

COMMERCIAL DISPUTES WEEKLY – ISSUE 20

24 MARCH 2020 • ARTICLE



BITE SIZE KNOW HOW FROM THE ENGLISH COURTS

We appreciate that our clients, partners and friends are currently facing unprecedented challenges as a result of the spread of the COVID-19 virus. Click [here](#) for a message from our Managing Partners, and [here](#) for all of our latest updates and articles on the subject. If you have any questions or require support, please do not hesitate to speak to your usual contact at WFW.

Construction

In a significant case for parties to construction contracts, in which WFW acted for the successful party, the Court of Appeal has confirmed that if an adjudicator's decision is arguably procured by fraud, or the evidence on which the adjudicator relied is both material and arguably fraudulent, and if the allegations of fraud could not have been raised in the adjudication itself, those allegations can be a proper ground for resisting enforcement of the decision.

PBS Energo AS v Bester Generacion UK Limited Click [here](#) for our press release on the decision.

"Justice delayed is justice denied. The parties to ... commercial litigation are entitled to receive their judgments within a reasonably short period of time."

Bank St Petersburg PJSC & Anr v Arkhangelsky & Anr

Contempt

Providing a valuable reminder of the risks of non-compliance with court orders, the Commercial Court has found two de facto directors guilty of contempt arising out of their companies' failure to comply with the terms of an injunction restraining the companies from directing delivery of a disputed oil cargo to Iran.

Integral Petroleum SA v Petrogat FZE & Anr

Dishonesty

Emphasising the importance of delivering judgment promptly, the Court of Appeal has also confirmed that while it is generally legitimate to start from the point that fraud and dishonesty are inherently improbable and so cogent evidence is required for their proof, that is no more than a starting point and ultimately the only question is whether fraud was more probable than not.

Bank St Petersburg PJSC & Anr v Arkhangelsky & Anr

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Evidence

Following the report of the Witness Evidence Working Group which explored concerns about the use of witness statements in commercial cases, the High Court has emphasised that witness statements should not be used to set out the content of documents which the witness has no knowledge of and no involvement in.

PCP Capital Partners LLP & Anr v Barclays Bank plc

Evidence

While it is often convenient for solicitors to provide statements in support of interim applications which contain information provided by the client, the High Court has emphasised that where such a statement contains hearsay evidence provided by an officer or employee of a corporate client, that officer or employee should be identified and named.

Punjab National Bank (International) Ltd v Techtrek India Ltd & Ors

FOR MORE INFORMATION

Should you wish to discuss any of these cases in further detail, please speak with a member of our London dispute resolution team below, or your regular contact at Watson Farley & Williams:

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