



Shantanu Majumdar QC

Silk: 2020 | Call: 1992

Queen's Counsel

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RECOMMENDATIONS

"Very experienced and persuasive trial advocate - comfortable at all levels of tribunal."

Commercial Litigation, Legal 500 UK Bar 2021

In his first few years at the Bar, **Shantanu Majumdar** practised in most areas known to the law, once even cross-examining a police officer in the Court of Appeal. For the past 20 years he has specialised in commercial and commercial Chancery litigation and arbitration and professional negligence. He thinks very hard about his cases for, as a famous Roman once said: "Grasp the subject matter and the words will follow". Shantanu undertakes litigation, arbitration and advisory work in the following fields, much of it of an international nature involving foreign parties and/or foreign law and/or foreign proceedings.

COMMERCIAL DISPUTES

Commercial litigation and arbitration is Shantanu's predominant area of practice. He receives instructions from firms of UK solicitors ranging from City firms to sole practitioners as well as in-house counsel. He is also instructed by or has worked with law firms abroad, most recently major firms in Germany, Switzerland, Austria, Cyprus and Russia.

He also advises and prepares pleadings, written arguments and (where English law is in issue) expert evidence in relation to litigation in foreign jurisdictions.

He has advised or acted in arbitrations (domestic and international) under various institutional rules as well as ad hoc.

He is ranked as a leading silk in commercial litigation in *The Legal 500 UK Bar*.

His experience includes insurance, sale of goods and supply of

POLICIES AND OTHER DETAILS

- Read Shantanu's [Privacy Notice](#), [Data Protection Policy](#) and [Disposal Policy](#)
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services, agency (including Commercial Agents Regulations), credit and security, equipment leasing (including commercial aircraft), bailment and conversion, joint ventures, banking, financial services and financial contracts, as well as:

- Fraud in all its manifestations from simple deceit to international asset tracing, breach of fiduciary duty, dishonest assistance, fraudulent trading and transactions defrauding creditors
- Telecommunications (contract)
- Energy & Utilities: He has advised and acted in cases involving oil and gas, renewable energy/carbon emission reduction (including CERT) and water
- Limitation: the English Limitation Act and analogous foreign limitation laws
- Conflict of laws: Choice of law and jurisdiction disputes in a wide range of fields in both litigation and arbitration
- Emergency interim relief: Freezing, anti-suit/anti-arbitration and other injunctions – prohibitory and mandatory; Norwich Pharmacal and Bankers Trust orders; stop orders.

Cases of note include:

- *Various Claimants v AIG Europe Limited* [2019] EWHC 34 (QB) [2019] 4 WLR 7 – Obtaining s. 51 (non-party) costs order against the liability insurers of the defendants in professional negligence claims
- *Optaglio Ltd v Tethal* [2019] EWHC 151 (Ch) – acting for the defendants in a successful application for substantial security for costs just 18 days before trial was due to begin
- *X v Y & Z* (2018) – Acting in a dispute (subject to a Stockholm CC arbitration clause) between parties to a complex settlement agreement worth in excess of \$150 million between various CIS entities including the effect of US sanctions on the performance of payment obligations
- ICC Arbitration 22675/FS (2017-18) – Zurich seat – Liechtenstein law – Acting in a \$100 million claim by the investment arm of a (very) well known international company against two offshore entities who invested this sum on the claimant's behalf
- LCIA Arbitration 173638 (2016-18) – London seat – English law – Representing offshore clients claiming \$10 million alleged to have been loaned to two Cyprus registered companies and advising on parallel proceedings in the US and Cyprus
- *Polypearl Limited v Building Research Establishment* (2016) – Mercantile Court, Manchester – Acting for the defendant in the trial of a multi-million pound breach of contract/breach of confidence claim in relation to the testing of the claimant's innovative building material, which ultimately turned on the reasonableness of an exclusion clause in the defendant's standard terms
- LCIA Arbitrations Nos 122159, 122160, 122161 – Acting for a Russian airline in claims under aircraft leases
- *Philip Hanby Limited v Andrew Clarke* [2013] EWCA Civ 647 Court of Appeal – Acting in an appeal against partnership arbitration award on the grounds of error of law under s 69 Arbitration Act 1996. The applicant sought to invoke the Court of Appeal's residual jurisdiction under s 16 Senior Courts Act 1981

- *ASES Havacilik Servis Ve Destek Hizmetleri A.S. v Delkor UK Limited* – Acting in a dispute about the construction of boric acid filter plant on the Sea of Marmara:
 - [2012] EWHC 3518 (Comm), [2013] 1 Lloyd’s Rep 254 – Successfully challenging the jurisdiction of English arbitrator under s 67, Arbitration Act 1996
 - [2012] EWHC 3667 (Comm) – Acting in dispute concerning the service of a claim form for an injunction under s 44 Arbitration Act out of jurisdiction where there was no in personam jurisdiction over defendant
 - [2014] EWHC 1473 (Comm) – Acting in dispute concerning locus of High Court to interpret its earlier injunction order under s 44 AA 96 where the Swiss tribunal was alleged to have misunderstood it
- *FBME Bank v Elwes & Aspin* [2012] EWHC 2209 (QB) – Successfully resisting the claimant bank’s interpretation of the payment terms of a guarantee
- *DCD Factors plc v Ramada Trading Limited* (2009-2015) – Acting for claimants in a long-running multi-million fraud and guarantee claim by trade financiers/factors, involving worldwide freezing injunctions and over 18 hearings and concluding with judgment for over £20 million
- *Crastvell Trading Limited v Bozel SA* [2010] EWHC 0166 (Comm) – Obtaining a \$15 million summary judgment in complex multi-jurisdictional loan litigation involving England, BVI, Luxembourg and Florida
- Advising all of the UK mobile networks jointly on the premium rate regulatory regime in the Communications Act 2003
- *VFS Financial Services Ltd v Euro Auctions & Hennellys Ltd* [2007] EWHC 1492 (QB) – Acting in a case concerning a financier’s measure of loss in conversion, restitutionary remedies, successive convertors and whether liable in respect of “same damage” under the Civil Liability (Contribution) Act 1978
- *Hidrostal Limited v Opperman Mastergears Limited London Mercantile Court* [2006] –Appearing in an engineering dispute about the failure of gears for pumps supplied to a pumping station operated by Welsh Water
- *Peekay Intermark Limited v Australia and New Zealand Banking Group Ltd* [2006] 2 Lloyd’s Rep 511 (Court of Appeal), [2005] PNLR 42, Times June 10, 2005 (Comm Court) – Acting in a case concerning derivatives (Russian GKO), emerging market investments and misrepresentation, which first established the modern ambit of the doctrine of contractual estoppel
- *Inter-Tel Inc v OCIS plc* [2004] EWHC 2269 (QB), [2004] All ER (D) 142 (Oct) – Acting in a case concerning onflict of laws, forum non conveniens, choice of law in tort and Arizona state law in England
- *Eurodale v Ecclesiastical Insurance Office plc* [2003] Lloyd’s LR (Insurance and Reinsurance) 444, Court of Appeal – Acting in a dispute considering whether transit insurance/cover attaches prior to inception of physical transit and whether typed voyages clause override printed Institute Cargo Clauses.

BANKING AND FINANCIAL SERVICES

A significant part of Shantanu's commercial litigation practice comprises banking and financial services work including guarantees and indemnities, capital markets and derivatives, complex loan agreements, commercial trust structures, documentary credits, demand guarantees and performance bonds.

He also has many years' experience of factoring and other asset-based lending (ABL) including acting for (and occasionally against) the invoice finance arms of most of the UK's banks and other asset based lenders in claims against factoring clients and their customers as well as against guarantors.

Recent cases of note include:

- *X v Y & Z* (2018) – Acting in a dispute (subject to a Stockholm CC arbitration clause) between parties to a complex settlement agreement worth in excess of \$150 million between various CIS entities including the effect of US sanctions on the performance of payment obligations
- ICC Arbitration 22675/FS (2017-18) – Zurich seat – Liechtenstein law – Acting in a \$100 million claim by the investment arm of a (very) well known international company against two offshore entities who invested this sum on the claimant's behalf, where there are parallel injunction proceedings in Liechtenstein
- *FBME Bank v Elwes & Aspin* [2012] EWHC 2209 (QB) – Successfully resisting the claimant bank's interpretation of the payment terms of a guarantee
- *DCD Factors plc v Ramada Trading Limited* (2009-2015) – Acting for claimants in a long-running multi-million fraud and guarantee claim by trade financiers/factors, involving worldwide freezing injunctions and over 18 hearings and concluding with judgment for over £20 million
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PROFESSIONAL LIABILITY

Shantanu acts for and against solicitors, barristers, insurance brokers, financial advisers, accountants, insolvency practitioners, surveyors and engineers and has a particular expertise in associated questions of limitation.

He is ranked as a leading junior in professional negligence in The Legal 500 UK Bar 2019, which describes him as producing "very persuasive oral advocacy".

His recent work includes the following:

- *Various Claimants v AIG Europe Limited* [2019] EWHC

34 (QB) – Obtaining s 51 (non-party) costs order against the liability insurers of the defendants in professional negligence claims

- *Bateson v Fruhman Davies Livingston & Another* – Acting on the instructions of Bar Mutual, defending senior chancery counsel against a complicated claim by a former client for allegedly negligent advice in relation to an unfair prejudice petition under s 459 of the Companies Act 2006
- *Various Claimants v Giambrone & Law & others* (2010 onwards) – Acting for c. 100 claimants in a claim (negligence, breach of trust and fiduciary duty) against Italian lawyers in relation to their advice to buyers at an off-plan property development in Southern Italy in the High Court ([2015] EWHC 1946 (QB); [2015] EWHC 3315 (QB)) and the Court of Appeal [2017] EWCA Civ 1193, [2018] PNLR 2.

RECOGNITION

- *“Very experienced and persuasive trial advocate – comfortable at all levels of tribunal.”* (Commercial Litigation, *Legal 500 UK Bar 2021*)
- *“A strategic thinker, hard-working and collaborative – a superb trial lawyer and cross-examiner.”* Fraud: Civil, *Legal 500 UK Bar 2021*)
- *“He is extremely thoughtful and creative.”* (Professional Negligence, *Legal 500 UK Bar 2021*)
- *“A very strong advocate.”* (Commercial Litigation, *The Legal 500 UK Bar 2020*)
- *“Highly praised for civil fraud work.”* (Fraud: Civil, *The Legal 500 UK Bar 2020*)
- *“His main strength is his easy to listen to courtroom advocacy.”* (Professional Negligence, *The Legal 500 UK Bar 2020*)
- *“Gives sensible and pragmatic advice.” “Highly persuasive.”* (Chancery: Commercial, *Chambers UK Bar 2019*)
- *“Highly praised for his forensic talents and ability to handle the most challenging clients.”* (Commercial Litigation, *The Legal 500 UK Bar 2019*)
- *“Produces very persuasive oral advocacy.”* (Professional Negligence, *The Legal 500 UK Bar 2019*)
- *“An excellent advocate, very intelligent and great at drafting.”* (Fraud: Civil, *The Legal 500 UK Bar 2019*)
- *“He’s hands-on and a great tactician.” “Very good with difficult clients.”* (Commercial Dispute Resolution, *Chambers UK Bar 2018*)
- *“Great to work with and a go-to barrister for complex chancery work.”* (Chancery: Commercial, *Chambers UK Bar 2018*)
- *“A highly intelligent lawyer, who is excellent in court.”* (Commercial Litigation, *The Legal 500 UK Bar 2017*)
- *“He’s hands-on and a great tactician when handling class actions”* (Commercial Dispute Resolution, *Chambers UK Bar 2017*)
- *“He’s got a really nice courtroom manner, and always comes across unruffled.”* (Chancery: Commercial, *Chambers UK Bar 2017*)
- *“He is great to work with and a go-to barrister for complex chancery work. He is extremely good with difficult clients.”* (Commercial Dispute Resolution, *Chambers UK Bar 2016*)

- *“Very suave and confident, he expertly outmanoeuvres his opponents and always appears to have the upper hand.” (Chancery: Commercial, Chambers UK Bar 2016)*