

DINESH DONNY RAM SURTANI, FCI Arb.
International dispute resolution

Donny Surtani has an independent practice as counsel, arbitrator and mediator. He is dual-qualified in England and Ontario, a Fellow of the Chartered Institute of Arbitrators, and a former Chartered Management Accountant.

With over 25 years of experience in law and finance, Donny accepts appointments to act as arbitrator or mediator, particularly in cases with complex causation and quantum of damages issues. His practice experience encompasses construction, telecoms, energy, banking, financial services, insurance, joint venture and M&A disputes, and civil fraud. He is a resident neutral at Arbitration Place in Toronto, while practising in London through Crown Office Chambers.

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 Business and Property Courts.

He was a member of the ICC Task Force on Arbitration and ADR, currently serves as Co-Chair of the Canada Arbitration Week Organising Committee, and has been accredited as a mediator by the Centre for Effective Dispute Resolution (UK). He has been widely published, and has served as a guest lecturer on arbitration and ADR at universities in England, Canada and India.

Qualifications and memberships

Qualifications

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

Memberships and rosters

- Chartered Institute of Arbitrators (Fellow)
- Hong Kong International Arbitration Centre (List of Arbitrators)
- Vancouver International Arbitration Centre (various panels)
- Singapore International Arbitration Centre (Reserve Panel)
- Dubai International Arbitration Centre

Current and past positions

- Barrister, Crown Office Chambers: 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

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Selected case credentials

Banking and Financial Services

- Acting for a **consortium of litigation funders** in LCIA arbitration proceedings against the parties they had funded, in a dispute concerning the enforceability and performance of rights and obligations under a litigation funding agreement (London seat, English law)
- Acting for a **lender of commercial real estate finance** against the borrower and its guarantor in relation to enforcement and security matters
- Advised a **major global investment bank** on its risk exposure in litigation arising from an initial public offering affected by fraud on the part of the issuer's director
- Advised a **large retail group** on contribution proceedings against a global insurance firm in connection with liabilities flowing from the mis-selling of consumer insurance products
- 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 equity fundraising
- Advised a **consortium of European banks** in LCIA arbitration proceedings against an Eastern European borrower and guarantors, and a related freezing injunction, arising out of alleged fraud in the borrower's declarations of agricultural inventory (London seat, English law)
- 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 administrators of Kaupthing UK in both the English Commercial Court and Court of Appeal (with New York law aspects)
- 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
- 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 (London seat, English law)
- 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
- Advised a large **European insurance group** on an LCIA arbitration claim against its external fund manager for negligent management of policyholder funds (London seat, English law)
- Advising a **litigation funder** on a claim against an Asian bank for breach of the *Quincecare* duty, brought in Hong Kong
- Advised a **European investment banking group** on claims brought against it in England and Jersey, relating to its establishment and management of specialist investment vehicles
- 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

Company, shareholder and joint venture

- **Sole arbitrator** in an ad-hoc arbitration dealing with multi-million dollar claims to post-completion payments and escrow monies under a share purchase agreement (Toronto seat, Ontario law)

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- 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, and in related litigation in England's Commercial Court (London seat, English law)
- Advised a **Chinese investor** in relation to quantum and settlement aspects of a large SIAC arbitration claim alleging fraudulent misrepresentation against its European joint venture partner (Singapore seat, English law)
- Advised a **Middle Eastern investor** in a high value fraud claim under the LCIA-India Rules against its joint venture partner in the agriculture sector (New Delhi seat, Indian law)
- Advised a **Cayman limited partner** on a just and equitable winding up petition relating to alleged fraudulent self-dealing by the majority partners
- Advised a **UK shipping business** on the terms of its separation from its former joint venture partner under an expert determination procedure

Construction, telecoms and infrastructure

- **Sole arbitrator** in a construction contract dispute under VanIAC Rules, relating to issues of cost overruns, design variations and *quantum meruit* (Vancouver seat, British Columbia law)
- **Sole arbitrator** in a construction contract dispute under VanIAC Rules, relating to rights under a Certificate of Payment (Vancouver seat, British Columbia law)
- Acting for a **Middle Eastern telecoms group** on an investment treaty claim against a Middle Eastern State for breaches of fair and equitable treatment standards and creeping expropriation, under UNCITRAL Rules, with a focus on damages caused by delay in granting licence rights
- Advised an **Indian telecommunications company** on the quantum phase of its US\$400 million ICC arbitration dispute in The Hague, for delay in construction of a submarine telecom system and loss of access to the Indian market (The Hague seat, New York law)
- Advised a **FTSE-listed communications company** on LCIA proceedings and a related injunction application in a claim relating to termination rights in key infrastructure agreements (London seat, English law)
- Advised **Single Buoy Moorings** on its \$1.3 billion insurance coverage claim in the English High Court arising out of the abandonment of a mobile offshore oil production unit in the Norwegian North Sea, with a focus on complex causation and damage issues
- 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 **Japanese construction business** on an LCIA arbitration dispute concerning a Middle Eastern agency relationship (London seat, Japanese law)

Energy and natural resources

- Advised 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 (London seat, English law)
- Advised 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 (London seat, English law)

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- Advised the **purchaser of a Central Asian energy business** in an LCIA arbitration claim against the seller for breach of accounting warranties (London seat, English law)
- Advised the **purchaser of a Latin American energy business** on potential tax warranty claims under the UNCITRAL Rules
- 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, in connection with proprietary data relating to energy prospecting

Insurance

- Advising a **major aircraft lessor** on contingent and possessed coverage claims arising out of terminations of leasing arrangements following Russia's invasion of Ukraine
- Advising a **leading hospitality group** on nine-figure business interruption claims resulting from Covid-19
- Advised **Single Buoy Moorings** on its \$1.3 billion coverage claim in the English High Court arising out of the abandonment of a mobile offshore oil production unit in the Norwegian North Sea
- Advised a **large retail group** on contribution proceedings against a global insurance firm in connection with liabilities flowing from the mis-selling of consumer insurance products
- Advised a **European insurance firm** on liabilities flowing from the sale of its UK insurance business and claims for contribution against the other selling shareholders
- Advised a **major UK insurance broker** on the prospective mediation/settlement strategy of a claim brought against it by a Northern European regulatory authority
- Settlement counsel for two **UK financial institutions** in coverage disputes with their insurers in connection with compensation payments made to their customers

Commercial disputes and professional negligence

- **Sole arbitrator** in an ICC arbitration relating to rights under an intellectual property licensing agreement between a US party and a Brazilian party (Toronto seat, California law)
- Advised a **leading global audit firm and its partner** on regulatory investigations into an audit of a professional services client
- Advised a **specialist third-party litigation funder** on potential claims against bankers, auditors and solicitors arising out of insolvency situations, often in the context of fraud
- Advised the **purchaser of a publishing business** on fraudulent misrepresentation and breach of warranty claims against the sellers
- Advised a **specialist insurance brokerage** on economic tort claims against its former directors and a competitor for unlawful employee poaching
- Advising a **private individual** on a professional negligence claim against her former trustee

Mediation

- Acting as **mediator** in a dispute involving a failed real estate transaction

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- Acted as **mediator** in two claims against a public body
- Acted as **mediator** in a shareholder dispute concerning a software startup
- Acted as **mediator** in two claims arising out of construction disputes
- Acted as **mediator** in two claims alleging mis-selling of financial risk mitigation products
- Acted as **co-mediator** in a claim for compensation following a railway line accident
- Acted as **mediator** in two claims for compensation for issues arising in funeral care
- 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

Selected publications

- The Costs of Arbitration in Canada – YCAP/Secretariat survey report, [October 2023](#) (co-author)
- *Guide to Effective Conflict Management* – International Chamber of Commerce, [July 2023](#) (contributing author)
- *Durable as gold: Canada's 1989 investment treaty with the USSR is binding on Kazakhstan* (2022) 3:1 Can J Comm Arb [137-143](#)
- *Arbitration - 2021 in review: reasons (for claimants) to be cheerful* - New Law Journal, 2022, 17
- *What is the investment value of a dispute?* (with M.L. McGrath) - Thomson Reuters Westlaw, October 2021
- *Setting aside arbitral awards: warnings from the common law courts* - Lexis Middle East Journal, August/September 2021
- *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.Oddy) - HSF Global Bank Review 2019
- *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