

**DINESH DONNY RAM SURTANI, *FCIArb.***  
**International dispute resolution**

Donny Surtani has an independent practice as a party representative and as a neutral in arbitration and mediation. He is dual-qualified in England and Ontario, a Fellow of the Chartered Institute of Arbitrators, and a former Chartered Management Accountant.

With over 20 years of experience in law and finance, Donny accepts appointments to act as arbitrator or mediator, particularly in cases with an accounting, banking or financial element, or with complex quantum of damages issues. His practice experience encompasses financial services, energy, TMT, corporate, construction, insurance, joint venture disputes, M&A disputes, and civil fraud.

He has appeared as an advocate before the English High Court, Court of Appeal and various tribunals. In addition to the arbitration and mediation experience below, he has acted in complex cross-border litigation in England and elsewhere, including in some of the largest cases heard in the English commercial courts.

He is a member of the ICC Task Force on Arbitration and ADR, and has been accredited as a mediator by the Centre for Effective Dispute Resolution (UK). He is an Advisory Board member for the Centre for the Online Resolution of Disputes (CORD), has been widely published, and has served as a guest lecturer on arbitration and ADR at universities in England and in Canada.

### Qualifications and memberships

#### *Qualifications*

- Barrister and Solicitor, Ontario
- Barrister, England & Wales (former solicitor-advocate)
- Accredited Mediator, Centre for Effective Dispute Resolution
- LL.B (Hons), London School of Economics
- Chartered Institute of Management Accountants (Associate Member)

#### *Memberships and rosters*

- Chartered Institute of Arbitrators (Fellow)
- Arbitration Place, Toronto (Resident Neutral)
- Hong Kong International Arbitration Centre (List of Arbitrators)
- Vancouver International Arbitration Centre (Mediation panel and Expedited Arbitration panel)
- Wasel & Wasel Arbitrator Services (roster arbitrator)
- ADR Institute of Ontario (member)

### Current and past positions

- Barrister, Crown Office Chambers: 2020 -
- Member, ICC Task Force on Arbitration and ADR: 2020 -
- Senior Advisor to the Investment Committee, Balance Legal Capital: 2019 -
- Consultant Barrister, Herbert Smith Freehills (London): 2019 -
- Partner, Herbert Smith Freehills (London): 2017-2019
- Senior Associate / Associate / Trainee, Herbert Smith Freehills (London): 2004-2017
- In-house Advisor, Essar Group (Mumbai): 2010-2011 (seconded)
- Treasury Analyst, Shell Treasury Centre (London): 2000-2002
- Revenue Accountant, Shell Gas Lanka Limited (Sri Lanka): 1999-2000

## Selected case credentials

### Arbitration

- Advising a **British Virgin Islands SPV** in an LCIA arbitration against a Cayman private equity vehicle in relation to a joint venture investment in a north Asian infrastructure business
- Advising a **Russian-owned mining group** in relation to LCIA arbitration proceedings (and related southern African litigation) arising out of a failed disposal of a metal mining asset, including complex evidence on real-options cash flow valuation methodologies
- Advising a **US energy group** in relation to LCIA arbitration proceedings (and related English High Court matters) arising out of an investment into a petrochemicals project
- Advised a **Chinese investor** in relation to quantum and settlement aspects of a large SIAC arbitration claim against a European respondent
- Advised a **Japanese construction business** on an LCIA arbitration dispute concerning a Middle Eastern agency relationship
- Advised an **Indian oil exploration company** in ICC arbitration proceedings against its rig operator and repair contractor for defective work and overcharging of costs and wages
- Advised a **consortium of European banks** in LCIA arbitration proceedings against an Eastern European borrower and guarantors, and a related freezing injunction
- Advised an **Indian telecommunications company** on the quantum phase of its US\$400 million ICC arbitration dispute in The Hague, for loss of access to the Indian market
- Advised a **Middle Eastern investor** in a high value claim under the LCIA-India Rules seated in New Delhi against its joint venture partner in the food sector
- Advised the **purchaser of a Central Asian energy business** in an LCIA arbitration claim against the seller for breach of accounting warranties
- Advised a **leading US cash fund manager** defending an LCIA arbitration claim by a former client for alleged misinterpretation of mandate terms and mismanagement of funds
- Advised an **Indian investor** on a potential bilateral investment treaty arbitration claim under the UNCITRAL Rules in connection with its investment into a European bank
- Advised a **FTSE-listed communications company** on LCIA proceedings and a related injunction application in a claim relating to termination rights in key supply agreements
- Advised the **purchaser of a Latin American energy business** on potential tax warranty claims under the UNCITRAL Rules
- Advised a **German insurance company** on recovery of part of its liability under an SCC arbitration claim against co-defendants, through the English courts' contribution regime and enforcement in other European jurisdictions
- Advised a large **European insurance group** on an LCIA arbitration claim against its external fund manager for negligent management of policyholder funds
- Advised a **specialist third party litigation funder** on prospective investments into investment treaty arbitrations: (i) under the UNCITRAL Rules in connection with a precious metals mining asset in an East Asian state; and (ii) under NAFTA

**DINESH DONNY RAM SURTANI, FCI Arb.**  
**International dispute resolution**

Mediation

- Acted as mediator in two claims alleging mis-selling of financial risk mitigation products
- Acted as mediator in two claims arising out of construction disputes
- Acted as mediator in two claims for compensation for issues arising in funeral care
- Acted as co-mediator in a claim for compensation following a railway line accident
- Acted as co-mediator in a cross-border agency dispute between an industrial equipment manufacturer and its North American agent regarding commissions and trading practices
- Settlement counsel for a **large Australian financial institution** in connection with a week-long virtual mediation of an insurance claim arising out of regulatory liabilities
- Advised the **Royal Bank of Scotland** and its former directors in their defence of a £4 billion prospectus liability claim by approximately 40,000 investors in connection with the bank's 2008 rights issue, which settled following a mediation with two co-mediators
- Advised **Single Buoy Moorings** in its US\$1.3 billion insurance claim against seven different insurer groups, with a particular focus on mediation strategy. The claim settled following two mediations with two co-mediators
- Settlement counsel for a **large UK retailer** in connection with apportionment of liability between co-defendants arising out of mis-selling of insurance to consumers
- Settlement counsel for a **listed mining company** in connection with the prospective mediation of an insurance claim arising out of a dam wall collapse
- Advised a **major UK insurance broker** on the prospective mediation/settlement strategy of a claim brought against it by a Northern European regulatory authority
- Advised a **private equity house** on a multi-faceted dispute with the majority shareholder of a portfolio company, which settled following a mediation
- Advised the **purchaser of a publishing business** on fraudulent misrepresentation and breach of warranty claims against the sellers, which settled following a mediation
- Advised a **specialist insurance brokerage firm** in a team move dispute, bringing claims against its former directors and their new employer, which settled following a mediation
- Advised a **large European insurance group** on an LCIA arbitration claim against its external fund manager for negligence. The claim settled following a series of mediation meetings, leading to the rehabilitation of the parties' commercial relationship
- Advised **one member of a British Indian family** in a high value business ownership dispute between siblings, which settled following a four-day mediation the week before trial

Financial services litigation

- Advised the **Royal Bank of Scotland** and its former directors in their defence of a £4 billion prospectus liability claim in the English High Court by approximately 40,000 investors in connection with the bank's 2008 rights issue
- Advised **UBS AG** in its successful defence of a US\$65 million claim relating to a transaction under a 1992 form ISDA Master Agreement brought by the administrators of Kaupthing Singer & Friedlander in both the Commercial Court ([2014] EWHC 2450 (Comm)) and Court of Appeal ([2016] EWCA Civ 319) in England

**DINESH DONNY RAM SURTANI, FCI Arb.**  
**International dispute resolution**

- Advised a **specialist Luxembourg fund** in the enforcement of a loan agreement against a Cypriot borrower, including securing an order imposing a payment condition on the defendant's right to defend the claim: *Athena Capital Fund v Crownmark Ltd* [2019] EWHC 1952 (Comm)
- Advised a **multinational construction company** on its prospective English High Court claim against a major European investment bank for dishonest assistance and/or breach of the *Quincecare* duty
- Advising a **litigation funder** on a prospective claim for breach of the *Quincecare* duty against a bank, to be brought in Hong Kong
- Advised a **European investment banking group** on claims brought against it relating to its establishment and management of specialist investment vehicles

### Selected publications

- *Parent company liability in England following Vedanta and Shell: weakening the corporate veil* (with S.J. Bushell) - Seladore Legal [update](#), June 2021
- *English Court of Appeal Issues Key Decision on Law Governing Arbitration Agreements* - Canadian Journal of Commercial Arbitration [blog](#), April 2021
- *Data vs "gut instinct": analytics in dispute resolution* (with A.J.Oddy) - HSF Global Bank Review 2019
- Co-author, *Class Actions in England and Wales* (2018, Sweet & Maxwell)
- *Developments in the law on bankers' duties* (with K. Kilgour) - Butterworths Journal of International Banking and Financial Law, 2018, 33(7)
- *When should a prospectus' jurisdiction provision bind a secondary purchaser of securities?* (with N. Chapman) - Butterworths Journal of International Banking and Financial Law, 2016, 31(8)
- *Where in the world?* (with N. Chapman) - New Law Journal, 2016, 166
- *Claims against directors under the Brussels Regulation* (with A. Taggart and A. Pertoldi) - Employment Law Journal, 2015/16, 166
- *Hague Choice of Court Convention: gaining momentum* (with G. Rowan, A. Alcasabas and D. Waldek) - PLC Magazine, 2015, 26(10)
- *Prospectus Liability: bracing for parallel claims in multiple jurisdictions* - Butterworths Journal of International Banking and Financial Law, 2015, 30(5)
- Various posts on HSF blogs on international arbitration, banking disputes and private international law