Vasanti Selvaratnam QC

Call: 1983
Silk: 2001
Joint Head of Chambers
Barrister
Recorder
Arbitrator
Accredited Mediator

LLB (Hons), LLM (First Class), King's College, London

Testimonials

Extremely bright, strategic, accessible and very hard-working.
Chambers & Partners 2020

She's hugely experienced and competent.
Chambers & Partners 2020

She has an incredible mastery of fact-dense matters, works hard and responds really quickly.
Chambers & Partners 2020

Vasanti is incredibly eloquent – she conveys incredibly complicated points in a manner which is simple, precise and easy to follow.
Chambers & Partners 2020
The quality of service provided she provides is unparalleled.
Legal 500 2020

Extremely intelligent, collaborative, rolls up her sleeves and quickly becomes part of the team.
Legal 500 2020

Very experienced.
Legal 500 2020

The ‘outstanding’ Vasanti Selvaratnam QC impresses peers with her sophisticated advocacy abilities and deep expertise in commodity disputes.” “Vasanti Selvaratnam QC is an accomplished litigator who is ‘hugely knowledgeable’ when it comes to both wet and dry shipping disputes.
Who’s Who Legal: UK Bar 2018

She gives 100% for her client’s case and is prepared to fight their corner.” “She is wonderful. She has the best grasp of detail of any leader that I’ve come across. She is incredibly hands-on and good to work with.
Chambers & Partners UK Bar 2018

Very bright, determined and articulate with a nice style of advocacy; clients and arbitrators like her.[She's] in control of every detail, and combines an iron grasp of complex legal issues with commercial sense.
Legal 500 2017

She is very articulate and has a style of advocacy that arbitrators like.
Legal 500 2017

Very impressive and a very pleasant person to liaise with.
Chambers & Partners UK Bar 2017

She has a very comforting manner that is extremely good for nervous clients and has tremendous presence in court.
Chambers & Partners UK Bar 2017

Very smart and articulate, clients like her.
Legal 500 UK 2016

Extremely bright, always accessible and is great with clients.
Legal 500 UK 2016

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

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

She comes across as incredibly calm and considered but leaves a trail of destruction in her wake.

Chambers & Partners UK Bar 2012

She’s 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 UK Bar 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

Practice Profile

Vasanti Selvaratnam QC practices in all aspects of international commercial litigation and arbitration, including shipping (wet and dry), commodities, banking and finance, conflict of law and jurisdiction disputes, all forms of interim urgent relief including freezing orders and anti-suit injunctions, 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.

Clients include the major P&I clubs, shipowners, charterers and salvors as well as large commercial organisations involved in commercial court litigation or international commercial arbitration in non shipping matters.

Reported leading cases include the Court of Appeal decisions in The Wadi Sudr [2010] 1 Lloyd’s Rep 193 (leading case on the arbitration exception, the Judgments Regulation and issue estoppel), Joint Stock Asset Management Co Ingosstrakh-Investments v BNP Paribas [2012] 1 Lloyd’s Rep 649 (leading case on non contractual anti-suit injunctions); Madoff Securities International Ltd (in liquidation) v Yacht Bull Corporation [2010] EWHC 133 (Ch) (interrelationship between the Judgments Regulation and the Insolvency Regulation in relation to jurisdiction); Emirates Trading Agency v PMEPL (2014, friendly discussions clause a condition precedent to right to commence arbitration) and 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; RBS v FAI Oil Co Ltd and ors [2012] EWHC 3628 (Comm) which is a leading case on interim relief under section 25 CJJA 1982 and Stolt Kestrel [2014] EWHC 1731 (Adm) (mandatory extension of time where no reasonable opportunity to arrest under section 190(6) Merchant Shipping Act 1995 and other time bar issues).

Recommended in Chambers and Partners, The Legal 500 and Who’s Who Legal: UK Bar, she is noted for her tenacity and for being ‘a poised and highly measured advocate’.

**Work Undertaken**

- 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
  - Sitting as an arbitrator under the rules of the major arbitral institutions, including ICC, LCIA, LOF and LMAA
Publications

Good faith: Is English law swimming against the international tide?

Appointments & Memberships

- ICC Member
- COMBAR
- Chancery Bar Association
- LCLBA
- BMLA
- LMAA
- LCIA
- IBA
- 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
- ICCA
- Individual member of the SCMA
- SCMA Panel of Arbitrators

Notable Cases

Alexandra 1 c/w Ever Smart: [2017] 1 Lloyd's Rep 666 (Teare J)
Collision case raising important points of principle as to the inter-relationship between the crossing rule and the ?narrow channel rule. Court of Appeal judgment awaited following hearing of the appeal in July 2018

Mena v Hascol
Quantum dispute raising issues of available market and mitigation arising out of non performance of gasoil and fuel oil shipments including hedging

Iranian Oil Arbitration
Confidential tripartite ad hoc arbitration raising complex issues of illegality and foreign law in the context of supply of Iranian petroleum product to Pakistan buyers and whether the Patel v Mirza approach applies to foreign illegality

Coal Arbitration
Confidential SIAC arbitration concerning supplies of Russian coal to Korean buyers and the role of good faith in connection with exercise of contractual option to cancel

Confidential arbitration involving English law and Indian law issues concerning underlying alleged patent infringements
Confidential arbitration involving disputes between members of a high profile Indian family

Confidential arbitration appeal arising out of a documents only arbitration held in Singapore

Deutsche Bank v CIMB
Letter of credit dispute raising issues of discrepancies and the construction of UCP 600

Arbitration concerning EPC Projects
Confidential arbitration in connection with disputes arising under EPC projects.

A v B (2016)
Important decision on the effect of death of corporate claimant on a pending ICC arbitration where the mechanism of transfer is assignment by operation of law.

Hull *** (2016)
First in a series of 4 complex shipbuilding disputes concerning Chinese built eco ships raising technical issues regarding deliverability.

Re G*** A*** (2016)
Charterparty dispute raising issues of oil major eligibility and proof of loss in the context of a vessel operated in a VLCC Pool in a stagnant market.

Hull **** (2016)
Disputes under a corporate guarantee issued in connection with a shipbuilding contract.

Re **** (2016)
General average and unseaworthiness/due diligence, dispute arising out of the failure of a propeller shaft raising rival theories of causation.

YASA AYSEN (2013-16)
Commercial Court proceedings between Hull Underwriter and P&I Club concerning a dispute as to the construction of an Interim Funding Agreement, the meaning of Rule F of the York Antwerp Rules 1994 and estoppel issues.

FLNG Project advice (2015)
Avising Linklaters on law of the sea issues in connection with highly confidential and multi-million dollar FLNG project.

Re Cape Elise (2015)
Anti Suit injunction in context of wrongful Chinese proceedings and related arbitrations in LOF and LMAA
disputes.

Re Bellini (2015)
Anti suit injunction and contempt applications in context of wrongful Dubai proceedings.

Re: DP Shipbuilding and Engineering (2015)
Instructed to advise and provide expert evidence in relation to right to restrain a beneficiary under a performance guarantee given in connection with a shipbuilding contract from seeking payment by the bank where to do so would be in breach of the underlying contract between buyer and seller.

Re Confidential LMAA Arbitration (2015)
General Average dispute where claim is resisted on grounds of unseaworthiness and fault. Raising complex technical issues concerning cause of the casualty.

ETA v SFI [2015] EWHC 1452
Considers effect of failure to appeal a partial award (issue estoppel and waiver).

Re: Linked Confidential LMAA Shipbuilding Arbitrations (2015)
Instructed on behalf of buyers of eco vessels raising multiple technical issues re deliverability.

Re: Confidential ICC Arbitration (2016)
Raises issues relating to jurisdiction of tribunal; considers the effect of Court of Appeal decision in Baytur on status of an arbitration commenced by a Claimant that has since ceased to exist where the mechanism of transfer of rights and liabilities is not universal succession.

Stolt Kestrel [2015] EWCA Civ 1035
Leading case on Admiralty Practice and Procedure: Court of Appeal considers test under section 190(5) Merchant Shipping Act - good reason for an extension of time, and the nature of an action in rem.

Melissa K (2015)
Leading case on Part 36 offers in the context of collision actions and time bars.

Confidential LCIA Arbitration
4 different multi-million dollar disputes which are currently in the advisory stages (all confidential) concerning various aspects of the relationship between the parties concerning distribution of GDS services in various territories which are subject to LCIA arbitration.

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).
ICC Arbitration (2014)

Complex multi-million dollar construction dispute raising issues of proper parties in the light of an assignment, repudiatory breach, applications for interim relief and computation of damages.

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.

Re K (2012)

Breach of trust case arising out of Yukos related criminal proceedings in Russia (2012 and ongoing): instructed on behalf of a Russian international banker in connection with a claim to recover loss caused by breach of fiduciary duty by a co-shareholder and trustee, raising complex issues of share valuation.

Shepherds Select Fund and anor v Leach and ors (Isle of Man, Chancery Division)

Major litigation in the Isle of Man relating to the running of an Experienced Investor Fund investing in viaticals in the United States. Complex issues of foreign law and taxation as well as quantum. Instructed by Appleby on behalf of the 3rd Defendant.

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.

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.

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.

Jurisdiction challenge by a Chinese Bank in the context of a non exclusive English jurisdiction clause raising issues as the applicability of Art 23 Judgments Regulation and relevance of a Chinese Court Order prohibiting payment by the Chinese Bank under a refund guarantee.

**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 (2012)**

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.

**ZH 1006 (2012)**

Jurisdiction challenge by a Chinese Bank in the context of a non exclusive English jurisdiction clause raising issues as the applicability of Art 23 Judgments Regulation and relevance of a Chinese Court Order prohibiting payment by the Chinese Bank under a refund guarantee.


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 ICC arbitrations (2011, confidential)

Jurisdiction challenge founded on multi-tiered arbitration clause providing for arbitration after a period of friendly discussions.

Re LMAA arbitrations (2011, confidential)

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.


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.

The Hijaz (2010); The Ibn Hayyan (2010)

Anti suit injunction, Kuwait, raising issues as the validity of the exercise of an option in favour of English jurisdiction post dispute.

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.

Confidential LCIA arbitration (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.


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 Anemiona 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.

**Adamandtas**

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 v The Russian Federation (New York seat, Russian and English law)**

Compagnie Noga D’Importation et D’Exportation SA v The Abacha Defendants, ANZ Bank and others

Instructed on behalf of the claimants in multi billion dollar civil fraud action against numerous defendants. Worldwide tracing and freezing injunctions in support of Noga’s claim against the Abacha defendants and a well known bank arising out of their dealings with funds in which Noga claim a beneficial interest; whether Noga had an equitable proprietary interest in the bills of exchange and their proceeds under their contract with the Russian Federation; whether individuals in the governments of Russia and/or Nigeria acted fraudulently. Raises issues of Swiss, Russian and Nigerian law, banking practice, money laundering and forensic accountancy.

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.

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.


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.

The Kumanovo [1998] 2 Lloyd’s Rep. 301

Appeal from a reference arising out of ship collision.

The Nagasaki Spirit/Ocean Blessing: [1997] AC 455 (House of Lords)

Shipping - special compensation.

Rights of Audience

- England and Wales (1983)
- Dubai International Financial Centre Courts (2008)
- Licensed to appear as an advocate in Isle of Man in connection with a major piece of litigation (2013/2014)