

RIAA's Pakistan law advice helps protect \$90m award in UK court win

RIAA Barker Gillette provided crucial Pakistan law expertise supporting an anti-suit injunction in the English Court of Appeal, protecting a US\$90 million arbitration award for Star Hydro Power Limited.

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COURT WIN

Nadir Altaf

RIAA
Barker
Gillette



The English Court of Appeal has granted an *ad-interim* anti-suit injunction restraining [National Transmission & Despatch Company \(NTDC\)](#) from pursuing proceedings before the Lahore High Court against our client [Star Hydro Power Limited \(SHPL\)](#), protecting a USD 90 million arbitration award.

SHPL had secured the substantial [LCIA](#) arbitration award in May 2024, with RIAA Barker Gillette acting as Pakistan law counsel in such proceedings. Despite being the losing party with no executory relief to enforce, NTDC filed proceedings before the Lahore High Court seeking declaratory and injunctive relief, attempting to frustrate SHPL's enforcement efforts and relitigate issues already conclusively resolved through arbitration.

The dispute stems from a Power Purchase Agreement dated 8 March 2012, which contains a clear arbitration clause designating London as the seat of arbitration under LCIA rules. The arbitral tribunal issued its final award on 7 May 2024, which was later amended by a memorandum of correction on 13 June 2024.

RIAA Barker Gillette provided critical Pakistan law advice for the English anti-suit proceedings, covering the recognition of anti-suit injunctions in Pakistan, the limitations on award-debtors seeking preventative and declaratory relief against a foreign arbitral award under the [Recognition and Enforcement \(Arbitration Agreements and Foreign Arbitral Awards\) Act, 2011](#) and the implications of parallel proceedings. This was essential in demonstrating that NTDC's actions constituted a breach of the arbitration agreement.

Working closely with Herbert Smith Freehills, SHPL's solicitors in the English proceedings, we developed compelling arguments regarding the proper interpretation of the arbitration clause and the recognition under Pakistan law of the English courts' supervisory jurisdiction in light of the arbitration agreement.

The English Court of Appeal upheld SHPL's appeal after the High Court declined its initial anti-suit request. The Court found that NTDC's Lahore proceedings breached the arbitration agreement and restrained NTDC from commencing any similar proceedings outside England or bringing any claims related to the Power Purchase Agreement outside the contractually agreed dispute resolution mechanism.

Partner [Nadir Altaf](#) at RIAA Barker Gillette said:

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"This injunction confirms that Pakistani parties cannot bypass foreign arbitration awards through backdoor litigation in domestic courts.

An anti-suit injunction is a powerful legal mechanism that prohibits parties from initiating or continuing proceedings in foreign jurisdictions that undermine arbitration agreements. It therefore protects international arbitration from procedural abuse in domestic courts, especially in cross-border disputes."

Our team acting on this matter was led by [Nadir Altaf](#) (Partner) and included [Fahim Khan](#) (Senior Associate) and [Noor Tariq](#) (Associate).

For advice on complex disputes in the power sector, please contact [Nadir Altaf](#).

This article is not legal advice; it provides information of general interest about current legal issues.

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RIAA Barker Gillette is Pakistan's premier law firm, with an on-the-ground presence in four major cities in Pakistan: Karachi, Islamabad, Lahore, and Peshawar, and affiliated offices in Dubai (DIFC) and London.

The firm practices in all areas of corporate, commercial and dispute resolution law. Leading international legal directories consistently recognize the firm as a top-tier law firm in Pakistan.

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