

Gayatri Sarathy

“She produces work of a high standard and remains calm under pressure.”

– CHAMBERS AND PARTNERS, 2023

Year of call: **2017**
Degree: **BA (Hons) Jurisprudence (Oxon); BCL (Distinction) (Oxon)**



Gayatri has a wide-ranging practice that encompasses all Chambers' main areas of work. She is ranked across the legal directories (The Legal 500 and Chambers and Partners) in six practice areas: civil fraud, commercial litigation, public law, data protection, group litigation and environment. She is a member of the Attorney General's C Panel of Counsel.

Gayatri has appeared before the highest appellate courts, including the Court of Appeal, Supreme Court (on seven occasions) and European Court of Human Rights. She also regularly appears unled in the Commercial Court and Administrative Court.

Recent highlights of Gayatri's practice include:

- acting for an individual defendant to a claim by PIFSS, a public institution authorised to operate Kuwait's social-security system and pension scheme, concerning bribes alleged to have been paid by various financial institutions and intermediaries
- acting for the respondent in committal proceedings arising out of a search order (Ocado Group Plc v McKeeve [2021] EWHC 3542 (Ch); [2022] EWHC 2079; [2022] EWHC 2478)
- acting for the defendants in a competition damages claim regarding alleged breaches of Brazilian competition law in respect of orange juice production (Viegas and Sanches v Cutrale & Ors [2021] EWHC 1340 (Comm); [2021] EWHC 2956 (Comm))
- acting for Motorola in an application for a US\$345 million freezing injunction against Hytera (Motorola Solutions Inc v Hytera [2020] EWHC 980 (Comm) (Commercial Court); [2021] QB 744 (Court of Appeal))
- acting for the claimants in a Supreme Court appeal and related CJEU proceedings challenging the lawfulness of an amendment to social security rules preventing reliance upon “pre-settled status” to meet the qualifying residence tests for entitlement to Universal Credit (R (Fratila) v SSWP [2021] UKSC 53; CG v Department for Communities in Northern Ireland (Case C-709/20))

- acting for 10 Human Rights NGOs in a reference to the Grand Chamber of the European Court of Human Rights challenging the UK's legislation governing the surveillance of communications and the UK-USA intelligence sharing regime, following the disclosures by Edward Snowden (Big Brother Watch & Ors v United Kingdom (App Nos. 24960/15, 62322/14 and 58170/13, 25 May 2021))
- acting for Morrisons in a Supreme Court appeal arising out of the disclosure of payroll data of 100,000 employees on to the Internet by a rogue employee, raising issues relating to vicarious liability and misuse of data (Various Claimants v WM Morrisons Supermarkets Plc [2020] 2 AC 989)

Before coming to the Bar, Gayatri taught EU law, tort law and land law at the University of Oxford.

EXPERIENCE

Commercial

Gayatri's practice encompasses a broad range of complex multi-jurisdictional and high-value commercial claims in the Commercial Court and Chancery Division.

She is ranked as 'Up & Coming' in Commercial Litigation in The Legal 500.

“Gayatri is a diligent, accessible and user-friendly junior. Her knowledge and strategic insight exceeds her years and she’s definitely one to watch.”

— LEGAL 500, 2023

Cases

Ocado Group Plc v McKeeve

[2021] EWHC 3542 (Ch) (directions as to cross-examination); [2022] EWHC 2079 (trial); [2022] EWHC 2478 (consequential orders)

Acted for the respondent in a leading case in the law of contempt. Ocado made an application to commit a solicitor for contempt of court in respect of an instruction given by the respondent to delete a messaging app, following the service of a search order. The committal application was heard at a 6-day trial in June and July 2022. The case has involved important decisions in relation to the test for permission to bring an application for committal, the right to cross-examine witnesses in committal proceedings, the elements of contempt for interference with the administration of justice and the applicable sanctions for such contempt. The case has attracted considerable coverage in the national and legal press over the previous three years (led by Robert Weekes KC)

The Arsenal Football Club Plc & Ors v Allianz Insurance Plc & Ors

Commercial Court, 2022 –

Acting for a number of football clubs in claims brought under policies of insurance for business interruption arising from the COVID-19 pandemic (led by Andrew Green KC and Hanif Mussa KC)

G I Globinvestment Ltd & Ors v XY ERS UK Ltd & Ors

Commercial Court, 2021 –

Acting for the Claimants in a €47 million claim involving allegations of conspiracy, breach of fiduciary duty and breach of contract. A two-day jurisdiction challenge, concerning (amongst other things) whether the claim fell within the scope of EJs in favour of Luxembourg, was heard in July 2022 (led by Daniel Saoul KC)

Public Institution for Social Security of Kuwait v Al Rajaan & Ors

Commercial Court, 2020 –

Acting for the 31st Defendant in one of the largest claims ever brought in the Commercial Court. The Claimant is a public institution authorised to operate the State of Kuwait's social-security system and pension scheme. It brings a claim in respect of payments by various financial institutions and intermediaries that are alleged to be unauthorised secret commissions. The payments are said to have been paid over a period of approximately 20 years, in a total amount exceeding US\$840 million. The case was featured as one of The Lawyer's Top 20 cases of 2020 (led by Robert Weekes KC)

Viegas and Sanches v Cutrale & Ors

[2021] EWHC 1340 (Comm); [2021] EWHC 2956 (Comm)

Acting for the defendants in a competition damages claim regarding alleged breaches of Brazilian competition law in respect of orange juice production. The claim has involved interlocutory applications for security for costs and a three-day jurisdiction hearing concerning jurisdiction under Brussels Recast and the Lugano Convention. A four-day strike out application is listed in June 2023 (with Brian Kennelly KC and Paul Luckhurst)

Motorola Solutions Inc v Hytera

[2022] EWHC 2887 (Comm)

Acting for the Claimant in an application for a declaration that a claim to enforce a foreign judgment had been validly and effectively served (led by Tom Sprange KC)

VTB Bank PJSC v Mejlumyan

[2021] EWHC 3053 (Comm)

Acted as sole counsel in claim for a mandatory anti-suit injunction arising out of a pledge agreement between the parties which contained a provision for LCIA arbitration

[Company] v [Shareholder]

Ad hoc arbitration, 2021

Acted for a company in an ad hoc arbitration concerning the proper construction of a joint venture agreement following the exit of one of the shareholders from the joint venture (led by Andrew Green KC)

Motorola Solutions Inc v Hytera & Ors

[2020] EWHC 980 (Comm) (Commercial Court); [2021] EWCA Civ 11; [2021] QB 744 (Court of Appeal)

Acted for the Claimant in obtaining a US\$345 million freezing injunction in support of US proceedings involving the alleged theft of trade secrets against the Respondents. Appeal concerned the test for admissibility of without prejudice statements pursuant to the “unambiguous impropriety” exception (led by Tom Sprange KC)

Rowe & Ors v Ingenious Media Holdings Ltd

[2020] EWHC 1731 (Ch) (High Court); [2021] 1 WLR 3189 (Court of Appeal)

Acted for the largest group of investors in multi-million pound fraud claims against the promoters of the ‘Ingenious Group’ film and video game investment schemes and other intermediaries who recommended the schemes, following decisions by HMRC as to the correct tax treatment of those schemes, and in various interlocutory applications and an appeal concerning security for costs (with Andrew Hunter KC, Sam Grodzinski KC and Tom Cleaver)

Heritage Travel and Tourism Ltd v Windhorst

[2021] EWHC 2380 (Comm)

Acted for the Defendants in an application for summary judgment in a €172 million debt claim. The application was resisted on the basis that the Defendant had an arguable case that the settlement agreement was voided by economic duress or as an unconscionable bargain, subject to a condition precedent and/or that an acceleration clause was unenforceable as a penalty (led by Robert Anderson KC)

National Bank of Kazakhstan v Bank of New York New York Mellon SA/NV & Ors

[2020] EWHC 916 (Comm); [2020] 1 CLC 691

Acted for the Stati parties in a complex multi-jurisdictional commercial dispute concerning the enforcement of an outstanding \$500m Swedish arbitration award. The claim arose out of the freezing of the US\$22 billion of assets held by BNYM’s London branch as custodian for NBK in response to garnishment orders obtained by creditors of the Republic of Kazakhstan in Belgian and the Netherlands. The case was featured as one of The Lawyer’s Top 20 cases of 2020. The two-week trial before Teare J in March 2020 was the first fully remote trial to be heard in the Commercial Court during the COVID-19 pandemic (led by Tom Sprange KC)

Vinler International Limited v Gabay

[2021] 1 WLUK 75

Acted as sole counsel for the successful Claimant in an application for summary judgment under CPR 24.2 in a debt claim arising from the breach of a settlement agreement

C Ltd v D

[2020] EWHC 1283 (Comm); [2020] Costs LR 955

Acted for the successful arbitrator in resisting the claimant’s application for costs in relation to an application to remove the arbitrator under s.24 of the Arbitration Act 1996 (led by Tom Sprange KC)

Hore v Valmorbidia

Jersey Royal Court, 2021

Advising the Claimant in a US\$35 million claim for fraudulent misrepresentation, breach of fiduciary duty and breach of contract, arising out of an arrangement to acquire and/or invest in valuable works of art. The case settled a week after trial (as sole English counsel, assisting Jersey advocates)

Shapoorji Pallonji v Yumn Ltd

[2021] EWHC 862 (Comm)

Acted for the Applicant in urgent injunctive proceedings in the Commercial Court relating to the calling of a performance bond issued in respect of the largest infrastructure project in Rwanda (led by Tom Sprange KC)

Sullivan v Ruhan & Ors

[2019] EWHC 1336 (Comm)

Acted as sole counsel for the Second and Third Defendants in a £38 million claim arising out of a joint venture for the purchase of a freehold interest in London commercial property, involving claims of fraudulent misrepresentation and unlawful means conspiracy. Successfully resisted an application for default judgment, raising issues of service out of the jurisdiction in the Isle of Man and Switzerland

McGarahan v Dickens Developments UK LLP & Ors

[2018] EWHC 3589 (QB)

Acted for the Claimant in a claim arising out of joint venture for development of residential property in South East London, involving claims in breach of trust, dishonest assistance and inducing breach of contract. Successfully obtained a substantial proprietary freezing injunction against all the Defendants following a contested one-day application (led by Robert Weekes KC)

Civil Fraud, Asset Recovery & Injunctive Relief

Gayatri has been instructed in several multi-jurisdictional fraud disputes, including matters involving freezing orders in England and abroad and ancillary orders.

She is ranked as 'Up & Coming' in Civil Fraud in The Legal 500.

“Gayatri is superb: technically very solid, hard working, unflappable, approachable and a great team player, all of which makes her an excellent all-rounder and a true pleasure to work with.”

– LEGAL 500, 2023

Cases

G I Globinvestment Ltd & Ors v XY ERS UK Ltd & Ors

Commercial Court, 2021 –

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Public Institution for Social Security of Kuwait v Al Rajaan & Ors

Commercial Court, 2020 –

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Agency for Policy Co-ordination on State Property & Ors v Sukhbaatar & Ors

[2020] EWHC 3179 (Comm)

Acted for the successful Applicants in obtaining an ex parte freezing injunction on behalf of the Government of Mongolia against the former Prime Minister of Mongolia, Batbold Sukhbaatar, in support of Mongolian proceedings concerning corruption and bribery relating to the State of Mongolia's mining assets (led by Steven Elliott KC)

Motorola Solutions Inc v Hytera & Ors

[2020] EWHC 980 (Comm) (Commercial Court); [2021] EWCA Civ 11; [2021] QB 744 (Court of Appeal)

Acted for the Claimant in obtaining a US\$345 million freezing injunction in support of US proceedings involving the alleged theft of trade secrets against the Respondents. Appeal concerned the test for admissibility of without prejudice statements pursuant to the "unambiguous impropriety" exception (led by Tom Sprange KC)

Rowe & Ors v Ingenious Media Holdings Ltd

[2020] EWHC 1731 (Ch) (High Court); [2021] 1 WLR 3189 (Court of Appeal)

Acted for the largest group of investors in multi-million pound fraud claims against the promoters of the 'Ingenious Group' film and video game investment schemes and other intermediaries who recommended the schemes, following decisions by HMRC as to the correct tax treatment of those schemes, and in various interlocutory applications and an appeal concerning security for costs (with Andrew Hunter KC, Sam Grodzinski KC and Tom Cleaver)

Hore v Valmorbidia

Jersey Royal Court, 2021

Advising the Claimant in a US\$35 million claim for fraudulent misrepresentation, breach of fiduciary duty and breach of contract, arising out of an arrangement to acquire and/or invest in valuable works of art. The case settled a week after trial (as sole English counsel, assisting Jersey advocates)

[Spanish Company] v [Belgian Company]

LCIA Arbitration, 2020

Acted for the Applicants in an application for an anti-suit injunction and other related measures before the LCIA Tribunal to prevent the commencement of foreign proceedings (led by Tom Sprange KC)

Sullivan v Ruhan & Ors

[2019] EWHC 1336 (Comm)

Acted as sole counsel for the Second and Third Defendants in a £38 million claim arising out of a joint venture for the purchase of a freehold interest in London commercial property, involving claims of fraudulent misrepresentation and unlawful means conspiracy. Successfully resisted an application for default judgment, raising issues of service out of the jurisdiction in the Isle of Man and Switzerland

McGarahan v Dickens Developments UK LLP & Ors

[2018] EWHC 3589 (QB)

Acted for the Claimant in a claim arising out of joint venture for development of residential property in South East London, involving claims in breach of trust, dishonest assistance and inducing breach of contract. Successfully obtained a substantial proprietary freezing injunction against all the Defendants following a contested one-day application (led by Robert Weekes KC)

EU & Competition

Gayatri has considerable experience in all areas of EU and competition law. She is particularly familiar with, and has frequently advised on, issues arising out of the UK's departure from the EU.

In 2016-17, Gayatri taught EU law to undergraduate students at Oriel College and Regent's Park College, University of Oxford.

Cases

Gutmann v Apple Inc & Ors

Competition Appeal Tribunal, 2022 –

Acting for the Proposed Defendants in £850 million proposed collective action proceedings in relation to allegations concerning the technical performance of certain iPhone models and operating systems. The application for a collective proceedings order is listed for a 4-day hearing in May 2023 (with Brian Kennelly KC and Daniel Piccinin)

Alex Neill Class Representative Ltd v Sony Interactive Entertainment Europe Ltd & Ors

Competition Appeal Tribunal, 2022 –

Acting for the Proposed Defendants collective action proceedings in relation to allegations concerning the system for selling games and add-on content on the PlayStation Store. The claim is alleged to have caused losses in the region of £5 billion (with Daniel Beard KC and Charlotte Thomas)

Viegas and Sanches v Cutrale & Ors

[2021] EWHC 1340 (Comm); [2021] EWHC 2956 (Comm)

Acting for the defendants in a competition damages claim regarding alleged breaches of Brazilian competition law in respect of orange juice production. The claim has involved interlocutory applications for security for costs and a three-day jurisdiction hearing concerning jurisdiction under Brussels Recast and the Lugano Convention. A four-day strike out application is listed in June 2023 (with Brian Kennelly KC and Paul Luckhurst)

R (Fratila) v SSWP

[2021] UKSC 53 (Supreme Court); [2020] EWCA Civ 1741 (Court of Appeal)

Acted for the Claimants in claim challenging the lawfulness of an amendment to social security rules preventing reliance upon leave to remain arising from "pre-settled status" to meet the qualifying residence tests which are a condition of entitlement to Universal Credit (with Tom de la Mare KC and Tom Royston)

CG v Department for Communities in Northern Ireland

Court of Justice of the European Union (Grand Chamber), C-709/20

Acted for CG in a request for a preliminary ruling concerning whether Northern Irish legislation preventing reliance upon leave to remain arising from "pre-settled status" to meet the qualifying residence tests for entitlement to Universal Credit were contrary to Article 18 TFEU (with Richard Drabble KC, Tom de la Mare KC and Tom Royston)

R (the3million & Ors) v Minister for the Cabinet Office

[2021] EWHC 245 (Admin)

Acted for the3million in a judicial review concerning the legality of the Government's conduct during the 2019 European Parliamentary Elections (led by Gerry Facenna KC)

(1) MN; (2) IXU v SSHD (The AIRE Centre and Anti-Slavery International intervening)

[2020] EWCA Civ 1747; [2021] 1 WLR 1956

Acted for Anti-Slavery International (intervening) in an appeal concerning the appropriate standard of proof for identifying and protecting victims of trafficking and whether the “balance of probabilities” threshold is consistent with Article 4 ECHR and Article 5 of the EU Charter of Fundamental Rights to protect persons within its jurisdiction from being subjected to modern slavery or human trafficking (led by Tom de la Mare KC and Jason Pobjoy)

Villiers v Villiers

[2020] UKSC 30; [2020] 3 WLR 171

Acted for the successful Respondent, Mrs Villiers, in an appeal concerning an application for maintenance under s.27 of the Matrimonial Causes Act 1973, raising issues of whether the Civil Jurisdiction and Judgments (Maintenance) Regulation 2011 is ultra vires s.2(2)(b) of the European Communities Act 1972 and whether the court has the power to grant a stay of a maintenance application on grounds of forum non conveniens (with Timothy Scott KC and Alexis Campbell KC)

R (Langton) v (1) SSEFRA; (2) Natural England

[2019] EWCA Civ 1562

Acted for Natural England in a judicial review of the decision to issue supplementary badger control licences, concerning the assessment of ecological risks under regulation 61 of the Habitats Regulations and the effect of the CJEU’s decision in Case 323/17 People Over Wind v Coillte Teoranta (led by Paul Luckhurst)

R (Langton) v (1) SSEFRA; (2) Natural England

[2019] EWHC 597 (Admin); [2020] Env LR 1

Acted for Natural England in a judicial review of the decision to issue badger control licences, concerning the proper interpretation of a Site of Special Scientific Interest (SSSI) citation (led by Paul Luckhurst)

Public & Regulatory

Gayatri frequently acts and advises on public and regulatory matters. Her clients include individuals, regulators, government departments, NGOs, and companies.

In 2021, she was appointed as a member of the Attorney General’s C Panel. She is ranked as ‘Band 3’ in Public Law in Chambers and Partners.

“She is incredibly impressive: meticulous, mature for someone of her seniority and really good to work with.”

— CHAMBERS AND PARTNERS, 2023

Cases

R (Cumbria CC) v Secretary of State for Levelling Up, Housing and Communities

[2022] EWHC 388 (Admin)

Acted as sole counsel for the Defendant in successfully resisting a renewed application for permission to bring judicial review proceedings against a decision to split the county of Cumbria into two unitary councils

R (The Duke of Sussex) v SSHD

[2022] EWHC 682 (Admin)

Acting for the Claimant in a claim concerning the arrangements for the provision of State security (led by Shaheed Fatima KC)

R (Friends of the Earth) v Secretary of State for International Trade / UKEF

[2023] EWCA Civ 14

Acting for Friends of the Earth in a claim concerning the compatibility of the Government's decision to provide up to USD 1.15 billion in export finance and support in relation to a liquefied natural gas project in Mozambique (with Jessica Simor KC, Zachary Douglas KC and Kate Cook)

R (PSCU & Ors) v SSHD

[2022] EWHC 823 (Admin)

Acted for Freedom from Torture in challenge to the UK Government's refugee pushback policy on the basis that it was ultra vires and incompatible with the 1951 Refugee Convention and Articles 3 and 4 ECHR, involving applications for disclosure and public interest immunity before the Divisional Court (acting as sole counsel). The Government withdrew the policy shortly before the hearing listed in May 2022 (with Raza Husain KC and Jason Pobjoy)

R (HM) v SSHD

[2022] EWHC 695 (Admin) (hearing); [2022] EWHC 2729 (Admin) (consequential orders)

Acted for the Claimant in a successful claim challenging the Defendant's operation of a blanket policy to seize, retain and extract data from the mobile phones of migrants arriving by small boat (with Tom de la Mare KC and Jason Pobjoy)

R (Elan-Cane) v SSHD

[2020] EWCA Civ 363; [2021] UKSC 56

Acted for Christie Elan-Cane in a judicial review concerning the legality of the UK Government's policy of refusing to issue non-gender-specific "X" passports to UK nationals (with Kate Gallafent KC and Tom Mountford)

R (Motor Insurance Bureau & Ors) v Secretary of State for Transport

Administrative Court, 2021 –

Acted for the Motor Insurance Bureau and insurers in a claim arising out of the Government's protracted failure properly to implement Motor Insurance Directive, as interpreted by Case C-162/13 Vnuk v Zavarovalnica Triglav d.d. [2016] RTR 10. The case settled after the Motor Vehicles (Compulsory Insurance) Act 2022 received Royal Assent (with Tom de la Mare KC and Jason Pobjoy)

(1) Liberty (2) Privacy International v (1) Security Service (2) SSHD

Investigatory Powers Tribunal, Claim No. IPT/20/01/CH

Acting for the Claimants in a claim concerning (i) serious defects in two of MI5's systems for holding data; (ii) MI5's failure to disclose (fully and frankly) the absence of safeguards for holding data to SSHD and Judicial Commissioners when applying for warrants and directions that permit MI5 to carry out secret surveillance; and (iii) SSHD's failure to investigate these matters when informed of certain "risks", in the context of deciding whether to issue such warrants. The claim was heard at a 5-day trial in July 2022 (with Tom de la Mare KC, Ben Jaffey KC, Daniel Cashman and David Heaton)

R (Fratila) v SSWP

[2021] UKSC 53 (Supreme Court); [2020] EWCA Civ 1741 (Court of Appeal)

Acted for the Claimants in claim challenging the lawfulness of an amendment to social security rules preventing reliance upon leave to remain arising from "pre-settled status" to meet the qualifying residence tests which are a condition of entitlement to Universal Credit (with Tom de la Mare KC and Tom Royston)

CG v Department for Communities in Northern Ireland

Court of Justice of the European Union (Grand Chamber), C-709/20

Acted for CG in a request for a preliminary ruling concerning whether Northern Irish legislation preventing reliance upon leave to remain arising from "pre-settled status" to meet the qualifying residence tests for entitlement to Universal Credit were contrary to Article 18 TFEU (with Richard Drabble KC, Tom de la Mare KC and Tom Royston)

R (Coughlan) v Minister for the Cabinet Office

[2022] UKSC 11

Acting for the Runnymede Trust, OBV and Voices4Change (intervening) in an appeal concerning the imposition of compulsory identification requirements for prospective voters in local government elections, which has been the subject of "voter ID" pilot schemes purportedly authorised under s.10 of the Representation of the People Act 2000 (led by Matthew Ryder KC)

R (BVN) v SSHD

[2022] EWHC 1159 (Admin)

Acted for the Claimant in a claim concerning the lawfulness of the Secretary of State's policy on the circumstances in which a potential victim of trafficking has given consent to withdraw from the NRM and the jurisdiction of the Secretary of State to impose bail conditions following the grant of High Court bail. Successfully obtained interim relief before the High Court on two occasions (led by Chris Buttler KC)

G (A child), Re

[2021] UKSC 9

Acted for UNHCR (intervening) an appeal concerning the relationship between international refugee law and the Convention on the Civil Aspects of International Child Abduction (led by Raza Husain KC)

Re Symbio Energy Limited

Ofgem Enforcement Decision Panel, 2021

Acted as sole counsel for Ofgem before the Enforcement Decision Panel in successfully resisting an appeal against its decision to impose a financial penalty on Symbio Energy Limited pursuant to s.27A of the Electricity Act 1989

[Applicants] v Russian Federation

European Court of Human Rights, 2020 –

Acting for Applicant companies and individuals in an application to the European Court of Human Rights for breaches of Article 6, Article 1 of Protocol No. 1 and Article 18 by the Russian Federation (with Shaheed Fatima KC and Paul Luckhurst)

Villiers v Villiers

[2020] UKSC 30; [2020] 3 WLR 171

Acted for the successful Respondent, Mrs Villiers, in an appeal concerning an application for maintenance under s.27 of the Matrimonial Causes Act 1973, raising issues of whether the Civil Jurisdiction and Judgments (Maintenance) Regulation 2011 is ultra vires s.2(2)(b) of the European Communities Act 1972 and whether the court has the power to grant a stay of a maintenance application on grounds of forum non conveniens (with Timothy Scott KC and Alexis Campbell KC)

R (the3million & Ors) v Minister for the Cabinet Office

[2021] EWHC 245 (Admin)

Acted for the3million in a judicial review concerning the legality of the Government's conduct during the 2019 European Parliamentary Elections (led by Gerry Facenna KC)

Big Brother Watch & Ors v United Kingdom

European Court of Human Rights (Grand Chamber), App Nos. 24960/15, 62322/14 and 58170/13, 25 May 2021

Acted for 10 Human Rights NGOs (including Liberty, Privacy International and Amnesty International) in a reference to the Grand Chamber of the European Court of Human Rights challenging the UK's legislation governing the surveillance of communications and the UK-USA intelligence sharing regime, following the disclosures by Edward Snowden (led by Ben Jaffey KC)

R (Privacy International) v Investigatory Powers Tribunal

[2019] UKSC 22; [2020] AC 491

Acted for Privacy International in an appeal concerning whether the ouster clause in s.67(8) RIPA 2000 excluded all judicial review of the Investigatory Powers Tribunal (led by Dinah Rose KC, Jeffrey Jowell KC, Ben Jaffey KC and Tom Cleaver)

R (Lau Luen Huang) v Secretary for Justice

Hong Kong Court of First Instance, 2019

Advising the Claimant in a judicial review concerning proposed amendments to the Fugitive Offenders Ordinance (Cap. 503), which repealed the express prohibition against extradition to Mainland China, Taiwan and Macau preserved by the "One Country, Two Systems" constitutional settlement for Hong Kong (with Lord Pannick KC and Tim Parker)

R (Langton) v (1) SSEFRA; (2) Natural England

[2019] EWCA Civ 1562

Acted for Natural England in a judicial review of the decision to issue supplementary badger control licences, concerning the assessment of ecological risks under regulation 61 of the Habitats Regulations and the effect of the CJEU's decision in Case 323/17 People Over Wind v Coillte Teoranta (led by Paul Luckhurst)

R (Langton) v (1) SSEFRA; (2) Natural England

[2019] EWHC 597 (Admin); [2020] Env LR 1

Acted for Natural England in a judicial review of the decision to issue badger control licences, concerning the proper interpretation of a Site of Special Scientific Interest (SSSI) citation (led by Paul Luckhurst)

WA (Pakistan) v SSHD (UNHCR intervening)

[2019] EWCA Civ 302

Acted for UNHCR (intervening) in an appeal concerning the compatibility of the country guidance in MN (Ahmadis: Country Conditions: Risk: Pakistan) [2012] UKUT 389 (IAC) with the principle in HJ (Iran) v SSHD [2010] UKSC 31, and the responsibility of tribunals to apply that principle to their factual findings, irrespective of the positive case advanced by the applicant (with Michael Fordham KC and Shane Sibbel)

Data Protection, Freedom of Information & Privacy

Gayatri has considerable experience advising on issues relating to data protection, freedom of information and privacy. She is regularly instructed to advise on data protection issues under domestic law and EU law.

She is ranked in Data Protection as 'Tier 2' in The Legal 500 and 'Up & Coming' in Chambers and Partners.

“Gayatri Sarathy is very friendly, hard-working and responsive. She has an amazing knack to get on top of the detail very quickly and she has deep knowledge of cases and issues from the outset.”

– CHAMBERS AND PARTNERS, 2023

Cases

Wieder and Guarnieri v United Kingdom

European Court of Human Rights, 2022 –

Acting for the Applicants in a claim concerning whether the interception of the Applicants' communications and/or related communications data falls within the UK's jurisdiction for the purposes of Article 1 of the Convention (led by Ben Jaffey KC and David Heaton)

R (HM) v SSHD

[2022] EWHC 695 (Admin) (hearing); [2022] EWHC 2729 (Admin) (consequential orders)

Acted for the Claimant in a successful claim challenging the Defendant's operation of a blanket policy to seize, retain and extract data from the mobile phones of migrants arriving by small boat (with Tom de la Mare KC and Jason Pobjoy)

Mobile Telephone Voicemail Interception Litigation

Business and Property Courts, 2020 –

Acting for News International in ongoing managed litigation brought by celebrities and other prominent individuals alleging breach of privacy rights by “phone hacking”

(1) Liberty (2) Privacy International v (1) Security Service (2) SSHD

Investigatory Powers Tribunal, Claim No. IPT/20/01/CH

Acting for the Claimants in a claim concerning (i) serious defects in two of MI5's systems for holding data; (ii) MI5's failure to disclose (fully and frankly) the absence of safeguards for holding data to SSHD and Judicial Commissioners when applying for warrants and directions that permit MI5 to carry out secret surveillance; and (iii) SSHD's failure to investigate these matters when informed of certain “risks”, in the context of deciding whether to issue such warrants. The claim was heard at a 5-day trial in July 2022 (with Tom de la Mare KC, Ben Jaffey KC, Daniel Cashman and David Heaton)

Big Brother Watch & Ors v United Kingdom

European Court of Human Rights (Grand Chamber), App Nos. 24960/15, 62322/14 and 58170/13, 25 May 2021

Acted for 10 Human Rights NGOs (including Liberty, Privacy International and Amnesty International) in a reference to the Grand Chamber of the European Court of Human Rights challenging the UK's legislation governing the surveillance of communications and the UK-USA intelligence sharing regime, following the disclosures by Edward Snowden (led by Ben Jaffey KC)

Various Claimants v WM Morrison Supermarkets Plc

[2020] UKSC 12; [2020] 2 AC 989

Acted for the successful Appellant, Morrisons, in a case arising out of the disclosure of payroll data of 100,000 employees on to the Internet by a rogue employee. The appeal concerned whether: (i) Morrisons is vicariously liable at common law for the disclosure; and (ii) if so, whether such liability is excluded by the Data Protection Act 1998 (led by Lord Pannick KC)

R (Open Rights Group) v Secretary of State for Health and Social Care

2020

Acted for Open Rights Group in a successful challenge concerning the Secretary of State's failure to conduct a DPIA prior to the deployment of NHS Test & Trace (led by Matthew Ryder KC)

Re: Technological Responses to the COVID-19 Pandemic

2020

Advising Open Society Foundations on the legal framework on the right to privacy and protection of personal data applying to the smartphone contact tracing and other data driven proposals that were part of the Government's response to the COVID-19 pandemic. A copy of the opinion is available [here](#).

[Technology Company] v [State]

2020

Advising technology company in relation to a proposed challenge to controversial legislation introduced by a foreign State to address the spread of fake news or false information (led by Timothy Otty KC)

R (Privacy International) v Investigatory Powers Tribunal

[2019] UKSC 22; [2020] AC 491

Acted for Privacy International in an appeal concerning whether the ouster clause in s.67(8) RIPA 2000 excluded all judicial review of the Investigatory Powers Tribunal (led by Dinah Rose KC, Jeffrey Jowell KC, Ben Jaffey KC and Tom Cleaver)

Group Litigation

Gayatri has been instructed on a number of cases involving group litigation, including commercial group actions, competition collective proceedings, GLOs, mass data protection litigation, and public law test claimant litigation.

She is ranked as 'Rising Star' in Group Litigation in Chambers and Partners.

Cases

Gutmann v Apple Inc & Ors

Competition Appeal Tribunal, 2022 –

Acting for the Proposed Defendants in £850 million proposed collective action proceedings in relation to allegations concerning the technical performance of certain iPhone models and operating systems. The application for a collective proceedings order is listed for a 4-day hearing in May 2023 (with Brian Kennelly KC and Daniel Piccinin)

Alex Neill Class Representative Ltd v Sony Interactive Entertainment Europe Ltd & Ors

Competition Appeal Tribunal, 2022 –

Acting for the Proposed Defendants collective action proceedings in relation to allegations concerning the system for selling games and add-on content on the PlayStation Store. The claim is alleged to have caused losses in the region of £5 billion (with Daniel Beard KC and Charlotte Thomas)

Abdar & Ors v (1) WM Morrisons Supermarkets Plc; (2) Safeway Stores Ltd

Leeds Employment Tribunal, 2021 –

Acting for thousands of Morrisons employees to pursue equal pay claims before the Employment Tribunal.

Abid & Ors v Boots Management Services Ltd

Leeds Employment Tribunal; High Court, 2021 –

Acting for thousands of Boots employees to pursue equal pay claims before the Employment Tribunal and High Court.

Rowe & Ors v Ingenious Media Holdings Ltd

[2020] EWHC 1731 (Ch) (High Court); [2021] 1 WLR 3189 (Court of Appeal)

Acted for the largest group of investors in multi-million pound fraud claims against the promoters of the 'Ingenious Group' film and video game investment schemes and other intermediaries who recommended the schemes, following decisions by HMRC as to the correct tax treatment of those schemes, and in various interlocutory applications and an appeal concerning security for costs (with Andrew Hunter KC, Sam Grodzinski KC and Tom Cleaver)

Various Claimants v WM Morrison Supermarkets Plc

[2020] UKSC 12; [2020] 2 AC 989

Acted for the successful Appellant, Morrisons, in a case arising out of the disclosure of payroll data of 100,000 employees on to the Internet by a rogue employee. The appeal concerned whether: (i) Morrisons is vicariously liable at common law for the disclosure; and (ii) if so, whether such liability is excluded by the Data Protection Act 1998 (led by Lord Pannick KC)

Mobile Telephone Voicemail Interception Litigation

Business and Property Courts, 2020 –

Acting for News International in ongoing managed litigation brought by celebrities and other prominent individuals alleging breach of privacy rights by “phone hacking”

Civil Liberties & Human Rights

Gayatri frequently acts and advises on matters concerning civil liberties and human rights in a domestic and international context.

Cases

R (PSCU & Ors) v SSHD

[2022] EWHC 823 (Admin)

Acted for Freedom from Torture in challenge to the UK Government’s refugee pushback policy on the basis that it was ultra vires and incompatible with the 1951 Refugee Convention and Articles 3 and 4 ECHR, involving applications for disclosure and public interest immunity before the Divisional Court (acting as sole counsel). The Government withdrew the policy shortly before the hearing listed in May 2022 (with Raza Husain KC and Jason Pobjoy)

R (HM) v SSHD

[2022] EWHC 695 (Admin) (hearing); [2022] EWHC 2729 (Admin) (consequential orders)

Acted for the Claimant in a successful claim challenging the Defendant’s operation of a blanket policy to seize, retain and extract data from the mobile phones of migrants arriving by small boat (with Tom de la Mare KC and Jason Pobjoy)

Wieder and Guarnieri v United Kingdom

European Court of Human Rights, 2022 –

Acting for the Applicants in a claim concerning whether the interception of the Applicants’ communications and/or related communications data falls within the UK’s jurisdiction for the purposes of Article 1 of the Convention (led by Ben Jaffey KC and David Heaton)

R (BVN) v SSHD

[2022] EWHC 1159 (Admin)

Acted for the Claimant in a claim concerning the lawfulness of the Secretary of State's policy on the circumstances in which a potential victim of trafficking has given consent to withdraw from the NRM and the jurisdiction of the Secretary of State to impose bail conditions following the grant of High Court bail. Successfully obtained interim relief before the High Court on two occasions (led by Chris Buttler KC)

(1) Liberty (2) Privacy International v (1) Security Service (2) SSHD

Investigatory Powers Tribunal, Claim No. IPT/20/01/CH

Acting for the Claimants in a claim concerning (i) serious defects in two of MI5's systems for holding data; (ii) MI5's failure to disclose (fully and frankly) the absence of safeguards for holding data to SSHD and Judicial Commissioners when applying for warrants and directions that permit MI5 to carry out secret surveillance; and (iii) SSHD's failure to investigate these matters when informed of certain "risks", in the context of deciding whether to issue such warrants. The claim was heard at a 5-day trial in July 2022 (with Tom de la Mare KC, Ben Jaffey KC, Daniel Cashman and David Heaton)

Big Brother Watch & Ors v United Kingdom

European Court of Human Rights (Grand Chamber), App Nos. 24960/15, 62322/14 and 58170/13, 25 May 2021

Acted for 10 Human Rights NGOs (including Liberty, Privacy International and Amnesty International) in a reference to the Grand Chamber of the European Court of Human Rights challenging the UK's legislation governing the surveillance of communications and the UK-USA intelligence sharing regime, following the disclosures by Edward Snowden (led by Ben Jaffey KC)

R (Elan-Cane) v SSHD

[2020] EWCA Civ 363; [2021] UKSC 56

Acted for Christie Elan-Cane in a judicial review concerning the legality of the UK Government's policy of refusing to issue non-gender-specific "X" passports to UK nationals (with Kate Gallafent KC and Tom Mountford)

G (A child), Re

[2021] UKSC 9

Acted for UNHCR (intervening) an appeal concerning the relationship between international refugee law and the Convention on the Civil Aspects of International Child Abduction (led by Raza Husain KC)

R (Fratila) v SSWP

[2021] UKSC 53 (Supreme Court); [2020] EWCA Civ 1741 (Court of Appeal)

Acted for the Claimants in claim challenging the lawfulness of an amendment to social security rules preventing reliance upon leave to remain arising from "pre-settled status" to meet the qualifying residence tests which are a condition of entitlement to Universal Credit (with Tom de la Mare KC and Tom Royston)

R (the3million & Ors) v Minister for the Cabinet Office

[2021] EWHC 245 (Admin)

Acted for the3million in a judicial review concerning the legality of the Government's conduct during the 2019 European Parliamentary Elections (led by Gerry Facenna KC)

[Applicants] v Russian Federation

European Court of Human Rights, 2020 –

Acting for Applicant companies and individuals in an application to the European Court of Human Rights for breaches of Article 6, Article 1 of Protocol No. 1 and Article 18 by the Russian Federation (with Shaheed Fatima KC and Paul Luckhurst)

(1) MN; (2) IXU v SSHD (The AIRE Centre and Anti-Slavery International intervening)

[2020] EWCA Civ 1747; [2021] 1 WLR 1956

Acted for Anti-Slavery International (intervening) in an appeal concerning the appropriate standard of proof for identifying and protecting victims of trafficking and whether the “balance of probabilities” threshold is consistent with Article 4 ECHR and Article 5 of the EU Charter of Fundamental Rights to protect persons within its jurisdiction from being subjected to modern slavery or human trafficking (led by Tom de la Mare KC and Jason Pobjoy)

R (Lau Luen Huang) v Secretary for Justice

Hong Kong Court of First Instance, 2019

Advising the Claimant in a judicial review concerning proposed amendments to the Fugitive Offenders Ordinance (Cap. 503), which repealed the express prohibition against extradition to Mainland China, Taiwan and Macau preserved by the “One Country, Two Systems” constitutional settlement for Hong Kong (with Lord Pannick KC and Tim Parker)

WA (Pakistan) v SSHD (UNHCR intervening)

[2019] EWCA Civ 302

Acted for UNHCR (intervening) in an appeal concerning the compatibility of the country guidance in MN (Ahmadis: Country Conditions: Risk: Pakistan) [2012] UKUT 389 (IAC) with the principle in HJ (Iran) v SSHD [2010] UKSC 31, and the responsibility of tribunals to apply that principle to their factual findings, irrespective of the positive case advanced by the applicant (with Michael Fordham KC and Shane Sibbel)

Di Caprio & Ors v Italy

App Nos 39742/14, 51567/14, 74208/14 and 21215/15, European Court of Human Rights, 2020 –

Acting for the intervener, ClientEarth, in a high profile dispute concerning systematic environmental pollution in the South of Italy. The cases raises significant issues concerning the standing of individuals and organisations not resident in an area directly affected by pollution and the positive obligations of States proactively to address such pollution (led by Ravi Mehta)

Arbitration

Gayatri has worked on a number of arbitrations under the LCIA and ICC Rules. She has also been instructed in matters involving the enforcement of arbitral awards and anti-suit and anti-enforcement injunctions in aid of arbitral proceedings.

Cases

VTB Bank PJSC v Mejlumyan

[2021] EWHC 3053 (Comm)

Acted as sole counsel in claim for a mandatory anti-suit injunction arising out of a pledge agreement between the parties which contained a provision for LCIA arbitration

[Company] v [Shareholder]

Ad hoc arbitration, 2021

Acted for a company in an ad hoc arbitration concerning the proper construction of a joint venture agreement following the exit of one of the shareholders from the joint venture (led by Andrew Green KC)

[Company] v [State]

Commercial Court, 2021 –

Acting for the award creditors in an application to enforce an ICSID award of US\$300m+ (led by Andrew Scott KC)

C Ltd v D

[2020] EWHC 1283 (Comm); [2020] Costs LR 955

Acted for the successful arbitrator in resisting the claimant's application for costs in relation to an application to remove the arbitrator under s.24 of the Arbitration Act 1996 (led by Tom Sprange KC)

[Spanish Company] v [Belgian Company]

LCIA Arbitration, 2020

Acted for the Applicants in an application for an anti-suit injunction and other related measures before the LCIA Tribunal to prevent the commencement of foreign proceedings (led by Tom Sprange KC)

National Bank of Kazakhstan v Bank of New York New York Mellon SA/NV & Ors

[2020] EWHC 916 (Comm); [2020] 1 CLC 691

Acted for the Stati parties in a complex multi-jurisdictional commercial dispute concerning the enforcement of an outstanding \$500m Swedish arbitration award. The claim arose out of the freezing of the US\$22 billion of assets held by BNYM's London branch as custodian for NBK in response to garnishment orders obtained by creditors of the Republic of Kazakhstan in Belgian and the Netherlands. The case was featured as one of The Lawyer's Top 20 cases of 2020. The two-week trial before Teare J in March 2020 was the first fully remote trial to be heard in the Commercial Court during the COVID-19 pandemic (led by Tom Sprange KC)

Environment

Gayatri regularly advises on issues of environmental law in the public and EU context.

She is ranked as 'Up & Coming' in Environment in The Legal 500 (2022).

"She is a very intelligent junior who has concise drafting skills and is readily available."

— LEGAL 500, 2023

Cases

R (Friends of the Earth) v Secretary of State for International Trade / UKEF

[2023] EWCA Civ 14

Acting for Friends of the Earth in a claim concerning the compatibility of the Government's decision to provide up to USD 1.15 billion in export finance and support in relation to a liquefied natural gas project in Mozambique (with Jessica Simor KC, Zachary Douglas KC and Kate Cook)

Di Caprio & Ors v Italy

App Nos 39742/14, 51567/14, 74208/14 and 21215/15, European Court of Human Rights, 2020 –

Acting for the intervener, ClientEarth, in a high profile dispute concerning systematic environmental pollution in the South of Italy. The cases raises significant issues concerning the standing of individuals and organisations not resident in an area directly affected by pollution and the positive obligations of States proactively to address such pollution (led by Ravi Mehta)

R (Langton) v (1) SSEFRA; (2) Natural England

[2019] EWCA Civ 1562

Acted for Natural England in a judicial review of the decision to issue supplementary badger control licences, concerning the assessment of ecological risks under regulation 61 of the Habitats Regulations and the effect of the CJEU's decision in Case 323/17 People Over Wind v Coillte Teoranta (led by Paul Luckhurst)

R (Langton) v (1) SSEFRA; (2) Natural England

[2019] EWHC 597 (Admin); [2020] Env LR 1

Acted for Natural England in a judicial review of the decision to issue badger control licences, concerning the proper interpretation of a Site of Special Scientific Interest (SSSI) citation (led by Paul Luckhurst)

ACHIEVEMENTS

Education

BA (Hons) Jurisprudence (Oxon); BCL (Distinction) (Oxon)

Prizes and Scholarships

- Conference Scholarship (ALBA, 2018)
- Phoenicia Scholarship (Bar European Group, 2018)
- Eastham Scholarship (Lincoln's Inn, 2017)
- Prize for Civil Advocacy (University of Law, 2017)
- Prize for Employment Law and Practice (University of Law, 2017)
- Winner, Lord Slynn of Hadley Cup (UKELA, 2017)
- Lord Denning Scholarship, Accommodation Award, Hardwicke Entrance Award (Lincoln's Inn, 2016)
- Provost's Award for Excellence (University of Law, 2016)
- Winner, Frances Patterson Shield (UKELA, 2016)
- Winter Williams Prize for European Business Regulation (University of Oxford, 2015)
- Francis Taylor Building Prize for Environmental Law (University of Oxford, 2014)
- Isaiah Berlin Prizes for Administrative Law and Jurisprudence (Corpus Christi College, 2013)
- Scholar of Corpus Christi College, University of Oxford (2011 - 2014)

Memberships

- Commercial Bar Association
- Bar European Group
- Administrative Law Bar Association

VAT registration number: 447008068

Barristers regulated by the Bar Standards Board