



Donny Surtani



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Donny Surtani specialises in commercial and financial disputes, with a focus on international arbitration. Prior to being called to the Bar, he spent 15 years at Herbert Smith Freehills, where he was a partner in its London office. His time at HSF included an in-house secondment to a large conglomerate business based in Mumbai, India, with interests in energy, power, shipping and construction. While a partner at HSF, his practice included a number of large scale disputes, including the RBS Rights Issue litigation and a \$1.3 billion insurance coverage claim brought by Single Buoy Moorings against a number of insurers relating to a mobile offshore production unit under construction in the Norwegian North Sea.

Donny accepts instructions to act as an arbitrator or mediator. He is accredited as a mediator by the Centre for Effective Dispute Resolution, Fellow of the Chartered Institute of Arbitrators, and a member of the ICC Canada Arbitration committee. He also serves as a Senior Adviser to the Investment Committee of a well-known litigation fund based in London, and a guest lecturer at the Centre for Commercial Law Studies, Queen Mary University University of London. He is co-author of *Class Actions in England and Wales* (Sweet & Maxwell, 2018).

Prior to his legal career, Donny was a chartered management accountant, and worked for an energy major in Sri Lanka and in London. As such, his practice includes disputes involving accounting issues and matters with complex quantum aspects.

Donny is dual-qualified in England and Ontario.

## International Arbitration

- Acted for a consortium of European banks in US\$80 million LCIA arbitration proceedings against an Eastern European borrower and guarantors, and a related freezing injunction
- Acted for a Middle Eastern investor in its US\$200 million claim under the LCIA-India Rules seated in New Delhi against its joint venture partner in the food sector
- Acted for a leading US cash fund manager defending a US\$120 million LCIA claim by a former client for alleged misinterpretation of mandate terms and mismanagement of funds
- Acted for an Indian investor on a potential bilateral investment treaty arbitration claim under the

- UNCITRAL Rules in connection with its investment into a European bank
- Acted for a large European insurance group on an US\$80 million LCIA arbitration claim against its external fund manager for negligent management of policyholder funds
- Advising a litigation fund on the merits and risks of various investment treaty and commercial arbitration matters

## Construction & Engineering

- Acted for Single Buoy Moorings in its \$1.3 billion claim against its tower of Construction All Risks insurers in relation to a mobile offshore production unit in the Norwegian North Sea, which had been abandoned as a constructive total loss
- Acted for an Indian telecommunications company on the quantum phase of its US\$400 million ICC arbitration dispute seated in The Hague, arising from the construction of a submarine cable system and relating to alleged loss of access to the Indian market
- Acted for a Japanese construction business on an LCIA arbitration dispute concerning a Middle Eastern agency relationship
- Acted for a FTSE-listed communications company on LCIA proceedings and a related injunction application in a claim relating to termination rights in key infrastructure and supply agreements

## Energy & Natural Resources

- Acted for the purchaser of a Central Asian energy business in an LCIA arbitration claim against the seller for breach of accounting warranties
- Acted for 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
- Acted for an Indian refinery owner on a series of ICC arbitration claims arising from delays to the construction of a plant
- Acted for the purchaser of a Latin American energy business on potential tax warranty claims under the UNCITRAL Rules

## Commercial

- Acted for the defendants in the RBS Rights Issue litigation, a GLO action brought by some 40,000 claimants under s.90 of the Financial Services and Markets Act 2000, in connection with the bank's April 2008 rights issue prospectus
- Acted for Athena Capital Fund against Crownmark Ltd [2019] EWHC 1952 (Comm)
- Acted for the Watchstone Group (formerly Quindell) in relation to a dispute with its former Executive Chairman, Robert Terry [2018] EWHC 3082 (Comm) – settled prior to a Court of Appeal hearing
- Acted *pro bono* for the Appellants in Mohamed & ors v Abdelmamoud [2018] EWCA Civ 879 on the scope of the non-party intervention rule in CPR 40.9
- Acted for UBS AG in the successful defence of ISDA claims brought by Kaupthing Singer & Friedlander (in administration) in the Commercial Court [2014] EWHC 2450 (Comm) and the Court of Appeal [2016] EWCA Civ 319
- Acted for a private equity house on a multi-faceted dispute with the majority shareholder of a

- portfolio company
- Advised the purchaser of a publishing business on fraudulent misrepresentation, breach of warranty and tax covenant claims against the sellers
- Advised a specialist insurance brokerage firm in a team move dispute, bringing claims against its former directors and their new employer
- Advised one member of a family in a high value business ownership dispute between siblings
- Acted for 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

## Qualifications

- Chartered Institute of Management Accountants (CIMA) professional examinations all stages (1997 – 1999)
- LLB (Hons), London School of Economics (2000 – 2003)
- LPC, BPP Law School (2003 – 2004)
- Solicitor, England & Wales (2006)
- Solicitor-Advocate, England & Wales (2008)
- Accredited Mediator, Centre for Effective Dispute Resolution (2017)

## Articles

- [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
- [Prospectus Liability: bracing for parallel claims in multiple jurisdictions](#) – Butterworths Journal of International Banking and Financial Law, 2015, 30(5)

## Memberships

- ICC Canada Arbitration committee
- Hong Kong International Arbitration Centre List of Arbitrators (2021)
- Fellow of the Chartered Institute of Arbitrators

## Recommendations

"Donny has a very crisp style in both his written and oral advocacy. He cuts to the core of the issues in dispute and presents them in a concise yet persuasive manner."

Leading International Arbitration Silk



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"He really excels in dealing with financial matters for which he has a natural aptitude far beyond the reach of most lawyers"

Leading International Arbitration Silk

"A first rate advocate with a modern, solutions-oriented outlook: clever, responsive and commercial in his approach."

Partner, Herbert Smith Freehills

"An extremely bright and able lawyer: always in control even in the most difficult cases, Donny's calm and measured approach always inspires confidence."

Partner, Herbert Smith Freehills

" an excellent junior He is exceptionally bright and hard-working He has the ability to take a case and analyse the issues clearly, succinctly and with insight and judgment. He is particularly strong on matters where his numeracy and analytical skills can be brought to bear. I would not hesitate to recommend him as junior counsel on a matter"

Partner, Stewarts

"Donny is that rare breed of advocate who can jump seamlessly between big picture strategy and key technical detail whilst always having an eye on damages/quantum and client objectives. Donny is also great to work with."

Managing Partners, Global Litigation Funder