

Rohit Sud

ADMISSIONS

20 May 2020	Called to the bar
4 July 2014	Admitted to legal practice

EDUCATION

2018 - 2019	Master of Laws (LLM) Columbia University (New York) • James Kent Scholar (Hons I equivalent) • Parker School Recognition of Achievement (in International Law)
2008 – 2013	Bachelor of Laws (LLB), Bachelor of Commerce (BCom) University of New South Wales • Hons, Distinction Average in LLB • Distinction, Major in Finance in BCom

PREVIOUS PROFESSIONAL EXPERIENCE

2013 - 2020	MinterEllison Associate
2017 – 2018	Federal Court of Australia Associate to Justice Jacqueline Sarah Gleeson
2017 – 2018	Redfern Legal Centre Volunteer Solicitor
2013	UNSW Law Faculty and the Welfare Rights Centre Research Assistant

SELECTED MATTERS AND EXPERIENCE

Appellate

Anderson v Canaccord Genuity Financial Ltd & Ors (No 2) [2024] NSWCA 161: effect of settlement between plaintiff and certain defendants on judgment and costs recoverable against others; recoverability of ATE insurance premiums as costs and expenses in litigation. Led by Gerald Ng SC, briefed by Corrs Chambers Westgarth.

Roberts v Goodwin Street Developments Pty Ltd [2023] NSWCA 5: statutory interpretation, meaning of “building work” in the *Design and Building Practitioners Act 2020* (NSW); measure of damages to reversionary interest in property. Led by Nick Kidd SC, briefed by Richard Green Construction Lawyers.

Anderson v Canaccord Genuity Financial Ltd & Ors [2023] NSWCA 294: knowing assistance (second limb of *Barnes v Addy*); causation, damages. Led by Gerald Ng, briefed by Corrs Chambers Westgarth.

Hung v Aquamore Credit Equity Pty Ltd [2022] NSWCA 272: mortgagee’s power of sale; use and relevance of planning decisions in land valuation. Led by Justin Hogan-Doran SC, briefed by Independent Legal.

Insurance

QSuper Board Pty Ltd v AIG Australia Limited & Ors (NSWSC, ongoing): acting for insurers in a dispute about coverage relating to a class action against QSuper relating to alleged non-disclosures of insurance premiums and fees. Led by Simon Fitzpatrick SC, briefed by Kennedys Lawyers.

Brookfield Multiplex Constructions (NZ) Ltd v Zurich Australian Insurance Ltd & Ors (NSWSC, ongoing): acting for the liquidator of BMX NZ in claims against insurers under a PI policy. Led by Mark Newton, briefed by Webb Henderson.

Acciona Infrastructure Australia Pty Ltd & Anor v Zurich Australian Insurance Limited (FCA, 2024, settled): insurance, acting for JV partners in relation to a disputed insurance claim in respect of loss arising from disruption to a major infrastructure project. Led by Mark Newton, briefed by Gilbert + Tobin.

AI Shaghanby v Southpac Constructions Pty Ltd & Ors (DCNSW, ongoing): acting for an insurer in a coverage dispute relating to a claim made against a subcontractor relating to a personal injury arising from a worksite accident. Unled, briefed by MinterEllison.

QBE v Insurance (Australia) Limited v NTI Limited [2022] NSWSC 1273 – insurance, claim for contribution on the basis of ‘double insurance’. Led by Shaun McCarthy, briefed by Colin Biggers & Paisley.

Building and Construction, Property

G&S Engineering Services Pty Ltd v MACH Energy Australia Pty Ltd (NSWSC, 2024, settled): claim for breach of contract and misleading or deceptive conduct relating to construction of mining infrastructure. Led by Duncan Miller SC, Gerald Ng SC, Matthew Doyle, Julie Granger, Eli Ball, Julie Granger. Briefed by Corrs Chambers Westgarth.

The Owners Corporation - Strata Plan No 95590 v Alliance Project Group Pty Ltd (NSWSC, ongoing): acting for a builder in relation to a building defects claim, raising issues of interpretation of the NCC in connection with alleged combustible cladding. Led by Frank Hicks SC, briefed by Harrington Legal.

The Owners Corporation - Strata Plan No 92648 v Binah Constructions Pty Ltd (NSWSC, ongoing): acting for a builder in relation to a building defects claim, raising limitation issues and issues of statutory interpretation in connection with alleged combustible cladding. Led by Frank Hicks SC, briefed by Vincent Young.

Hay Shire Council v CCB Envico & State of NSW (NSWSC, ongoing): acting for the plaintiff in a claim relating to alleged defects to a sewerage treatment plant. Led by Mark Sheldon, briefed by BAL Lawyers.

Kokas v Messih (NSWDC, reserved): acted for a plaintiff in a claim against an engineer relating to alleged negligent advice. Unled, briefed by Ligeti Solicitors.

Jakin Construction Pty Ltd v Shrimpton [2024] NSWCATAP 39 – enforcement of settlement agreement; procedural fairness; interpretation of orders; interpretation of contract. Unled, briefed by Fielding Robinson Lawyers.

GCC Corporate Group Pty Ltd atf Scout Unit Trust v Towers, Darcy & Ors (NSWSC, 2024, settled) – property, application to impose an easement under Conveyancing Act 1919 s 88K. Led by Jason Lazarus SC, briefed by Lazarus Legal.

Owners SP 63767 v Northern Beaches Council & Ors (NSWSC, 2024, settled): application for the Court to order amendment of a Strata Management Statement under the *Strata Schemes Management Act 2015* (NSW); construction of a dispute resolution clause. Led by Marcus Pesman SC, briefed by Chambers Russell Lawyers

Weissflog & Anor v Community Association DP 1/270159 [2022] NSWSC 239 – property, application to impose an easement under *Conveyancing Act 1919* s 88K. Led by Jason Lazarus SC, briefed by Messenger & Messenger.

Commercial and equity

Growthbuilt Pty Ltd v Bedrule Pty Ltd [2024] NSWSC 977: practice and procedure; leave to rely on expert evidence served shortly before trial. Unled, briefed by Robinson Solicitors.

Corporate Documentation Management Pty Ltd (in liq) v Bagshaw [2024] NSWSC 787: claim by company, and later liquidators of company, against a former employee in respect of alleged fraudulent misappropriation of funds. Led by David Studdy SC, briefed by Cornwalls Lawyers.

Tsai v Australia and New Zealand Banking Group Limited (NSWSC, ongoing): Application for discovery in aid of overseas proceedings. Unled, briefed by Corrs Chambers Westgarth.

Anderson v Canaccord Genuity Financial Ltd & Ors [2022] NSWSC 58: breach of confidence, knowing assistance (second limb of *Barnes v Addy*); breach of trust. Led by Gerald Ng, briefed by Corrs Chambers Westgarth.

Aquamore Credit Equity Pty Ltd v Hung; First on First Development Pty Ltd v Aquamore Credit Equity Pty Ltd [2021] NSWSC 1681: breach of contract; penalty clauses; mortgagee's power of sale, *Corporations Act* s 420A; *Black v Ottoman Bank*. Led by Brett Le Plastrier, briefed by Independent Legal.

Dalma House Pty Ltd v Harbourview Group Pty Ltd & Anor (NSWSC, 2023, settled): acting for project manager in claim for defective work and restitution of amounts paid pursuant to an adjudication certificate. Unled, briefed by Salim Rutherford Lawyers.

Owners SP 94267 v DEC Engineering & Construction Pty Ltd [2020] NSWSC 1647: security for costs, for the defendant and applicant on the motion. Led by Mark Sheldon, briefed by Mihail Legal.

Srini Associates Pty Ltd v Bearded Savage Pty Ltd & Ors (NSWSC, 2021, settled): estoppel, equitable leases, affirmation of leases. Led by James Emmett SC, briefed by Gillard Consulting Lawyers.

Capital Steel (Int) Pty Ltd v Reitsma Constructions Pty Ltd (NSWSC, 2021, settled): application to set aside adjudicator's decision under the *Building and Construction Industry Security of Payment Act 1999* (NSW). Unled, briefed by Lauderdale Construction Lawyers.

Other

Anderson v Beldev M1 Pty Ltd [2026] NSWSC 935: acted for a successful applicant in an application for criminal contempt of Court, in proceedings where the respondent had caused members of an outlaw motorcycle gang to interfere with a development project and intimidate a litigant. Led by Brett Le Plastrier, briefed by Madison Marcus

Inquest into the death of Ariana Maragol, acted for The Berry Patch, a company which operates a childcare centre, and several officers of that company, in an inquest into the death of an infant who died while in its care. Led by David Lloyd SC, briefed by MinterEllison.

Advising the NSW Government (Department of Communities and Justice) in relation to historical abuse claims. Unled, briefed by Hicksons.

Cumberland City Council v FMH [2023] NSWCATAP 274: application of Information Privacy Principles pursuant to the *Privacy and Personal Information Protection Act 1998* (NSW); application of Health Privacy Principles pursuant to the *Health Records and Information Privacy Act 2002* (NSW). Unled, briefed by Storey & Gough Solicitors.

Hotdoc Online Pty Ltd v Innovation and Science Australia (AAT, 2021) – revenue law, whether certain activities were research and development activities under the *Industry Research and Development Act 1986* (Cth). Led by Zelig Heger, briefed by King & Wood Mallesons.

Lavender v Commonwealth & Ors (FCA, 2020): native title, existence of native title rights. Led by James Emmett SC, briefed by the AGS.

State of New South Wales v Lynn [2020] NSWSC 1584: continuing detention orders under the *Crimes (High Risk Offenders) Act 2006* (NSW). Led by James Emmett SC, briefed by the CSO.

SELECTED MATTERS – AS A SOLICITOR

Rushleigh Services Pty Ltd v Forge Group Limited (In Liq) (Recs & Mgrs Apptd), Forge Group Ltd (In Liq) (Recs & Mgrs Apptd) v Hutchinson – breach of directors’ duties, shareholder class action, liquidator’s claim – for a former director and CEO of Forge Group Ltd

Herridge v Electricity Networks Corp t/as Western Power (No 4) [2019] WASC 94: class action proceedings relating to the 2014 bushfires in Parkerville, WA. Acted for the third defendant (landowner)

Amtcor Flexibles Group Pty Ltd v AIG Australia Ltd: breach of warranties, sale of business, valuation of shareholding. Acted for the defendant.

Acted for an Australian telco in an arbitrated dispute with its insurer in relation to a significant fraud recovery, in a dispute arbitrated under the SIAC rules

Acted for defendants (through insurers) in a variety of claims relating to breaches of directors’ duties, medical malpractice, and public liability insurance arrangements

Maintained an ongoing pro-bono practice through the Homeless Persons’ Legal Service and co-ordinated the HPLS practice in Sydney for about 2 years (approximately 70 matters at any given time)