



Bankim Thanki QC

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"Without a doubt one of the superstars of the UK Bar."

Who's Who Legal UK Bar

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Bankim Thanki QC is generally recognised as one of the pre-eminent Queen's Counsel practising at the English Bar. He has been Fountain Court's Head of Chambers since 2018.

The Legal 500 describes him as "absolutely deserving his position among the super silks" and *The Times* as "one of London's leading commercial silks".

Chambers & Partners UK's 'Stars at the Bar' editorial said:

"Bankim Thanki QC possesses a "superstar reputation," a client list that reads like the Fortune 500 and an incredible track record in eye-wateringly difficult cases ... He continues to attract instructions for multi-billion pound cases in the UK and several offshore jurisdictions. Thanki is known as one of the country's top "super silks," but he is nonetheless extremely easy to work with."

His practice spans a wide range of commercial litigation, arbitration, regulatory investigations and inquiries and other high-quality civil work. Bankim has, for example, been instructed to advise a number of central banks including the Deutsche Bundesbank, the Bank of England, the Bank of Namibia, the Central Bank of Belize and the Central Bank of Trinidad & Tobago, as well as the World Bank.

Recent Highlights

Law Debenture v Ukraine

Acting for Ukraine in the US\$3 billion Eurobond claim brought on behalf of the Russian Federation, in one of the longest Supreme Court hearings of any non-public law case. The key issues revolved around the capacity of Ukraine to enter the transaction, duress and the effect of Russia's invasion of Crimea and interference in Ukraine's eastern provinces, and whether issues raised are justiciable by the English courts.

SFO v ENRC

Acting for ENRC in its significant victory in the Court of Appeal, following the controversial judgment of Andrews J

in the court below, denying the right to claim legal professional privilege over substantial volumes of documentation relating to an SFO investigation into alleged corruption around the acquisition of mining rights.

Littop Enterprises v Ukraine

Successfully representing Ukraine in defeating a US\$6 billion claim brought by three nominally Cypriot companies relating to their minority shareholdings in Ukrnafta, Ukraine's largest producer of oil and associated gas, in an investment treaty arbitration under the Energy Charter Treaty (Stockholm Chamber of Commerce).

Pakistan International Airline Corp v Times Travel (UK) Ltd

Acting for the first intervener before the Supreme Court in successfully arguing for the existence of lawful act duress in English law.

First Abu Dhabi Bank PJSC v BP Oil International Ltd

Successfully representing BP in a dispute over a US\$ 70 million receivables financing transaction for the sale of 100,000 metric tonnes of Russian Export Blend crude oil – the first case brought to trial under the Commercial Court's Shorter Trials Scheme.

Expertise

Aviation & Travel

Bankim's aviation practice is consistently ranked in the top tiers by the legal directories, where he has been referred to as "one of the finest aviation lawyers in the country" and is said to provide "cutting-edge advice to airlines on a raft of regulatory matters".

Notable Aviation & Travel cases

Acting for aircraft lessors in dispute with Ryanair concerning the termination of a lease of three Airbus A320-200 aircraft commencing at the start of the COVID-19 pandemic.

Pakistan International Airline Corporation v Times Travel (UK) Ltd [2021] UKSC 40; The Times 20 September 2021

Acting for the first interveners in the Supreme Court in a dispute concerning the right to unpaid commission under ticketing contracts with Pakistan International Airlines (PIA).

Advising Bombardier over the sale of Short Brothers (the historic aircraft wing-making facility in Belfast and the

largest employer in Northern Ireland), to the US aerospace manufacturer Spirit Aerosystems (an offshoot of Boeing) as part of a US \$1.1 billion deal.

Acting successfully for GMR in its US \$3 billion dispute with the Republic of the Maldives over the cancellation of the international airport project in Malé.

Acting for Export Development Canada (EDC), the export credit agency of the Canadian government, in proceedings seeking to terminate the lease of a Canadian Bombardier aircraft to entities controlled by the South African businessmen, the Gupta brothers, following allegations of 'State capture' made against them in South Africa.

Acting for the US company Honeywell in defending Commercial Court claims arising from a fire originating in the emergency locator transmitter on board an Ethiopian Airways Boeing 787 aircraft at Heathrow Airport.

Acting for the administrators of Monarch Airlines in its judicial review of Airport Coordination's refusal to allocate grandfathered slots at UK airports.

Advising a major international airline over the regulatory implications of the sale of a minority stake in a rival airline.

Acting successfully for Monarch Airlines in its dispute with the CAA over the renewal of its ATOL and revocation of its operating licence.

Advising a major international airline in relation to European Commission market testing of merger issues.

Advising a major international airline group in relation to the legal and regulatory consequences of Brexit.

Advising a number of European aircraft leasing companies over a lease dispute with a Brazilian airline relating to several Boeing 747 aircraft.

Advising a major international airline in relation to the allocation of landing slots at Heathrow Airport.

Advising BAE in relation to the sale of its commercial aircraft business.

Acting for bmi in a scarce capacity application to the CAA in relation to the Cairo-London route.

Advising airport operator in relation to potential claims arising out of snow disruption at Heathrow Airport.

Advising aviation regulators in connection with volcanic ash disruption to air traffic.

Acting for a Russian airline in a substantial leasing dispute over several Boeing 737 aircraft.

Advising the CAA on the regulatory aspects of a merger between two major international airlines.

Advising the All-Party Parliamentary Group, chaired by Andrew Tyrie MP, on aviation law issues arising out of Extraordinary Rendition by the US state.

Advising the CAA on proposed amendments to the ATOL scheme.

Acting for the CAA in judicial review proceedings relating to a takeover dispute between European airlines.

Advising the CAA in relation to the collapse of the XL Travel Group.

Advising interested parties in relation to collapse of Oasis Hong Kong Airlines.

Acting for a leading UK airline in a substantial ticketing dispute with a franchised operator.

Advising a major African airline over the acquisition of Airbus A320-200 aircraft.

Acting for BAE in a dispute with RSA involving US \$3 billion insurance cover for an entire fleet of leased aircraft.

Acting for South African Airways in a leasing dispute over Boeing 747 aircraft.

Acting for the CAA in inquest and subsequent High Court proceedings arising out of a fatal gyroplane accident.

Advising the Liquidators of the Flightlease companies in relation to sub-leases of Boeing 737-800 aircraft to South African Airways.

Advising the CAA in relation to rights and obligations arising in respect of ATOL bonds and as to the effect of section 75 of the Consumer Credit Act in the event of tour operator failure.

Acting for the Cambodian state airline in a multi-million-pound leasing dispute with a French aircraft leasing

company (Commercial Court).

Acting for Aspreys in a Warsaw Convention claim against Royal Brunei Airways relating to loss of gold and jewellery at Heathrow Airport (Commercial Court).

Acting for Air Berlin in a claim brought by Aviation Investors relating to the lease of Boeing 737-400 aircraft (Commercial Court).

Advising BAE in relation to claims brought by pilots of BAE 146 aircraft in the Australian Capital Territory.

Acting for Boeing in a claim to arrest Boeing 747-200F aircraft.

Advising the CAA on the applicability of the Competition Act to the provision of air traffic services in the UK.

Tigris International v China Southern Airlines [2014] EWCA Civ 1649; [2013] All ER (D) 342, [2013] EWHC 2211 (Comm)

Acting successfully for China Southern Airlines in a Commercial Court claim (and in the Court of Appeal) concerning the sale of several Airbus aircraft.

The Deep Vein Thrombosis and Air Travel Group Litigation [2004] QB 234, [2003] 3 WLR 956 (as reported in The Times, 14 July 2003), CA; [2003] 1 All ER 935 (as reported in The Times, 17 January 2003) (QBD)

Acting for Qantas at first instance and in the Court of Appeal.

Amiri Flight Authority v BAE Systems PLC and Crossair [2003] 2 Lloyd's Rep. 767, CA

Acting for BAE in a claim by the Abu Dhabi state in respect of fuel tank corrosion to BAE 146 aircraft at first instance (Commercial Court) and in the Court of Appeal.

Gurtner v Beaton [1993] 2 Lloyd's Rep 369, CA; The Times 26 March 1992

Acting for claimants in aviation crash claim raising significant issues on liability and the law of ostensible authority.

Banking & Finance

Bankim is named as a 'Star Individual' in banking and finance by *Chambers & Partners*, where he has been referred to as "the doyen of banking and regulatory litigation", and is ranked in its highest tier by *The Legal 500*. Clients comment that he is a "banking and finance virtuoso" and that he is "top choice for complex financial markets issues".

Notable Banking & Finance cases

Acting successfully for the Industrial and Commercial Bank of China in a claim for US \$685 million against the prominent Indian businessman Anil Ambani concerning a loan facility entered into by Reliance Communications – once one of India’s largest conglomerates – which was the subject of a personal guarantee from Ambani. Succeeded in obtaining judgment against Ambani following hearings before Waxman J and Teare J (including the Court ordering Ambani to make the largest interim payment ever ordered by the English Court at US \$100 million).

Advising major UK retail bank in connection with very substantial FCA investigation into sale of home insurance policies.

Acting for Clydesdale Bank in class action brought by thousands of small businesses against the Bank and its former owner, National Australia Bank, relating to a fixed-rate “tailored business loan” products sold by the Bank.

Advising the Republic of Ecuador in relation to an attempt by bondholders to prevent the Republic’s restructuring programme of US \$17.4 billion of sovereign debt.

Law Debenture v Ukraine [2019] 2 WLR 655; [2018] 9 WLUK 166; [2018] EWCA Civ 2026, CA; [2017] QB 1249; [2017] 3 WLR 667; [2017] 2 BCLC 616; [2017] EWHC 655 (Comm)

Acting for Ukraine in the US \$3 billion Eurobond claim brought on behalf of the Russian Federation, in the longest Supreme Court hearing of any non-public law case. The key issues revolved around the detailed provisions of the Eurobond trust documents, the capacity of Ukraine to enter the transaction, duress and the effect of Russia’s invasion of Crimea and interference in Ukraine’s eastern provinces, and whether issues raised are justiciable by the English courts.

First Abu Dhabi Bank PJSC v BP Oil International Ltd [2018] 1 WLUK 203, [2018] EWCA Civ 14

Successfully representing BP in a dispute with First Abu Dhabi Bank over a US\$ 70 million receivables financing transaction for the sale of 100,000 metric tonnes of Russian Export Blend crude oil – the first case brought to trial under the Commercial Court’s Shorter Trials Scheme.

GSO Credit v Barclays Bank [2017] 1 All ER (Comm) 421

Successfully representing Barclays Bank in the case which saw the first judgment handed down in the Financial List in London.

Acting for Lloyds Bank in Commercial Court claim for £40 million+ relating to allegations of derivatives mis-selling.

Acting for Barclays Bank in £750 million claim brought by PCP Capital/Amanda Staveley in the Commercial Court arising out of alleged fraud relating to Barclays 2008 capital raising.

Acting for Lloyds Bank in a £20 million LIBOR mis-selling claim in the Commercial Court, including allegations of negligent advice in connection with the sale of financial products associated with lending to a property development company.

Acting for the Bernie Ecclestone family trust, Bambino Holdings, in a claim brought by the US company Bluewaters Communications in the Commercial Court against Bernie Ecclestone, Bambino and Bayerische Landesbank concerning payments made by Ecclestone and the trust to the Bank's former chief financial officer Gerhard Gribkowsky.

BNP Paribas S.A. v Anchorage Capital Europe LLP, Anchorage Capital Group LLC, ACOMO S.A.R.L., AIO III S.A.R.L [2013] EWHC 3073 (Comm)

Acting for BNP Paribas in the Commercial Court in a dispute with several Anchorage Capital hedge funds over of a claim relating to the sale of AIB subordinated private placement notes with the face value of \$100 million.

Advising Barclays Bank in relation to the SFO investigation into its Qatar capital raise in 2008.

Acting for Goldman Sachs in Commercial Court proceedings brought by former private wealth management clients of the investment bank alleging negligence in realising margin securities.

Acting for the Central Bank of Trinidad & Tobago in the public enquiry in Port of Spain into the failure of Colonial Life group.

Acting for the Union National Bank of Abu Dhabi in successfully defeating an AED 1.6 billion claim (equivalent to about £270 million) seeking to enforce a guarantee in respect of a major real estate development in Abu Dhabi.

Advising Lord Stevenson, Andy Hornby and other directors of HBOS in connection with PRA/FCA investigation into the collapse of HBOS.

Winnetka Trading v Julius Baer [2012] 1 BCLC 588, [2011] EWHC 2030 (Ch)

Acting for Bank Julius Baer in the successful defence of a multi-million-pound claim brought by Winnetka Trading over the purchase of NASDAQ listed shares.

Acting for Coutts & Co in the claim brought by Sir Keith Mills in relation to his acquisition of AIG bonds.

Advising a group of leading UK retail banks in a dispute with credit card payment processors.

Acting for the claimant in a dispute over liabilities under extensive freight forward contracts governed by ISDA Master terms.

Advising a leading German energy company in a dispute with Lehman Brothers over a cross-currency swap transaction governed by ISDA Master terms.

Lornamead Acquisitions v Kaupthing Bank [2013] 1 BCLC 73, [2011] EWHC 2611 (Comm)

Acting for a leading UK manufacturing and retail group in a dispute with Kaupthing Bank HF, following its insolvency, regarding a facilities agreement and collateral hedging arrangements.

OFT v Abbey National Plc & Others [2010] 1 AC 696 (as reported in The Times, 26 November 2009), (Supreme Court); [2010] EuLR 309, [2009] 2 WLR 1286, [2009] 2 CMLR 30 (as reported in The Times, 3 March 2009), CA; [2008] 2 All ER (Comm) 625 (as reported in The Times, 29 April 2008)

Acting for Lloyds in the bank overdraft charges test case against the OFT.

Carey v HSBC [2010] Bus LR 1142, [2009] CTLR 103

Acting for RBS in credit card test cases in the Mercantile Court (as reported in The Times, 25 January 2010).

Acting for Lloyds Bank in PPI mis-selling disputes.

Deutsche Bank AG v Asia Pacific Broadband Wireless Communications [2008] 2 Lloyd's Rep. 177

Acting for Deutsche Bank in a dispute over a US\$ 210 million credit facility with Asia Pacific Broadband, a Taiwanese telecommunications company (Commercial Court).

Advising Goldman Sachs in connection with a multi-million-pound derivatives claim by China Aviation Oil before the Singapore courts.

Advising Barclays Bank in connection with standard form contract terms.

Acting for Coutts & Co in a claim by SG Hambros relating to the sale of offshore banking operations (Commercial Court).

Advising JP Morgan, ABN AMRO, Dresdner Kleinwort Wasserstein and Morgan Stanley, as joint global coordinators of the IPO of Rosneft.

Advising UBS in connection with major litigation involving mobile phone contracts in Nigeria.

Advising Credit Suisse in connection with a claim brought by it in the judicial reorganisation of Parmalat in the Brazilian courts.

Advising a Belgian bank in connection with a loan note programme relating to Japanese equity investments.

Acting for Morgan Stanley in proceedings brought against it relating to the performance of its equity products (Chancery Division).

Acting for Barclays Bank in a substantial claim by investors resulting from the collapse of the Garston Amhurst Group.

Acting for Standard Bank Asia in a substantial customer claim in relation to withdrawals from Hong Kong bank account.

Hall v Bank of England [2000] Lloyd's Rep Bank 186, CA

Acting for the Bank of England, concerning the extent of the Bank's supervisory powers where the conduct of deposit-taking institutions threatens the interests of depositors.

Deposit Protection Board v Barclays Bank and Dalia [1994] 2 AC 367, HL (as reported in The Times, 20 May 1994), [1992] 3 WLR 945 (as reported in The Times, 9 July 1992), CA

Acting for Barclays Bank in determining the meaning of "depositor" for the purposes of the deposit protection scheme under the Banking Acts.

Nuova Safim SpA v Sakura Bank Ltd [1998] Lloyd's Rep Bank 142, [1999] 2 All ER (Comm) 526, CA

Acting for Sakura Bank in a claim brought by Nuova Safim raising issues of interpretation of the ISDA Master.

BCCI v Price Waterhouse [1997] 3 WLR 849 (as reported in The Times, 25 June 1997) Chancery Division

Acting for the Bank of England, as intervener, concerning the disclosure gateways in the Banking Acts.

Civil Fraud

Bankim is ranked in the highest bands for his fraud work by both *Chambers & Partners* and *The Legal 500*, with comments including that “He’s in the band of the real elite at the commercial bar, with a particular focus on fraud work – he’s tremendously clever; he’s monumentally hard-working; he’s always superbly well-prepared” and that he is “A powerhouse in the fraud world” who displays “flair, imagination and composure in his courtroom appearances”.

Notable Civil Fraud cases

Advising the joint administrators of companies involved in a substantial corporate collapse in the Gulf region.

Acting for Clydesdale Bank in class action, alleging deceit and misrepresentation, brought by thousands of small businesses against the Bank and its former owner, National Australia Bank, relating to a fixed-rate “tailored business loan” product sold by the Bank.

Advising Egyptian family investment house in fraud claim relating to a £70 million investment into a sham vehicle for FX trading.

Advising insurers in relation to US\$ 2 billion non-payment insurance policies provided by various participants in the London insurance market in respect of lending to an African state.

SFO v ENRC [2019] 1 WLR 791; [2019] 1 All ER 1026; [2018] Lloyd’s Rep. F.C. 635; [2019] Crim. L.R. 44, [2018] 9 WLUK 32; [2018] All ER (D) 05, [2018] EWCA Civ 2006, CA

Acting for ENRC in its landmark victory in the Court of Appeal, following the controversial judgment of Andrews J denying the right to claim legal professional privilege over substantial volumes of documentation concerning an SFO investigation into alleged corruption around the acquisition of mining rights.

Acting for the Bernie Ecclestone family trust, Bambino Holdings, in a claim brought by the US company Bluewaters Communications in the Commercial Court against Bernie Ecclestone, Bambino and Bayerische Landesbank concerning payments made by Ecclestone and the trust to the Bank’s former chief financial officer Gerhard Gribkowsky.

Acting for Barclays Bank in £750 million claim brought by PCP Capital/Amanda Staveley in the Commercial Court arising out of alleged fraud relating to Barclays 2008 Qatar capital raising.

Acting for Teva Pharma and its subsidiary Cephalon in a £100 million claim in the Commercial Court alleging economic duress and bad faith against Wockhardt India and its UK subsidiaries in relation to a leukaemia drug manufacturing contract.

Acting for two Ukrainian oligarchs in a dispute in the BVI concerning the operation of a trust and the ownership of various Ukrainian businesses, the value of which exceed US\$ 800 million. The allegations include forgery, sham transactions and dishonest assistance in breach of trust and fiduciary duty.

Advising the French company, Sequana SA, in a very substantial claim worth US\$ 1 billion brought by British American Tobacco concerning the alleged unlawful payment of dividends to Sequana and transactions said to be at an undervalue or intended to put assets beyond the reach of creditors.

Tchenguiz v SFO [2013] Lloyd's Rep. FC 535, [2013] EWHC 1578 (QB)

Acting for Vincent Tchenguiz and various corporate entities in a damages claim against the Serious Fraud Office.

Tigris International v China Southern Airlines [2014] EWCA Civ 1649; [2013] All ER (D) 342, [2013] EWHC 2211 (Comm)

Acting for China Southern Airlines in Commercial Court claims involving alleged bribery, conspiracy and inducing breach of contract relating to the sale of Airbus aircraft.

Acting for the respondents to a multi-million-pound LCIA arbitration concerning the validity of the release of liabilities arising in respect of guaranteed secured notes relating to assets in the Russian Federation.

Acting for the Central Bank of Trinidad & Tobago in the public inquiry in Port of Spain into the collapse of the Colonial Life group of banking and insurance companies – involving the investigation of serious allegations of fraud and civil and criminal liability.

Acting for the claimant in a substantial ICC arbitration in Geneva involving a dispute over corruption involving Turkish investments made by a leading investment fund.

Deutsche Bank AG v Asia Pacific Broadband Wireless Communications [2008] 2 Lloyd's Rep. 177

Acting for Deutsche Bank in a dispute with Asia Pacific Broadband, a Taiwanese telecommunications company, involving allegations that a US\$ 210 million credit facility had been entered into by the chairmen of the defendant companies as part of a large-scale fraud perpetrated by them on the defendants (Commercial Court).

AK Investment CJSC v Kyrgyz Mobil Tel [2012] 1 WLR 1804, [2011] 4 All ER 1027, [2012] 1 All ER (Comm) 319, [2011] 1 CLC 205; [2011] UKPC 7 (Privy Council).

Acting for CP-Credit Privé, a Swiss fiduciary house, in a substantial multiparty civil fraud claim involving the acquisition of a telecoms company in Kyrgyzstan.

Acting for HSBC entities in proceedings arising out of the collapse of CSA Absolute Return Fund in Hong Kong.

Acting for the Scandinavian telecoms company, TeliaSonera, in its dispute with Russia's Alfa Group in the BVI.

Acting for Willis in Commercial Court proceedings arising out of the Sphere Drake litigation (PA LMX spiral).

Advising insurers on coverage issues arising out of the Madoff frauds.

Acting for J. Aron in a claim by China Aviation Oil seeking to set aside oil derivatives contracts in Singapore on the grounds of fraud.

Winnetka Trading v Julius Baer [2012] 1 BCLC 588,[2011] EWHC 2030 (Ch)

Acting for Bank Julius Baer in the successful defence of a multi-million pound claim brought by a former corporate customer concerning the fraudulent sale of NASDAQ listed shares.

Acting for Metallgesellschaft in a fraud claim by the world's largest copper producer, Codelco, in connection with US\$170 million losses in copper futures trading on the London Metal Exchange (Chancery Division).

Acting for ICL in a claim by the Department of Social Security involving allegations of misfeasance in public office relating to a multi-million-pound computer contract (TCC).

Acting for General Mediterranean Holdings in a fraud claim arising out of the purchase of Medihold and other companies (QBD).

Acting for Rockland International Corporation in a claim relating to fraudulent misappropriation of gemstones from a Kenyan ruby mine (Commercial Court).

Acting for the State Bank of India and the Punjab National Bank in relation to fraudulent customer claims (Chancery Division).

Acting for Punjab National Bank in a fraud claim against Nigerian and Middle Eastern banks (Commercial Court).

Acting for a firm of accountants defending claims made by former clients relating to misappropriation of monies by a rogue partner (Chancery Division).

Three Rivers DC v Bank of England (No. 3) [2003] 2 AC 1, HL; [2001] 2 All ER 513; [2000] 2 WLR 1241; [2000] 3 All ER 1; [2000] Lloyd's Rep Bank 235, HL, The Times 19 May 2000; [2000] 2 WLR 15, CA; 11 Admin LR 281; The Times 10 December 1998; [1996] 3 All ER 558 (Commercial Court)

Acting for the Bank of England in the BCCI Litigation (*Three Rivers*), in the Commercial Court, Court of Appeal and the House of Lords in which over 40 officials of the Bank were accused of acting dishonestly in supervising BCCI SA, the leading authority on misfeasance in public office. The trial was one of the longest fraud trials in history: the final judgment of Tomlinson J after day 256 of the trial is at [2006] EWHC 816 (Comm).

National Westminster Bank v Utrecht-America Finance [2001] 3 All ER 733, [2001] Lloyd's Rep Bank 285, [2001] 2 All ER (Comm) 7, [2001] CLC 1372; (2001) 151 NLJ 784 (as reported in The Independent, 17 May 2001), CA

Acting for Rabobank and Utrecht-America Finance Co in relation to a fraudulent misrepresentation claim against NatWest (Commercial Court and Court of Appeal).

Dowles Manor Properties v Bank of Namibia (as reported in The Times, 18 March 1999), CA

Acting for the Bank of Namibia in a guarantee claim brought by commercial counterparty (Commercial Court and Court of Appeal).

Commercial Disputes

Referred to as “one of the stars of the Commercial Bar” and “one of the UK’s most gifted silks”, Bankim is ranked in the highest bands for his commercial disputes practice by the legal directories. Clients have commented that “for commercial litigation, he’s really a number-one choice” and that he is a “brilliant lawyer, a devastatingly effective advocate and a true team player”.

Notable Commercial Disputes cases

Law Debenture Trust Corp v Ukraine [2019] 2 WLR 655; [2018] 9 WLUK 166; [2018] EWCA Civ 2026, CA; [2017] QB 1249; [2017] 3 WLR 667; [2017] 2 BCLC 616; [2017] EWHC 655 (Comm)

Acting for Ukraine in the \$3 billion Eurobond claim brought on behalf of the Russian Federation, in one of the longest Supreme Court hearings of any non-public law case. The key issues revolve around the capacity of Ukraine to enter the transaction, duress and the effect of Russia’s invasion of Crimea and interference in Ukraine’s eastern provinces, and whether key issues are justiciable by the English courts.

Teesside Gas Transportation v CATS North Sea [2020] EWCA Civ 503

Appearing in Court of Appeal in complex dispute concerning the allocation of payments due under gas transportation contracts in the North Sea.

First Abu Dhabi Bank PJSC, formerly National Bank of Abu Dhabi PJSC v BP Oil International Limited [2018] 1 WLUK 203, [2018] EWCA Civ 14, CA

Successfully representing BP in a dispute concerning a US\$ 70 million receivables financing transaction for the sale of 100,000 metric tonnes of Russian Export Blend crude oil – the first case brought to trial under the Commercial Court's Shorter Trials Scheme.

PACCAR/DAF v Road Haulage Association & UK Trucks [2021] EWCA Civ 299

Appearing for DAF in challenge to litigation funding arrangements entered into by claimants in follow-on damages claims arising out of the European Commission decision to the effect that five major European truck manufacturing groups had carried out infringements of Article 101 of the Treaty of Rome in exchanging information on their future gross prices.

Kesabo & Others v African Barrick Gold Plc & North Mara Gold Mine Ltd

Acting for mining companies defending claims by illegal prospectors accessing a gold mine in Tanzania who were injured or killed by Tanzanian police or private security guards. The case was listed as one of The Lawyer's 'Top 20 trials of 2015'.

Cukurova Holding AS v Sonera Holding BV [2014] UKPC 15; [2015] 2 All ER 1061; [2015] 1 All ER (Comm) 1087; [2014] 1 CLC 643; 155 Con LR 1 (Privy Council)

Appearing successfully in the Privy Council for the Scandinavian telecoms company Sonera defending the decision of the Eastern Caribbean Court of Appeal permitting Sonera BV to enforce a \$1 billion dollar arbitration award in its favour against the Turkish telcoms company Cukurova Holdings.

Georgian American Alloys Inc & Ors v White & Case LLP [2014] 1 CLC 86; [2014] EWHC 94 (Comm)

Acting for the defendants.

R (on the application of Prudential PLC) v HMRC [2013] UKSC 1, [2013] 2 AC 185, [2013] 2 WLR 325 (Supreme Court); [2011] QB 669, [2011] 2 WLR 50, CA

Appearing successfully for the Bar Council (intervening) before a seven-member panel of the Supreme Court, deciding whether legal advice privilege should be extended to advice on tax law given by accountants.

Acting for Goldman Sachs in Commercial Court proceedings brought by former private wealth management clients of the investment bank alleging negligence in realising margin securities.

Tigris International v China Southern Airlines [2014] EWCA Civ 1649; [2013] All ER (D) 342, [2013] EWHC 2211

(Comm).

Acting for China Southern Airlines in a Commercial Court claim concerning the sale of several Airbus aircraft.

BNP Paribas S.A. v Anchorage Capital Europe LLP, Anchorage Capital Group LLC, ACOMO S.A.R.L., AIO III S.A.R.L [2013] EWHC 3073 (Comm)

Acting for BNPP in its claim against Anchorage Capital over subordinated private placement notes issued by AIB with a face value of US\$100 million (Commercial Court).

Acting for Louis Dreyfus Energy in the US\$100 million + claim by ConocoPhillips concerning alleged breaches of warranty in the sale of the Wilhelmshaven Oil Refinery in Germany.

Acting for a partner with Hogan Lovells in giving evidence in the class action before the Superior Court of Quebec against Imperial Tobacco.

Pioneer Freight Futures Co Ltd (in liquidation) v Cosco Bulk Carrier [2011] 2 Lloyd's Rep 409, [2011] 2 All ER (Comm) 1079, [2011] 2 CLC 184, [2011] EWHC 1692 (Comm)

Acting for Pioneer Freight Futures in a dispute with Cosco Bulk Carrier over the interpretation of 1992 ISDA Master (Commercial Court).

Acting for the claimant in a multi-million-pound dispute over the construction of a West African gas pipeline for the supply of natural gas from Nigeria to other West African states.

Deutsche Bank AG v Asia Pacific Broadband Wireless Communications [2008] 2 Lloyd's Rep. 177

Acting for Deutsche Bank in a dispute with Asia Pacific Broadband, the Taiwanese telecommunications company, over the validity of a US\$ 210 million credit facility (Commercial Court).

Acting for the Scandinavian telecoms company, TeliaSonera, in its dispute with Russia's Alfa Group in the BVI.

Acting for a leading UK telecoms company in a dispute relating to securitization revenue streams.

Advising a leading German energy company in a dispute with Lehman Brothers over a cross-currency swap transaction governed by ISDA Master terms.

Lornamead Acquisitions v Kaupthing Bank [2013] 1 BCLC 73, [2011] EWHC 2611 (Comm)

Acting for a leading UK manufacturing and retail group in dispute with Kaupthing Bank HF over a facilities agreement and collateral hedging arrangements.

OFT v Abbey National Plc and others [2010] 1 AC 696 (as reported in *The Times*, 26 November 2009), (Supreme Court); [2010] EuLR 309, [2009] 2 WLR 1286, [2009] 2 CMLR 30 (as reported in *The Times*, 3 March 2009), CA; [2008] 2 All ER (Comm) 625 (as reported in *The Times*, 29 April 2008)

Acting for Lloyds in the bank overdraft charges test case against the OFT.

Carey v HSBC [2010] Bus LR 1142, [2009] CTLR 103

Acting for RBS in credit card test cases in the Mercantile Court (as reported in *The Times*, 25 January 2010).

Acting for the son of the King of Bahrain in a dispute with the late Michael Jackson over a recording and ancillary rights agreement.

Acting for a leading Swiss private bank in a fund transfer dispute.

Acting for Standard Bank PLC in a claim relating to a derivatives contract against a US oil and gas producer (Commercial Court).

Spectra International Plc v Tiscali UK Limited (Formerly Known as World Online UK Limited), World Online Limited [2002] EWHC 2084 (Com)

Acting for Tiscali in a claim in the High Court brought by a retailer of internet enabled televisions (Commercial Court).

BCCI Litigation

Acting for the Bank of England in the BCCI Litigation (Three Rivers), in the Commercial Court, Court of Appeal and the House of Lords: *Three Rivers DC v Bank of England (No. 3)* [2003] 2 AC 1, HL; [2001] 2 All ER 513; [2000] 2 WLR 1241; [2000] 3 All ER 1; [2000] Lloyd's Rep Bank 235, HL, *The Times* 19 May 2000; [2000] 2 WLR 15, CA; 11 Admin LR 281; *The Times* 10 December 1998; [1996] 3 All ER 558 (Commercial Court) the leading authority on misfeasance in public office. The trial was then one of the longest trials in English legal history: the final judgment of Tomlinson J after day 256 of the trial is at [2006] EWHC 816 (Comm).

Acting for JP Morgan in a claim by Daiwa in relation to foreign exchange swap and forward transactions (Commercial Court).

Acting for Credit Suisse in a derivatives claim against Bankgesellschaft Berlin (Commercial Court).

Acting for BAE in a warranty claim brought by ABM Venture Capital (Commercial Court).

Acting for Powergen in a claim under an energy supply contract arising out of its acquisition of TXU.

Dowles Manor Properties v Bank of Namibia (as reported in The Times, 18 March 1999), CA

Acting for the Bank of Namibia in a guarantee claim brought by commercial counterparty (Commercial Court and Court of Appeal).

Acting for the National Commercial Bank of Saudi Arabia in a multi-million-pound claim against A. P. Møller under purchase orders for bunker fuel oil for shipping in the Arabian Gulf (Commercial Court and Court of Appeal).

Acting for Bevan Ashford in a conversion and restitution claim against Abbey National PLC (Commercial Court).

Deutsche Bank AG v Asia Pacific Broadband Wireless Communications [2008] 2 Lloyd's Rep. 177

Acting for Deutsche Bank in a dispute with Taiwanese telecom company on the interpretation of Article 23 of Council Regulation (EC) 44/2001 (Jurisdiction and the Recognition and Enforcement of Judgments in Civil and Commercial Matters).

National Westminster Bank v Utrecht-America Finance [2001] 3 All ER 733, [2001] Lloyd's Rep Bank 285, [2001] 2 All ER (Comm) 7, [2001] CLC 1372; (2001) 151 NLJ 784, The Independent 17 May 2001, CA

Acting for Utrecht-America Finance Corporation in relation to an anti-suit injunction sought by NatWest to prevent the continuation of proceedings in the Californian courts.

Eastgate Group Ltd v Lindsey Morden Group Inc [2002] 1 WLR 642; [2002] Lloyd's Rep PN 11, CA; [2001] 2 All ER (Comm) 1050, [2002] CLC 144, CA

Acting for Lindsey Morden Group in a multi-million-pound breach of warranty claim brought by Eastgate Group, following the acquisition of Hambro Legal Protection (Commercial Court and Court of Appeal).

Federal Republic of Germany v Sotheby's and Cobert Finance (as reported in The Times, 8 October 1998)

Acting for the putative owner of the painting Mary with the child Jesus by Joachim Wtewael, thought to have been stolen by a Russian soldier from eastern Germany at the end of World War II. This involved issues of Russian, German and English law, as well as the effect of the Foreign Limitation Periods Act.

EA Grimstead v McGarrigan [2001] CLY 966, [1999] 10 WLUK 818, [1998-99] Info TLR 384

Acting for the Respondent in proceedings arising out of a share sale agreement, an important Court of Appeal decision on the effect of non-reliance clauses and misrepresentation.

British Coal Corporation v Smith [1996] 3 All ER 97, HL (as reported in The Times, 23 May 1996)

Acting for British Coal in the Supreme Court in a significant equal pay claim.

Minorities Finance v Afribank Nigeria [1994] 3 Bank LR 131, [1995] 1 Lloyd's Rep 134 (Commercial Court)

Instructed by Bank of England to act for Minorities Finance in letter of credit dispute in Commercial Court.

Three Rivers DC v Bank of England (No. 2) [1996] 2 All ER 363 (Commercial Court)

Acting for the Bank of England in case concerning the proper interpretation of domestic statute intended to accord with an international convention or European directive.

Southampton City Council v Academy Cleaning The Times 11 June 1993 (QBD)

Acting successfully for the defendant in dispute involving local authority cleaning contract.

Gurtner v Beaton [1993] 2 Lloyd's Rep 369, CA; The Times 26 March 1992

Acting for claimants in aviation crash dispute raising significant issues on the law of ostensible authority.

Kecskemeti v Rubens Rabin, The Times 31 December 1992 (QBD)

Acting successfully for non-client beneficiary seeking damages for negligent drafting of will against a firm of solicitors.

Financial Services

Bankim is ranked by both *Chambers & Partners* and *The Legal 500* for his work in the financial services sector and has been referred to as “A legend of the financial services Bar” and as “One of the acknowledged leaders of this area of the Bar delivering strategies of complexity and cunning with consummate charm time after time” who is “steeped in financial litigation”.

Notable Financial Services cases

Advising major UK retail bank in connection with very substantial FCA investigation into sale of home insurance policies.

Acting for KPMG in relation to formal complaint by the FRC in relation to the standards of its auditing, in particular compliance with CASS rules, of £1.5 trillion of assets held at Bank of New York Mellon. Successfully contested penalty before FRC tribunal.

Advising Barclays Bank in relation to the SFO's investigations into its 2008 Qatar capital raising.

Advising Lord Stevenson, Andy Hornby and other directors of HBOS in connection with possible proceedings arising out of PRA/FCA inquiry into collapse of HBOS.

Advising leading accountancy firm in relation to the FRC investigation into auditing of Carillion Plc.

Advising leading accountancy firm in relation to the FRC investigation into auditing of the British Telecom Group.

Advising City law firms on the HMRC consultation on the implications of Directive 2018/822 ("DAC 6") – the requirement that tax authorities share information on reportable cross-border arrangements.

Advising leading accountancy firm in relation to the FRC investigation into its audit work for Conviviality Plc.

Acting for the FCA, intervening in the Court of Appeal in RBS's appeal from the decision of Birss J in PAG v RBS [2015] EWHC 1557 (Ch), holding that RBS had waived without prejudice privilege in negotiations with the FCA over LIBOR manipulation issues.

Acting for Deloitte LLP in the Financial Reporting Council investigation into Deloitte's role as corporate finance advisors in the Phoenix Four/MG Rover affair, one of The Lawyer's 'Top 20 Cases of 2013', successfully overturning record fine imposed by first instance tribunal.

Advising a major UK bank in a regulatory investigation by the FCA into the bank's rewards and incentive programmes.

Advising a major UK bank in a regulatory investigation by the FCA into card protection sales issues.

Advising a major bank in relation to an investigation by the regulatory authorities of Jersey.

Winterflood Securities v Financial Services Authority [2010] 2 BCLC 502, [2010] Lloyd's Rep FC 514, [2010] Bus LR 1622, [2010] BCC 718

Acting for the FSA in the Winterflood share ramping case before the Financial Services and Markets Tribunal and

before the Court of Appeal, relating to the interpretation of the Code of Market Conduct issued under s. 119 of FSMA 2000 (as reported in The Times, 3 April 2009 and 9 March 2010).

R (Ford) v Financial Services Authority [2012] 1 All ER 1238, [2012] 1 BCLC 622, [2012] Lloyd's Rep FC 49, [2012] 3 Costs LO 319, [2011] EWHC 2583 (Admin)

Acting for the FSA in the Administrative Court in relation to the FSA's investigation of Keydata Investment Services Ltd.

Advising the Securities and Futures Commission of Hong Kong on potential legal professional privilege issues arising out of a document management system.

Acting for a major UK bank in regulatory disputes with the FSA concerning various TCF issues.

Advising leading UK retail bank on FSA investigation into the sale of AIG Life Premier Access Bonds which resulted in a negotiated FSA Final Notice.

Advising the FCA on legal professional privilege issues arising out of ongoing regulatory investigations.

Acting for Chilean investors in claims against ANZ for mis-selling investments in emerging market debt products in breach of IMRO rules.

Advising the global co-ordinating banks (ABN AMRO, Dresdner Kleinwort Wasserstein, JP Morgan and Morgan Stanley) in relation to regulatory aspects of the IPO of Rosneft, the Russian oil company.

Advising Deloitte in respect of draft audit regulations issued by the Institute of Chartered Accountants of England and Wales.

Advising a major building society in relation to the potential mis-selling of mortgages by intermediaries to vulnerable clients.

BCCI v Price Waterhouse [1997] 3 WLR 849 (as reported in The Times, 25 June 1997) Chancery Division

Acting for the Bank of England as intervener, concerning the disclosure gateways in the Banking Acts.

Hall v Bank of England [2000] Lloyd's Rep Bank 186, CA

Acting for the Bank of England, concerning the extent of the Bank's supervisory powers where the conduct of

deposit-taking institutions threatens the interests of depositors.

Acting for the Institute of Chartered Accountants in relation to numerous disciplinary proceedings, including prosecutions arising out of the Polly Peck and CKL affairs.

Acting for architects subject to disciplinary proceedings brought by the Royal Institute of British Architects.

Acting for Deloitte in relation to the JDS inquiry by the Institute of Chartered Accountants arising out of collapse of Barlow Clowes.

Deposit Protection Board v Barclays Bank and Dalia [1994] 2 AC 367, HL (as reported in The Times, 20 May 1994), [1992] 3 WLR 945 (as reported in The Times, 9 July 1992), CA

Acting for Barclays Bank from first instance through to the House of Lords in case determining the meaning of “depositor” for the purposes of the deposit protection scheme under the Banking Acts.

Advising liquidators as to the legal effect of the FIMBRA rules on the liabilities of firms of insolvent financial advisers.

Advising the Bar Council on regulatory matters on a pro bono basis.

Insurance

Bankim’s insurance practice is ranked by both *Chambers & Partners* and *The Legal 500* and he has been referred to as a “A total Rolls-Royce” and being “particularly well-known for taking on major insurance cases in the financial sector”.

Notable Insurance cases

Advising insurers in relation to US\$ 2 billion non-payment insurance policies provided by various participants in the London insurance market in respect of lending backed by an African state.

Advising insurers in relation to coverage issues arising out of the cancellation of West End productions as a result of COVID-19.

Acting for Willis in Commercial Court proceedings arising out of the Sphere Drake litigation (PA LMX spiral).

Advising liability insurers on coverage issues arising out of collapse of Parmalat, the Italian food conglomerate.

Advising insurers on liability and coverage issues concerning the sale of computer software to the NHS.

Advising insurers on coverage issues arising out of substantial claims relating to negligent tax planning advice.

Instructed to provide binding determinations under QC clauses of insurance and reinsurance policies.

Acting for former director in relation to a claim in excess of £50 million by the Brightside group of insurance companies (formerly controlled by Arron Banks) against RSM Audit (formerly Baker Tilly) and others.

Advising a major UK aircraft manufacturer on the insurance issues arising out of the sale of parts of its business.

Acting for Heath Lambert in a commission dispute arising out of the collapse of Independent Insurance (Commercial Court).

Advising the Central Bank of Trinidad & Tobago on status of various annuity insurance products being sold by regulated entities.

Advising insurers on liability issues arising out of crash of Gol Boeing 737 aircraft over Amazon rain forest.

Advising insurers on coverage issues arising out of the Madoff frauds.

Acting for BAE in a major reinsurance dispute with RSA involving US \$3 billion insurance cover for an entire fleet of leased aircraft.

Advising brokers in relation to policy wording in RIBA special conditions incorporated in architects' E&O policies.

Advising a major insurance company on claims under fidelity policies in Hong Kong.

Advising a major multi-national insurance group in relation to a £50 million re-financing programme.

Acting for Travelers Insurance in substantial declaratory proceedings against Lloyd's syndicates (Commercial Court).

CNA v La Boliviana

Acting for Heath Lambert in CNA v La Boliviana, a multi-million-pound claim relating to the insurance of an oil and

gas pipeline in Bolivia (Commercial Court).

Acting for a major multi-national oil company in a claim against underwriters relating to damage to a fibre optic cable linking its oil refining facilities to mainland Singapore (Commercial Court).

Acting for brokers in a multi-million -pound business interruption insurance claim involving hurricane damage to a major hotel in the West Indies (arbitration).

Advising brokers in relation to a coverage dispute with E&O underwriters concerning the placing of professional indemnity insurance of a major building contractor.

Acting for the assured in a claim against insurers relating to a significant jewellery theft in London's Hatton Garden (arbitration).

Advising underwriters in relation to claims in the USA and the UK arising out of the destruction of the World Trade Center.

Acting for Home Loans & Finance Ltd in an action against Sun Alliance and other insurers for refusal to indemnify it under an E&O policy (Commercial Court).

Acting for insurers in a coverage dispute with the makers of an alcoholic beverage subject to a passing off action by the Scotch Whisky Association (QBD).

International Arbitration

Bankim is ranked for his work across the field of international arbitration by both *Chambers & Partners* and *The Legal 500*, with comments including that he is "a solicitor's dream, being a go-to QC for anything difficult" and that he "excels in all manner of complex arbitrations".

Notable International Arbitration cases

Littop Enterprises v Ukraine

Successfully representing Ukraine in defeating a US\$6 billion claim brought by three nominally Cypriot companies relating to their minority shareholdings in Ukrnafta, Ukraine's largest producer of oil and associated gas, in an investment treaty arbitration under the Energy Charter Treaty (Stockholm Chamber of Commerce).

Acting successfully for GMR in its dispute with the Republic of the Maldives concerning the cancellation of a major infrastructure project at the Ibrahim Nasir International Airport in Malé (UNCITRAL arbitration, Singapore).

Advising the claimant in relation to a US \$100 million ICC arbitration concerning silicone brick production in the Far East (ICC arbitration, Hong Kong).

Appearing successfully for a leading Abu Dhabi bank in defeating a £270 million claim against it concerning an alleged guarantee in respect of a major real estate development in Abu Dhabi (ADCCAC arbitration, Abu Dhabi).

Cukurova Holding AS v Sonera Holding BV [2014] UKPC 15; [2015] 2 All ER 1061; [2015] 1 All ER (Comm) 1087; [2014] 1 CLC 643; 155 Con LR 1 (Privy Council)

Appearing successfully for the Scandinavian telecoms company, Sonera, in seeking to enforce a Swiss-seated ICC arbitration award for US\$ 1 billion against the Turkish telecoms company Cukurova in the BVI (ICC arbitration).

Acting for a Russian airline in an LCIA arbitration concerning a leasing dispute over several Boeing 737 aircraft (LCIA, London).

Acting for a leading on-line gaming group in a £50 million contractual dispute over distribution rights in the Spanish market (ad hoc arbitration).

Acting for the respondents to a multi-million-pound claim concerning the validity of the release of liabilities arising under guaranteed secured notes relating to assets in the Russian Federation (LCIA, London).

Acting for the claimant, a leading emerging markets investment fund, in a substantial ICC arbitration in Geneva involving a dispute over Turkish investments made by the fund (ICC, London).

Acting for BAE in a major (LCIA) international reinsurance arbitration against RSA involving US \$3 billion insurance cover for an entire fleet of leased aircraft (LCIA, London).

Party appointed sole arbitrator in an ad hoc arbitration concerning the sale of a Bombardier aircraft (LCIA, London).

Party appointed arbitrator in an LCIA arbitration involving substantial disputed airline revenue streams (LCIA, London).

LCIA appointed sole arbitrator in a complex dispute between an airline and a tourism authority.

LCIA appointed sole arbitrator in dispute relating to management and promotion of hotels and villas by leading hotel group (LCIA, London).

ICC appointed sole arbitrator in a dispute between an aviation ancillary services provider and an agent.

Acting for a leading UK airline in a ticketing dispute with a franchised operator (LCIA, London).

Acting for a major UK aircraft manufacturer in an ICC arbitration involving a substantial aircraft engine dispute with a US aircraft engine manufacturer (ICC, London).

Acting for a major UK corporate group in an ICC arbitration involving a substantial project management dispute with French and Swedish companies.

Acting for an Eastern European state airline in an ICC arbitration involving an aircraft maintenance agreement with a Pakistani airline (ICC, London).

Air India v Caribjet Inc [2002] 1 Lloyd's Rep. 314 (Commercial Court)

Acting for an aircraft leasing company in a substantial UNCITRAL arbitration against Air India relating to a multi-million-pound dispute relating to wet leasing of commercial aircraft (UNCITRAL, London with evidence taken in Mumbai).

Acting for brokers in an ad hoc multi-party arbitration relating to hurricane damage to a luxury hotel complex in the West Indies (ad hoc, London).

Acting for a supplier in a substantial ICC arbitration relating to the installation of an ammonia factory in Greece (ICC, London).

Acting for the assured in a claim against insurers in an arbitration relating to a significant jewellery theft in Hatton Garden (LCIA, London).

Acting in High Court declaratory proceedings to enforce an arbitration agreement (Commercial Court).

Media, Entertainment & Sport

Bankim has been described as being “excellent for football work” and as being “recognised for his knowledge of image and brand exploitation rights”.

Notable Media, Entertainment & Sport cases

Acting for a leading on-line gaming group in a £50 million contractual dispute over distribution rights in the Spanish

market.

Acting for Sheikh Abdulla, the son of the King of Bahrain, in his well-publicised dispute over recording and ancillary rights with the pop star Michael Jackson.

Advising investors in relation to Formula One banking and re-structuring issues.

Appointed mediator in a dispute between a premiership football club and its kit supplier.

Advising the Interpublic Group of Companies in respect of potential Formula One liabilities arising out of the staging of the British Grand Prix.

Acting for The Football Association in disciplinary proceedings against players and officials of Leicester City FC relating to ticket distribution for the League Cup Final.

Advising Channel 5 in relation to the broadcasting of European and domestic football matches.

Advising The Football Association in relation to the broadcasting of European and domestic football matches.

Acting for Wembley National Stadium Limited in relation to a claim brought by Vantagepoint Management Consultants (QBD).

Advising The Football Association in relation to potential claims arising out of the re-development of Wembley Stadium.

Advising The Football Association in relation to sponsorship disputes relating to the FA Cup.

Conchita Martinez v Ellesse International (as reported in The Times, 31 March 1999), [1999] CLY 861, CA

Acting for the sportswear manufacturer, Ellesse, in determining whether Miss Martinez was entitled to a contractual bonus on the basis of being ranked the world's number two singles player (Vice-Chancellor and Court of Appeal).

Acting for The Football Association in High Court proceedings to prevent the development of its Mini-Soccer scheme (Chancery Division).

Acting for The Football Association in a dispute with Tottenham Hotspur over players' contract terms.

Offshore

Bankim has a substantial offshore practice: “A skilled silk with an excellent pedigree in commercial litigation, international arbitration and regulatory work across the Caribbean, Channel Islands and Far East.” He has been called to the bars of the Eastern Caribbean (BVI), Trinidad and Tobago and the Isle of Man and has also advised in relation to proceedings before the courts of Jersey, Guernsey, the ADGM, The Bahamas, the Cayman Islands and Turks & Caicos.

Notable Offshore cases

Advising US private equity/venture capital funds in shareholder dispute before the Royal Court of Jersey.

Advising the joint administrators of companies involved in a substantial corporate collapse in the Gulf region in pending proceedings before the ADGM.

Ieremeieva v Estera, Lagur & Ivakhiv

Acting for two Ukrainian oligarchs in a dispute in the BVI concerning the operation of a trust and the ownership of various Ukrainian businesses, the value of which exceed US\$ 800 million. The allegations include forgery, sham transactions and dishonest assistance in breach of trust and fiduciary duty.

Acting for the Central Bank of Trinidad & Tobago in relation to a public enquiry in Port of Spain into the circumstances in which major banking and insurance companies in the Colonial Life group sustained losses of billions of dollars and required governmental intervention.

AK Investment CJSC v Kyrgyz Mobil Tel [2012] 1 WLR 1804, [2011] 4 All ER 1027, [2012] 1 All ER (Comm) 319, [2011] 1 CLC 205; [2011] UKPC 7

Acting for CP-Credit Privé, a Swiss fiduciary house, in a substantial multiparty civil fraud claim in the Isle of Man, arising out of the acquisition of a telecoms company in Kyrgyzstan. Appeared in all the substantive interlocutory stages of this case at first instance, in the appeal court in the Isle of Man (Staff of Government) and in the final appeal to the Privy Council in London.

Acting for a firm of leading Bahamian attorneys, Lennox Paton, in respect of claims and liabilities arising out of the acquisition of real estate in the territory of the Commonwealth of the Bahamas.

Advising Rathbone Brothers Plc in relation to a dispute in Jersey between two beneficiaries of the Jack Walker Settlement Trust.

Cukurova Holding AS v Sonera Holding BV [2014] UKPC 15; [2015] 2 All ER 1061; [2015] 1 All ER (Comm) 1087; [2014] 1 CLC 643; 155 Con LR 1 (Privy Council)

Acting for the Scandinavian telecoms company, TeliaSonera, in a multi-million pound dispute in the BVI with Russia's Alfa Group and with the Turkish company, Cukurova Telecoms, over the ownership of a telecoms company in Turkey.

Acting for the Union National Bank of Abu Dhabi in defeating an AED 1.6 billion claim (equivalent to about £270 million) by property developers seeking to enforce a guarantee in respect of a major real estate development in Abu Dhabi.

Mahraj v Mahraj

Acting for respondent sister in the Privy Council on her brother's appeal from the Court of Appeal of Trinidad & Tobago in the multi-million pound dispute over the estate of the late Jagdath Maharaj.

Renova Industries & Others v Emmerson International

Acting for Renova Industries and others in a claim in the BVI brought by a group of companies controlled by Russian oligarch, Viktor Vekselberg, against a group of companies controlled by another oligarch, Mikhail Abyzov.

Turks & Caicos Financial Services Commission v Caicos General Insurance Company Ltd

Advising the Turks & Caicos Financial Services Commission on licence conditions imposed on insurance companies conducting insurance business in the Turks & Caicos Islands.

Privilege, Confidentiality & Conflicts of Interest

Bankim has extensive experience in relation to civil procedure including all aspects of documentary disclosure, with a particular emphasis on legal professional privilege, the law of evidence and conflicts of interest.

Notable Privilege, Confidentiality & Conflicts of Interest cases

Curless v Shell International Ltd [2020] ICR 431, CA; [2020] IRLR 36; [2019] EWCA Civ 1710

Acting successfully for Shell in the appeal concerning the application of the crime-fraud exception to legal professional privilege.

Advising the Official Solicitor in connection with disclosure and privilege issues in confidential proceedings before the Court of Protection.

Serious Fraud Office v Eurasian Natural Resources Corporation [2019] 1 WLR 791; [2019] 1 All ER 1026; [2018] Lloyd's Rep. F.C. 635; [2019] Crim. L.R. 44, [2018] 9 WLUK 32; [2018] All ER (D) 05, [2018] EWCA Civ 2006, CA.

Acting for ENRC in its significant victory in the Court of Appeal, following the controversial judgment of Andrews J in the court below, denying the right to claim legal professional privilege over substantial volumes of documentation concerning an SFO investigation into alleged corruption around the acquisition of mining rights.

Georgian American Alloys Inc & Ors v White & Case LLP [2014] 1 CLC 86; [2014] EWHC 94 (Comm)

Acting for White & Case in action to restrain the firm from acting in Commercial Court proceedings.

R (on the application of Prudential PLC) v HMRC [2013] UKSC 1, [2013] 2 AC 185, [2013] 2 WLR 325 (Supreme Court); [2011] QB 669, [2011] 2 WLR 50, CA

Acting for the Bar Council (intervening in the Supreme Court and the Court of Appeal) in the seminal case affirming that legal advice privilege was confined to communications with lawyers and should not be extended to communications with accountants.

BBGP Managing General Partner Limited & Others v Babcock & Brown Global Partners [2011] 2 WLR 496, [4]

Appointed independent expert by Freshfields Bruckhaus Deringer to report on privilege issues, including consideration of the fraud exception, arising in a major commercial dispute.

Smith v Kvaerner Cementation Foundations Ltd [2007] 1 WLR 370, [2006] 3 All ER 593, [2006] CP Rep 36; [2006] ACD 51 (as reported in The Times, 11 April 2006), CA

Acting for the Bar Council, concerning the circumstances in which a judgment can be set aside on the grounds of judicial bias (Court of Appeal, consisting of the Lord Chief Justice, the Master of the Rolls and May LJ).

R (Ford) v Financial Services Authority [2012] 1 All ER 1238, [2012] 1 BCLC 622, [2012] Lloyd's Rep FC 49, [2012] 3 Costs LO 319, [2011] EWHC 2583 (Admin)

Acting for the FSA in the leading modern case on joint interest privilege in the context of companies and their directors.

Advising a leading firm of solicitors in respect of potential conflicts where it ceases to act for some but not all parties to a High Court trial.

City of Gotha v Sotheby's and Cobert Finance [1998] 1 WLR 114 (as reported in The Times, 3 July 1997), CA

Acting successfully for the appellant in a case which remains the leading authority on the scope of loss or waiver of legal professional privilege where there is a limited loss of confidentiality (Court of Appeal).

Paragon Finance plc v Freshfields [1999] 1 WLR 1183 (as reported in The Times, 22 March 1999 and The Independent, 16 March 1999), CA

Acting for Freshfields in the leading authority on the extent of waiver of privilege in the context of claims against legal advisers.

Three Rivers DC v Bank of England and HM Treasury (No. 4) [2003] 1 WLR 210, [2002] 4 All ER 881 (as reported in The Times, 4 October 2002), CA

Acting for the Bank of England in case concerning the power to order disclosure against non-parties and control over the archives of the Bingham Inquiry.

Three Rivers DC v Bank of England (No. 5) [2003] QB 1556; [2003] 3 WLR 667 (as reported in The Times, 19 April 2003), CA

Acting for the Bank of England in a leading authority on legal advice privilege (Commercial Court and Court of Appeal), setting English law on privilege in the context of corporations apart from other common law jurisdictions.

Three Rivers DC v Bank of England (No. 6) [2005] 1 AC 610, [2004] 3 WLR 1274 (as reported in The Times, 12 November 2004), HL; [2004] QB 916, [2004] 2 WLR 1065, [2004] 3 All ER 168 (as reported in The Times, 3 March 2004), CA

Acting for the Bank of England in the leading case on the scope and rationale of legal advice privilege (Commercial Court, Court of Appeal and House of Lords).

Acting for the Bank of England in relation to application by the Liquidators in Three Rivers to exclude witnesses from Court: [2003] EWHC 2950 (Comm).

Acting for Bank of England in its application to curtail cross-examination of its witnesses in the Three Rivers trial (Commercial Court and Court of Appeal).

Shannon v Country Casuals, The Times 16 June 1997, LS Gaz 21 May 1997 (QBD)

Acting for Morgan Grenfell in successfully resisting third party disclosure.

Re: A firm of Solicitors [1992] QB 959, CA, The Times 20 June 1991, The Independent 26 June 1991

Acting for Simmons & Simmons in action to restrain the firm from acting.

BCCI v Price Waterhouse [1997] 3 WLR 849 (as reported in The Times, 25 June 1997) Chancery Division

Acting for the Bank of England as intervener, concerning the disclosure gateways in the Banking Acts.

Professional Negligence

Bankim is ranked by both *Chambers & Partners* and *The Legal 500* for his professional negligence work. His practice has been referred to as including “a substantial amount of finance-related professional negligence work”. He has “acted for some of the most high-profile organisations in the City, always approaching matters with ‘the smoothness, clarity of mind and fluency of delivery’ that are his hallmarks”.

Notable Professional Negligence cases

Acting for Alliance Bernstein in £120 million claim brought by the trustees of Philips Electronics Pension scheme seeking to recoup substantial losses made by the pension fund following the financial crisis of 2008 and alleging negligent management and advice in connection with the fund.

Acting for a former director in a professional negligence claim for in excess of £50 million brought by the Brightside group of insurance companies (formerly controlled by Arron Banks) against RSM Audit (formerly Baker Tilly) and Paul Chase Gardener.

Acting for Goldman Sachs in Commercial Court proceedings brought by former private wealth management clients of the investment bank alleging negligence in realising margin securities.

Acting for Lloyds Bank in a £20 million LIBOR mis-selling claim, including allegations of negligent advice in connection with the sale of financial products associated with lending to a property development company.

Acting for Perella Weinberg in Commercial Court proceedings relating to allegations of professional negligence in connection with investment advisory and restructuring advice to the Spanish multi-national gaming giant, Codere.

Advising Cattles Plc and Welcome Financial Services Ltd in relation to negligence claims against leading accountancy firm arising out of alleged misstatements made in substantial bond issues by Welcome.

Winnetka Trading v Julius Baer [2012] 1 BCLC 588, [2011] EWHC 2030 (Ch)

Acting for Bank Julius Baer in the successful defence of a multi-million-pound negligence claim brought by Winnetka Trading over the purchase of NASDAQ listed shares.

Acting for Coutts & Co in the negligence claim against it brought by Sir Keith Mills in relation to the acquisition of AIG bonds.

Advising in relation to trust administration issues arising out of litigation relating to the Jack Walker Settlement Trust in Jersey.

Advising National Air Traffic Services on potential negligence claims by airlines arising out of the Icelandic volcanic eruption.

Acting for a firm of Bahamian attorneys defending a negligence claim over the acquisition of real estate in the territory of the Commonwealth of the Bahamas.

Advising a major UK private bank in relation to potential claims arising out of the sale of investment products.

Acting for a Swiss private bank in relation to claims arising out of allegedly negligent fund transfers (Chancery Division).

Acting for Credit Suisse in a negligence claim concerning the sale of investment products (Commercial Court).

Acting for Morgan Stanley in proceedings relating to the performance of one of its equity products (Chancery Division).

Directory Quotes

"Picks up the biggest work at the Bar as he's unbelievably clever and his cross-examination is deadly."

Chambers & Partners

"In the small group of QCs that one could go to on any case... a Rolls-Royce barrister who is 'an absolute star' across the board."

Chambers & Partners

"Bankim Thanki QC is of course on another level. He is able to dissect complicated cases full of detail in a cool and collected manner. He makes complex issues look so simple and there's a real art to that."

Chambers & Partners

"Absolutely deserves his position among the super silks... a pre-eminent silk."

The Legal 500

"He's a brilliant advocate, with a complete mastery of his brief, and is a thoroughly nice person with great interpersonal skills."

Chambers & Partners

"A master strategist and phenomenal cross-examiner... an extraordinary barrister across many fields with the most phenomenal brain... he has a unique skill in making complicated cases look simple... he projects an air of calm authority and takes a measured approach that focuses on key issues."

Chambers & Partners

"He's now in the band of the real elite at the commercial bar, with a particular focus on fraud work - he's tremendously clever; he's monumentally hard-working; he's always superbly well-prepared... a brilliant lawyer, a devastatingly effective advocate and a true team player... a formidable intellect, very hard working but fun to work with."

The Legal 500

"He's an outstanding cross-examiner in an unshowy but highly effective way; and Courts have the greatest of respect for him. Also, a strong appellate advocate. Really exceptional."

The Legal 500

"One of London's top barristers."

Sky News

Directory Rankings

Chambers & Partners – Global

- Dispute Resolution: Commercial – UK (Band 1)
- International Arbitration – The English Bar – Global Market Leaders

Chambers & Partners – UK

- Aviation
- Banking & Finance (Star Individual)
- Commercial Dispute Resolution – Band 1
- Financial Services – Band 1
- Fraud: Civil – Band 1
- Insurance
- International Arbitration: General Commercial & Insurance
- Professional Negligence
- Travel: Regulatory & Commercial
- Bankim is also recognised as one of a limited number of “Stars at the Bar”, demonstrating his expertise across multiple areas

The Legal 500 – UK

- Aviation (Tier 1)
- Banking & Finance (Tier 1)
- Commercial Litigation (Tier 1)
- Financial Services Regulation (Tier 1)
- Fraud: Civil (Tier 1)
- Insurance & Reinsurance
- International Arbitration: Counsel
- Offshore
- Professional Negligence

The Legal 500 – Asia Pacific

- Asia Pacific – The English Bar – Commercial

Education

- MA, Balliol College, Oxford (1989)
- BA (First Class Honours), Balliol College, Oxford (1986)

International Bar / Court Appointments

- Called to the Bar of the British Virgin Islands
- Ad hoc admission to the Bar of the Isle of Man
- Ad hoc admission to the Bar of Trinidad & Tobago
- Ad hoc admission to the Bar of the Bahamas

Memberships

- Head of Chambers, Fountain Court (2018-)
- Deputy Head of Chambers, Fountain Court (2013-2018)
- Member, Dubai Financial Markets Tribunal (2014-)
- Bencher, Middle Temple (2008-)
- Harmsworth Scholar, Middle Temple (1988)
- Commercial Bar Association
- London Common Law and Commercial Bar Association
- LCIA
- Association of Regulatory & Disciplinary Lawyers
- British Association of Sport and Law

Publications

- Editor, *The Law of Privilege* (3rd ed., 2018) (Oxford University Press)
- Contributor, *Information Rights*, ed Coppel (5th ed., 2020) (Hart)
- Contributor, *The Practitioner's Guide to Global Investigations* (3rd ed., 2019) (GIR)
- Contributor, *Law of Bank Payments*, ed. Brindle & Cox (4th ed., 2010) (Sweet & Maxwell)
- Co-author, *Carriage by Air* (2000) (Butterworths)
- Joint-Editor, *Commercial Court Procedure* (2000) (Sweet & Maxwell)

Awards

