

# Dinesh Ratnam

Solicitor 2004

Barrister 2015

(02) 9151 2968

dinesh.ratnam@greenway.com.au



Dinesh Ratnam is a commercial law barrister with more than 16 years' legal experience. His practice focuses on contract disputes, banking and finance law, consumer law, fraud, insolvency, company law and building and construction law.

Dinesh represents clients in all jurisdictions and regularly appears in the Supreme Court of New South Wales and Federal Court of Australia. He also frequently appears in courts and tribunals in Melbourne and Tasmania.

Dinesh's clients have included liquidators, receivers, company directors and shareholders. He has represented them in actions involving winding up and bankruptcy applications, unfair preferences, uncommercial transactions, shareholder disputes, trust disputes and remuneration applications. He has also acted for companies and individuals in contract disputes involving misleading and deceptive conduct claims.

Dinesh believes in taking a collaborative approach with instructing solicitors, so that litigation runs more efficiently and effectively.

He believes that effective advocacy means more than simply appearing in court. It involves taking a strategic and methodical approach to the matter, even before pleadings are filed.

Dinesh was recognised in the 2017 Doyle's Guide as an Emerging Construction & Infrastructure Junior Counsel within NSW.

## **SPECIALISATIONS**

---

Commercial law and equity

Corporate law

Contractual disputes

Insolvency and bankruptcy law

Consumer law

Fraud

Trade practices law

---

## QUALIFICATIONS

Bachelor of Laws (Bond) 2003

Bachelor of Human Resource Management (Bond) 2003

## PROFESSIONAL RECOGNITION



Doyles Guide 2017 - Emerging Construction & Infrastructure Junior Counsel

## Notable Cases

**Angelis as trustee for the Angelis Family Trust v Pemba Capital Partners Fund I Partnership, LP; [2019] NSWSC 1646 (No. 1); [2019] NSWSC 1753 (No. 2); [2019] NSWSC 1759 (No. 3); [2019] NSWSC 1878 (No. 4), [2019] NSWSC 1877 (No. 5), [2020] NSWSC 1060 (No. 7), [2020] NSWSC 1458 (No. 9).** Proceedings in the Supreme Court of New South Wales involving a shareholder dispute - contractual interpretation and formation - misleading deceptive conduct - re-opening after closing submissions - statutory assumptions - election of rights as to remedies - unwinding of transaction - orders for an account.

**Port Adelaide Power Investments Pty Limited as trustee for the Cygnatius Investment Trust v Mullins [2019] NSWSC 170.** Proceedings in the Supreme Court of New South Wales involving deceit and false representations.

**Queensland Phosphate Pty Ltd & 1 Other v Mark Korda & Peter Shepard as joint and several liquidators of Legend International Holdings Inc (in Liquidation) and 1 Other [2019] VSCA 119; [2019] VSCA 215.** Proceedings in the Supreme Court of Victoria, Court of Appeal which involved determining whether a contract was immediately binding and enforceable.

**Commonwealth Bank of Australia v State of New South Wales, in the matter of Erik Hornum (A Bankrupt) [2019] FCA 1217.** Dinesh acted for CBA as mortgagee to obtain vesting orders following a disclaimer by the mortgagor's trustee in bankruptcy of interest in real property.

**Royal v Nazloomian, in the matter of Royal [2019] FCA 555.** Proceedings in the Federal Court of Australia in relation to an application to set-aside a Bankruptcy Notice - offsetting claim - legal assignment of chose in action.

**Shanmugathaas & Anor v Paramanirupan & Ors [2019] NSWSC 1219 & [2019] NSWSC 1496 (No. 2).** Proceedings in the Supreme Court of New South Wales. Application for approval of fees and charges incurred by the receivers pursuant to their appointment - subsequent application to re-open.

**Brooklyn Landfill & Waste Recycling Pty Ltd v Commonwealth Golf Club Inc [2019] VSC 52.** Proceedings in the Supreme Court of Victoria involving construction and interpretation of a deed to acquire land.

**Alam v QBE Insurance (Australia) Ltd [2018] FCA 1560.** Proceedings in the Federal Court of Australia. Dinesh acted for QBE on an appeal before a single judge to set aside sequestration orders.

**Ye v Zeng (No 7) [2018] FCA 1478.** Proceedings in Federal Court of Australia. The creditor sought to enforce a debt being an arbitral award made in the People's Republic of China by the Xiamen Arbitration Commission. Dinesh acted for the respondents to defend an application for the appointment of a receiver over assets owned by the respondents.

**Devine v Liu; Devine v Ho [2018] NSWSC 1453.** Proceedings in the Supreme Court of New South Wales that involved a claim by the liquidator for the recovery of property/compensation for the benefit of creditors of insolvent companies - insolvent trading - voidable transactions - unfair preferences - uncommercial transactions.

**Ardestani v Doss [2018] NSWSC 1084.** Proceedings in the Supreme Court of New South Wales involving allegations of advancement of funds as contribution to purchase real property. The matter involved declarations as to the existence of an express or resulting trust, breach of contract and estoppel.

**Mark Korda & Peter Shepard as joint and several liquidators of Legend International Holdings Inc (in Liquidation) and 1 Other v Queensland Phosphate Pty Ltd & 1 Other [2018] VSC 789.**

**Queensland Phosphate Pty Ltd & 1 Other v Mark Korda & Peter Shepard as joint and several liquidators of Legend International Holdings Inc (in Liquidation) and 1 Other [2017] VSCA 269.** Proceedings in the Supreme Court of Victoria, Court of Appeal (including at first instance) - insolvent transaction - voidable transaction - voiding of a bond deed and security deed - question of good faith defence available - question of solvency - are foreign debts considered a 'debt' for the purposes of assessing insolvency - winding up on just and equitable grounds.

**Stanton (WA) Pty Ltd (in liq) v Vasquez.** Proceedings in the Supreme Court of New South Wales involving a derivative action under s 237 of the Corporations Act 2001.

**Gan v Export-Import Bank of Malaysia Berhad** (Proceedings in the Supreme Court of New South Wales. Dinesh acted for the Bank of Malaysia in challenging the jurisdiction of the Supreme Court on the basis it was an inappropriate forum)