

# Kabir R.M. Bhalla

Associate

*Trial and Global Disputes / International  
Arbitration and Litigation*

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Kabir Bhalla is an associate and barrister in the London office of King & Spalding. A member of the firm's International Arbitration and Litigation group, Kabir has appeared as counsel before the Privy Council, Court of Appeal, High Court and Employment Appeal Tribunal, and has acted in numerous ICC, LCIA and LMAA arbitrations, in the energy sector and beyond.

Prior to joining King & Spalding, Kabir worked as a barrister at two of the leading sets of London commercial barristers' chambers; 20 Essex Street and 11 King's Bench Walk. He has a particular interest in the shipping, oil & gas and commodities sectors, in both arbitration and arbitration-related litigation. He has advised and appeared in significant disputes involving major international energy companies, such as the landmark Ocesa pipeline litigation in the English High Court.

From 2015-2016 he was Judicial Assistant (Law Clerk) to Lord Sumption and Lord Clarke at the Supreme Court of the United Kingdom and the Privy Council, where he worked on high-profile commercial and public and private international law matters, including the leading cases on penalty clauses (*Cavendish Square Holding BV v El Makdessi* [2015] UKSC 67), implied terms (*Marks and Spencer Plc v BNP Paribas Securities Services Trust (Jersey) Ltd* [2015] UKSC 72), and the foreign act of state doctrine and state immunity (*Belhaj and anr. v Straw and ors.* [2017] 2 WLR 456).

Kabir graduated with a starred first-class degree in History from the University of Oxford, winning a Gibbs Prize for academic achievement. He subsequently undertook the Graduate Diploma in Law and Bar Course at City Law School in London, placing second in his year for commercial law. Awarded a Lord Diplock Scholarship by the Honourable Society of the Middle Temple, he represented the Inn at the 21st Willem C. Vis. International Commercial Arbitration Moot, coached by Stewart Boyd CBE QC. He has also held a Guest Fellowship at the National Law University of India, Jodhpur, where he has lectured in international arbitration law and practice.

## Matters

### **International Arbitration**

Acting for a major commodities company in an ICC arbitration concerning the construction of a manufacturing plant in Trinidad & Tobago.

Acting in complex multi-jurisdictional litigation and arbitral proceedings concerning the enforcement of a c.US \$500m Energy Charter Treaty Award in respect of the construction and operation of a gas processing facility in the Republic of Kazakhstan.

Acting for one of the world's largest commodities companies in various arbitrations, including a multi-million USD FOSFA arbitration concerning oil contamination.

Acting against a state in ICC arbitral proceedings claiming declaratory relief concerning the construction of an oil pipeline.

Acting for a major insurer in arbitral proceedings concerning the death of a racehorse, raising complex conflict of laws points.

Acting for major energy, commodities and shipping companies in LMAA and LCIA arbitrations, including maritime disputes concerning demurrage, cargo shortage, cargo quality, hire and breach of charter.

Acting for a major shipping line in an arbitration concerning the construction of call options in seven oil tanker purchase contracts.

Advising a major international corporation in an arbitration under the 2013 UNCITRAL Rules concerning the construction of a mine.

### **Litigation**

Appeared before the Privy Council on behalf of the Jamaican National Competition Regulator in a major telecoms competition matter: *Fair Trading Commission v Digicel Jamaica Ltd [2017] UKPC 28*.

Appeared before the Privy Council in a constitutional law case from St. Lucia: *Sexius v AG of St Lucia [2017] 1 WLR 3236*.

### **Other representative matters (including cases whilst a Judicial Assistant at the Supreme Court and Privy Council):**

*Vendort Traders v Evrostroy Grupp LLC [2016] UKPC 15* (commercial fraud, insolvency)

*Anzen v Hermes One [2016] UKPC 1* (construction of arbitration clauses)

*Vizcaya Partners v Picard [2016] UKPC 5* (arbitration; submission to jurisdiction)

*Cavendish Square Holding BV v El Makdessi; ParkingEye Limited v Beavis [2015] UKSC 67* (penalty clauses)

*JSC BTA Bank v Ablyazov [2015] UKSC 64* (the scope of worldwide freezing orders)

*Marks and Spencer Plc v BNP Paribas Securities Services Trust (Jersey) Ltd [2015] UKSC 72* (implied terms)

*NYK Bulkship (Atlantic) NV v Cargill International SA [2016] UKSC 20* (shipping; off-hire clauses; agency)

*Navig8 v South Vigour Shipping [2015] EWHC 32 (Comm)* (repudiatory breach of charter, unjust enrichment).

*PST Energy 7 Shipping v OW Bunker [2016] UKSC 23* (sale of goods; bunker supplies)

Bank of Cyprus v Menelaou [2015] UKSC 66 / HMRC v Investors' Trust (unjust enrichment)

Akers v Samba Financial Group (conflicts; forum non conveniens; trusts)

Versloot Dredging v HDI Gerling (insurance; fraudulent device rule; Article 1 Protocol 1 ECHR).

Asset Land Investment v The FCA [2016] UKSC 17 (FSMA 2000; financial regulation; regulated activity)

Mayor's Office for Policing v Mitsui Sumitomo Insurance [2016] UKSC 18 (riot damages; insurance).

Belhaj v Straw; Rahmatullah v Ministry of Defence (state immunity; foreign act of state; extraordinary rendition)

Al-Waheed/Mohammed v Ministry of Defence (UN Resolutions; detention; human rights; crown act of state)

Ministry of Defence v Iraqi Civilians [2016] UKSC 25 (limitation; conflict of laws)

Ferguson v Attorney General of Trinidad and Tobago [2016] UKPC 2 (revocation of immunity; rule of law)

Mediterranean Shipping v Cottonex Anstalt [2016] 2 CLC 272 (repudiatory breach, liquidated damages, penalty clauses)

## Credentials

### EDUCATION

G.D.L., City University London

B.A., Oxford University, UK, honors

### ADMISSIONS

England and Wales

### CLERKSHIPS

Law Clerk, Lord Sumption and Lord Clarke, Supreme Court of the United Kingdom / The Privy Council

### ASSOCIATIONS

England & Wales (Admitted 7/24/2014; Reg #122119)

### LANGUAGES

English

French

German

Hindi

## Insights

### ARTICLE

October 14, 2020 • Source: Law360

2 High Court Cases Highlight Comity Principles

### CLIENT ALERT

February 19, 2021

English High Court Rules That Compliance With Pre-Arbitration Negotiation Periods Incapable of Challenge on Jurisdictional Grounds

October 22, 2020

Lenders' Duties when Enforcing Security

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## News

### CASES & DEALS

June 30, 2021

King & Spalding Secures a Major Win in a Landmark Multi-Jurisdictional Award Enforcement Dispute

June 23, 2021

King & Spalding Secures Win in Multi-Jurisdictional Award Enforcement Dispute

### IN THE NEWS

September 22, 2021 • Source: *Global Arbitration Review*

Tom Sprange QC, Sajid Ahmed, Viren Mascarenhas, Ben Williams, Charity Kirby, Kabir Bhalla, Erin Collins, Julian Ranetunge and Lisa Wong represent Turkey before an ICSID tribunal, which dismissed a €126M claim against the country

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