enforceability of guarantees
  - Banking and finance
  - Insurance
  - Conflict of laws, jurisdiction disputes
  - All forms of interlocutory relief, including worldwide freezing orders and anti-suit injunctions
  - International commercial arbitration under the rules of all major institutions
  - Civil fraud
Particular specialism in cases requiring technical expertise. Vasanti is recommended as a leading silk for international arbitration, shipping and commodities in both Chambers & Partners and the Legal 500.

‘A respected silk who is praised for her expertise in both wet and dry shipping.’ (Chambers & Partners UK Bar 2016)

‘She has a very pleasant manner before tribunals and engages with them well. She is a forceful advocate who is not afraid to make difficult arguments and doesn’t let herself be bullied by tribunals. She is a pleasure to work with.’ (Chambers & Partners UK Bar 2016)

‘She is incredibly pragmatic, tactical in terms of the advice she gives and very eloquent.’ (Chambers & Partners UK Bar 2016)

‘Very thorough and quietly effective.’ (Legal 500 2015)

‘A tenacious advocate, and it is rare to get someone of her seniority who is so user-friendly.’ (Legal 500 2015)

‘Really gets stuck into a case; she voraciously reads all the documents and is a forceful advocate.’ (Legal 500 2015)

‘Very proactive and hands-on, and will not leave any stone unturned in case-handling.’ (Legal 500 2014)

‘An absolute pleasure to work with; she is thorough, articulate and easily gets into the detail.’ (Legal 500 2014)

‘She is excellent, as she’s intelligent, responsive and very approachable. Her advice is commercial and very well thought out.’ (Chambers & Partners UK Bar 2014)

A senior practitioner with long experience of shipping work, who is praised for her calm, approachable and reassuring manner. (Chambers & Partners UK Bar 2014)

‘She has all the experience, knowledge and commercial awareness you’d need in a shipping lawyer. She is very responsive, hands-on and pleasant to work with.’ (Chambers & Partners UK Bar 2014)

‘Commercially astute’ (Legal 500 2013)

Stone Chambers’ Vasanti Selvaratnam QC is ‘a leading silk for matters requiring deep technical expertise in commodity trading’ (Legal 500 2013)

Vasanti Selvaratnam QC, a ‘fantastically responsive’ member of Stone Chambers, handles a wide range of commercial arbitration. She has recently acted in LCIA and ICC arbitrations, and is also able to sit as an arbitrator. Instructing solicitors note that she ‘ensures that she works as part of the team,’ and consider her advice to be “commercial and practical.” (Chambers & Partners UK Bar 2013)

Vasanti Selvaratnam QC’s skills in cross-examinations are highly rated: ‘She comes across as incredibly calm and considered but leaves a trail of destruction in her wake.’ (Chambers & Partners 2012)

.. known for her tenacity and recently acted in the ‘Wadi Sudr’ case, which has become the leading case on the enforcement of a foreign judgment in the UK that is in breach of the EU Judgments Regulation. (Chambers & Partners 2011)

Vasanti Selvaratnam QC has a similarly wide-ranging commercial litigation practice. On the shipping front, she is especially famed for her track record on complex salvage cases. (Chambers & Partners 2010)

Vasanti Selvaratnam QC’s shipping work centres on multimillion-pound disputes, and recently included acting in APL Panama, which resulted in the largest Lloyd’s Open Form award seen in the market to date. (Legal 500 2010)

... well-regarded for high-level shipping and international trade disputes, and acted on The Front Ace case, one of the few references to the Admiralty Registrar that has gone to the Court of Appeal on points of principle in recent years. (Legal 500 2009)

A selection of recent cases of interest include:

PMEPL v ETA (2014): Vasanti is retained in this multi-million dollar ICC arbitration concerning a Long Term Contract for the supply of iron ore. Recent important decision by Teare J as to the enforceability of a multi-tiered clause providing for mandatory friendly discussions before invoking arbitration: [2014] EWHC 2014 (Comm).

OC (2014): LMAA arbitration arising out of the grounding of the OC in Chile on an uncharted rock and her eventual salvage, raising issues of deviation, unseaworthiness, negligent navigation, due diligence, tonnage limitation and recoverability of general average under bills of lading governed variously by the Hague Rules and the Hamburg Rules.
**Vasanti Selvaratnam QC: Shipping & Trade Profile**

**MSC KALINA** (2014): Assessment of damages for loss of use following a collision where one vessel in the fleet is out of service during repair and commitments are met by other vessels in the fleet; whether demise charter hire payable in respect of the damaged vessel is claimable.

**Al Safat** (2014): Anti suit injunction against Kuwaiti insurers in respect of commencement of proceedings in non-contractual forum raising issues of enforceability of the forum selection clause in the bill of lading as a matter of Kuwaiti law and effect of Article 23 of the Judgments Regulation.


8 linked LMAA arbitrations (2014): 8 CPs on an amended Barecon form raising issues as to whether a repudiatory breach brings about automatic termination by way of exception to the White and Carter principle and issues of equitable set off in relation to hire and damages across the fleet.

**Algoma Discovery** (2013): Commercial court litigation in a general average and salvage dispute raising issues of unseaworthiness, due diligence and German law.

**SSF v Leach** (Isle of Man, 2013): Alleged breach of director’s duties in relation to the running of an Experienced Investor Fund.


**Nakanishi Marine v Gora Shipping and Attica Finance [2012] EWHC 3383 (Comm):** issues of construction relating to a tripartite Deed of Co-Ordination entered into between junior and senior lenders and the borrower, raising questions as to the genuineness of the senior loan and leading to the obtaining by Nakanishi of a worldwide freezing order and an anti suit injunction following attempts by the senior lender to sell the vessel in Panama.

**Re “Sharjah Pride” and “Sea Lion” [2012] EWHC 3628 (Comm):** worldwide freezing and disclosure orders obtained on behalf of RBS under section 25 Civil Jurisdiction and Judgments Act 1982 in support of proceedings in Sharjah in a case that will become the leading decision on the links to the jurisdiction which must be shown to justify section 25 relief.

**Bonnie Smithwick:** LMAA commercial arbitration and related court proceedings concerning a freezing injunction and priorities as between the lending bank and a potential award creditor.

**Re: 22 Confidential LMAA arbitrations:** jurisdiction issues concerning whether assignor or assignee had title to commence arbitration and serve notices of termination under CPs and notices of demand under a guarantee following a deed of assignment executed by shipowners in favour of the financing bank.

**Aveng (Africa) v Govt of the Gabonese Republic [2012] All ER (D) 150 - enforcement of an arbitration award against a sovereign debtor.**

**BNP Paribas SA v (1) Open Joint Stock Co Russian Machines (2) Joint Stock Asset Management Co Ingosstrakh-Investments [2011] EWHC 308 (Comm) [2012] 1 Lloyds Rep 649 (CA) - anti suit injunction and related jurisdiction issues in quasi contractual/non contractual case involving London arbitration and Russian proceedings brought by a non party under a Russian statute.**

**YM Mars Tankers v Shield Petroleum Co (Nigeria) Ltd and anor LTL 28/2/2012 - anti-suit injunction and jurisdiction dispute raising issues as to incorporation of court dispute resolution procedures from a charter into a Congenbill bill of lading in standard form.**

**The Triton** (2011): force majeure and laytime and demurrage dispute (delays in loading coal in Australia due to flooding).

**Re LMAA arbitrations** (2011, confidential, ongoing): multi-million dollar disputes under a string of long term charterparties arising out of premature termination, related world wide freezing injunctions.

**JIN MAN and JIN PU** (2011, Commercial Court): claim for in excess of $40 million under two guarantees rising issues of authority and Korean law, related anti suit relief.

**AJWAA GASES v AL GHAITH** (2011, Commercial Court): claim on a demand guarantee raising issues of construction, including whether the underlying liability of the debtor has to be established as a pre-requisite to recovery under the guarantee.

**The Wadi Sudr** (2010) **1 Lloyd's Rep. 193, CA** - declaratory relief and injunction sought to restrain proceedings in Spain in support of London arbitration. First case to grapple with the issue of whether a judgment obtained in Spain on the issue of incorporation of a London arbitration clause into the bill of lading has to be recognised by the English Court.

**APL Panama** (2009): salvage - one of the largest LOF arbitrations arising out of the grounding of a gearless container vessel off the coast of Mexico and major services rendered by first class professional salvors (Titan) over a period of over 70 days with unprecedented levels of expenditure incurred. Issues of principle in relation to the recoverability of inter company debt as an out of pocket expense in addition to technical issues as to dangers while aground. Successful appeal in relation to oil spill issues and negligence.

**NN** (2011): confidential safe port arbitration - multi-million dollar arbitration raises issues as to safety of the approaches to the port of Matanzas on the Orinoco River and whether the effective cause of a grounding was negligent navigation on the part of the Master and Pilot.

**LCIA arbitration (confidential)** (2010): multi-million dollar dispute raising issues as to the ability of a party to rely on an entire agreement clause where the conduct of that party gives rise to an estoppel and/or waiver.

**Madoff Securities International Ltd (in liquidation) v Yacht Bull Corporation** [2010] **EWHC 133 (Ch)**: instructed on behalf of French company in multi-jurisdictional conflict with Madoff entities regarding title to the yacht Bull. The recent and important decision of the Chancellor considers the interrelationship between the Judgments Convention and the Insolvency Regulation in the context of a claim by the liquidator of MSIL to assets over which title was disputed.

**Rimpacific v Daehan Shipbuilding** [2009] **EWHC 2941**; [2011] **EWHC 2618 (Comm)**: anti-suit injunction, Korea, raising issues of separability of a jurisdiction agreement, ostensible authority to enter into a guarantee and proper law.

**Front Ace** [2008] **EWCA Civ 101**: leading case in the Court of Appeal on assessment of damages for loss of a fixture following a collision.

**Banga**: multi-party Commercial Court action arising out of alleged vapour phase contamination of gasoil cargo raising technical issues as to mechanism, seaworthiness and due diligence.

**Team Anemonia c/w Madrisa**: Collision action raising issues as to the role of VHF in causing collision.

**Genoa**: confidential arbitration arising out of damage to cargo of bananas. Issues raised on content of obligation to take delivery under clause 5 of Gencon (1994 ed) and lack of jurisdiction to award costs of foreign arrest.

**Adamandas**: advised shippers (Mittal) in connection with the highly publicised loss of a bulk carrier off the Reunion Is. following the development of a serious fire in her cargo of Direct Reduced Iron (DRI). Technical issues as to the causes of overheating.

**Gerrards Cross Tunnel Collapse**: acted on behalf of Tesco in connection with complex damages claims arising from collapse of tunnel at Gerrards Cross causing closure of railway line for 51 days.

**Compagnie Noga D’Importation et D’Exportation SA v The Abacha Defendants, ANZ Bank and others Commercial**: freezing injunctions - civil fraud - Swiss, Russian, Nigerian law - banking practice - asset-tracing - money laundering - instructed on behalf of the claimants in multi billion dollar civil fraud action against numerous defendants.

**Sea Cresta**: confidential commercial arbitration - two linked commercial arbitrations on behalf of charterers and shippers of a cargo of DRI. Technical issues as to the cause of cargo overheating; whether DRI a dangerous cargo.
**OEL Vision:** shipping - unseaworthiness - due diligence - Commercial Court litigation in respect of cargo claims arising out of the sinking of vessel – technical issues as to the cause(s) of loss and whether due to unseaworthiness before and at the beginning of the voyage.

**Huntsman v Petroplus** - multi-million dollar dispute under an agreement for the supply of naphtha and LPG raising issues of construction (including whether the effect of an entire agreement clause is to exclude implied terms under the Sale of Goods Act 1979) and technical questions as to the cause of mercury contamination and whether it was such as to render the products unsatisfactory or unfit for purpose.

**Jambo** - wreck removal - confidential arbitration involving a wreck removal contract in which the government threatened to exercise powers of intervention in relation to a vessel that was thought to have posed a threat to the environment and raising issues about the competence and professionalism of the salvors.

**Key Singapore:** applications to the Commercial Court under sections 67, 68 and 69 of the Arbitration Act 1996 in relation to issues of time limits for lodging notice of appeal where there has been a private submission to arbitration in a salvage case and whether it is necessary to lodge a separate notice of appeal in relation to an award on costs only.

**Starsin (House of Lords) [2004] 1 AC 715** - leading case on the identity of the contractual carrier under a bill of lading, the construction and effect of Himalaya Clauses and liability in tort. Consideration of the impact of UCP 500 on the importance to be attached to the form of signature when identifying the contractual carrier in a bill of lading.

**The Nikmary** [2004] 1 Lloyd’s Rep 55 (Court of Appeal); [2003] 1 Lloyd’s Rep 151: first modern case to consider the nature and timing of the obligation to provide a cargo in the context of exceptions to the running of laytime under an Asbatankvoy C/P.

**Arkin v Borchard and ors** [2003] 2 Lloyd’s Rep 225; [2004] 1 Lloyd’s Rep 88, 636, [2005] EWCA Civ 655: Commercial Court litigation raising important competition law issues in the context of the activities of two liner shipping conferences; claim for damages based on alleged breaches of Articles 81 and 82 of the EC Treaty. First case under English law in which damages were sought under Articles 81 and 82 in respect of alleged predatory pricing by the members of two liner conferences during a price war in 1991.

**Star Maria** [2003] 1 Lloyd’s Rep 183: entitlement to salvage at common law - test for conversion of towage to salvage.

**Leerort** [2001] 2 Lloyd’s Rep 291 (Court of Appeal): leading case on limitation of liability under the 1976 Limitation Convention and test to break limit under Article 4.

**Metro litigation (1999/2000):** multi-party litigation involving conflict of laws, title to blended/commingled oil and priorities as between conflicting proprietary claims. Instructed by Mobil.

**Fjord Wind** [2000] 2 Lloyd’s Rep 191 (Court of Appeal); [1999] 1 Lloyd’s Rep. 307: leading case on due diligence threshold. First modern case to consider the relationship between the doctrines of frustration and abandonment of a marine adventure.

**The Sea Empress:** instructed by the Environment Agency as specialist shipping counsel in connection with the prosecution of Milford Haven Port Authority.

**The Owners of the Ship Pelopidas v The Owners of the Ship TRSL Concord** [1999] 2 Lloyd’s Rep 675: collision involving analysis of black box data; GPS and computerised reconstruction of vessel tracks. Observations by Steel J as to the role of expert evidence in collision cases.

**The Ikariada** [1999] 2 Lloyd’s Rep 365: first reported case to consider whether failure to complete the blanks on a Congenbill bill of lading can give rise to a claim for damages or an indemnity under a Gencon form of charter.


Rights of Audience:

Dubai International Financial Centre Courts (2008)

Memberships:

COMBAR, LCLBA, BMLA, LMAA, London Shipping Law Centre (head of education sub-committee), European Circuit, Bar European Group; Law Society European Group; Institute of Advanced Legal Studies, ICC’s Banking and Finance committee, Chancery Bar Association.