



Jindal Global Law School
India's First Global Law School



The London Centre for Commercial and Financial Law

CONFERENCE SERIES ON **CONTRACT LAW IN COMMON LAW COUNTRIES: A STUDY IN DIVERGENCE**

**CONFERENCE II:
THE SUBSTANCE OF THE AGREEMENT
SEPTEMBER 7-8, 2021**

Organized by:

**Jindal Global Law School
O.P. Jindal Global University, India
and
The London Centre for Commercial and
Financial Law (LCF)**

**in co-operation with the
Institute of Advanced Legal Studies,
School of Advanced Studies,
University of London**

CONFERENCE CONVENORS

MANASI KUMAR

Jindal Global Law School

MAREN HEIDEMANN

LCF and University of London

**For Registration
Scan QR Code**



Registration link: [Bookings through the LCF website](#)

DAY 1

TUESDAY, 7 SEPTEMBER 2021



GMT 12:00 PM - 3:00 PM

WELCOME ADDRESS

GMT 12:00 PM - 12:10 PM



Mads Andenæs is a Queen's Counsel and holds a Chair in the Faculty of Law, the University of Oslo, Norway. He is a director of the London Centre for Commercial and Financial Law and remains Senior Research Fellow at the Institute of Advanced Legal Studies, School of Advanced Studies, University of London. He has held senior academic appointments in the United Kingdom, including as Director of the British Institute of International and Comparative Law, London and Director of the Centre of European Law at King's College, University of London.

KEYNOTE ADDRESS

GMT 12:10 PM - 12:40 PM



Stefan Vogenauer is Director at the Max Planck Institute for Legal History and Legal Theory in Frankfurt, Germany. From 2003-2015 he was Professor of Comparative Law, Fellow of Brasenose College and Director at the Institute of European and Comparative Law at the University of Oxford. He works mostly in the areas of European legal history, comparative law and transnational private law. He has a particular interest in legal transfers in the common law world, the history of EU law and the comparative history of legal method.

DAY 1

TUESDAY, 7 SEPTEMBER 2021



GMT 12:00 PM - 3:00 PM

PAPER 1

GMT 12:40 PM - 1:25 PM

THE AMBIVALENT NOTION OF 'FUNDAMENTAL BREACH' IN THE INDIAN LAW OF CONTRACT: TOWARDS A NEW PARADIGM [ENGLAND AND INDIA]



PAPER AUTHOR

Saloni Khanderia is presently Professor of Law at Jindal Global Law School and an Alexander von Humboldt Experienced Researcher. She has more than a decade of teaching and writing experience. Her areas of specialisation are private international law, the law of contracts and the law of torts. She is widely published and cited, and is the co-author of the leading commentary on Indian private international law published by Hart/Bloomsbury Publications. She is also a Visiting Associate Professor at the Faculty of Law, the University of Johannesburg since 2018. Before joining JGLS in 2017, Saloni worked with the National Law University, Delhi, for 4.5 years. She has also been a Global Excellence and Stature [GES] postdoctoral fellow at the Research Centre for Private International Law in Africa, the University of Johannesburg, in 2015 for 20 months. She has also been awarded the prestigious Alexander von Humboldt Fellowship for Experienced Researchers to research for a period of 12 months at the Chair for Civil Law, International Private Law and Comparative Law, Ludwig Maximilian University in München.

She will be the National Rapporteur for two of the Reports of the Académie Internationale de Droit Compare (International Academy of Comparative Law) that will be published in 2022. The Reports will be on "New Specialised Commercial Courts and Their Role in Cross-Border Litigation" and "The Effectiveness of International Legal Harmonization through Soft Law" where she will examine and report on the principles of Indian private international law in these areas.



PAPER DISCUSSANT

Stefan Vogenauer is Director at the Max Planck Institute for Legal History and Legal Theory in Frankfurt, Germany. From 2003-2015 he was Professor of Comparative Law, Fellow of Brasenose College and Director at the Institute of European and Comparative Law at the University of Oxford. He works mostly in the areas of European legal history, comparative law and transnational private law. He has a particular interest in legal transfers in the common law world, the history of EU law and the comparative history of legal method.

DISCUSSION - 01:25 PM – 01:45 PM (GMT)

DAY 1

TUESDAY, 7 SEPTEMBER 2021



GMT 12:00 PM - 3:00 PM

PAPER 2

GMT 1:55 PM - 2:40 PM

A THEORY OF FRUSTRATION AND ITS EFFECTS [UK AND AUSTRALIA]



PAPER AUTHORS

Dr Sagi Peari is a full time academic from the University of Western Australia. Sagi researches and teaches within private law, commercial law, international law and their intersections. He is an author of two research monographs published by Oxford University Press: *The Foundation of Choice-of-Law: Choice & Equality* (New York: Oxford University Press, 2018) and *International Negotiable Instruments* (with Professor Benjamin Geva) (Oxford: Oxford University Press, 2021) and he has published in leading US, Canadian and Australian journals.

Sagi holds an SJD degree from the University of Toronto where he was the recipient of the prestigious Joseph-Armand Bombardier and Connaught Doctoral Fellowships. He was also a recipient of the Hauser Global Fellowship at New York University Law School, and of the Connection Grant from the Social Sciences and Humanities Research Council of Canada. One of Sagi's papers received the best paper prize award from the American Society of International Law. Another paper received the best paper prize award from the Corporate Law Teachers Association of Australia, New Zealand and the Asia Pacific region.



Zamir Golestani is a final-year law student at the University of Western Australia. Zamir is currently undertaking the Advanced Legal Research Program and sits as a member of the Law Review Board for the *University of Western Australia Law Review*.



PAPER DISCUSSANT

David Cabrelli is Professor of Labour Law at Edinburgh Law School, University of Edinburgh. He joined the School of Law in June 2007 having lectured at the University of Dundee for four years. Prior to being appointed a lecturer, he practised commercial law and corporate law for six years. His teaching and research interests lie in the fields of labour law/employment law, company law, commercial law and private law. He has published papers in numerous academic and practitioner journals in the field of labour/employment law, corporate law, commercial law and private law, together with a book on the Scots law of commercial agreements and student textbooks on employment law (now in its fourth edition) and Scots commercial law. One of his employment law articles was cited with approval by Lords Hope, Wilson and Sumption in the UK Supreme Court in *Société Générale (London Branch) v Geys* [2012] UKSC 63; [2013] 1 AC 523 and various other articles of his have been cited by the Federal Court of Australia, The Supreme Court of South Australia, the Hong Kong High Court, the Law Commission of England and Wales and the Scottish Law Commission.

DISCUSSION - 02:40 PM – 03:00 PM (GMT)

DAY 2

WEDNESDAY, 8 SEPTEMBER 2021



GMT 12:00 PM - 3:30 PM

PAPER 3

GMT 12:00 PM - 12:45 PM

INDUSTRY LED STANDARDS, RELATIONAL CONTRACTS AND GOOD FAITH: ARE THE UK AND AUSTRALIA SETTING THE PACE IN CONTRACT LAW? [UK AND AUSTRALIA]



PAPER AUTHORS

Séverine Saintier is Associate Professor in commercial law (Education and Research) at Exeter Law School. She previously held positions in Sheffield, Liverpool, Staffordshire and Keele Universities. She has also taught in France at the Université Jean Moulin III and the Université Bordeaux IV. She studied law in France (Maitrise, Université du Havre, Maitrise) and in the UK (University of Southampton (Erasmus/Socrates), Staffordshire University (LLM) and Sheffield University (PhD on commercial agency contracts)).

Severine is a member of different professional bodies and societies, including the Society of Legal Scholars, the British Institute of International and Comparative Law (BICCL), the European network of legal experts *Trans European Expert*, and the Society of European Contract *SECOLA*. She is co-director of the commercial law centre in Exeter Law School.

Severine's primary research interest is in the field of contract law (loosely defined). Her research is comparative in nature. Following her PhD under the late Professor Bradgate, her particular expertise is in commercial agency contracts where she has written two monographs and numerous journal articles. Her work in this field was cited by Lord Hoffmann in the (then) House of Lords in *Lonsdale v Howard Hallam* [2007] UKHL, [2008] 1 WLR 2055 and more recently in the Court of Appeal in *Computer Associates UK Ltd v The Software Incubator* [2018] EWCA Civ 518. She is the co-editor of Jill Poole's Contract law textbook and Contract Law casebook (14th ed, OUP, 2018).



Jessica Viven-Wilksch is Lecturer at the Adelaide Law School, University of Adelaide. She has been lecturing at Adelaide Law School, University of Adelaide since 2015. Prior to joining the Adelaide Law School as a lecturer, Jessica lectured at Flinders Law School and taught as a tutor at the Law School of the University of South Australia.

Jessica began her law studies at the University Toulouse I, France and completed her Licence (bachelor equivalent) through a year exchange program in UCD Dublin, Ireland. She completed the Master Degree in Comparative Law, following study at Mannheim Universität and the University of Adelaide. She also graduated with a Master in International and Comparative Law in France.

She has a PhD (law). In her thesis, she examined the doctrine of good faith in European and Australian contract laws.

DAY 2

WEDNESDAY, 8 SEPTEMBER 2021



GMT 12:00 PM - 3:30 PM



David Christie is Senior Lecturer at the Law School at Robert Gordon University, Aberdeen. He is an academic lawyer, with a focus on construction law and dispute resolution. He also has a leadership role within the Law School at Robert Gordon University, which includes course development, external engagement and commercialisation. He is the Course Leader for the LLM/MSc in Construction Law and Arbitration and teaches a number of modules on that course. He also teaches on a variety of other courses at different levels throughout the school, reflecting his other interests in dispute resolution, commercial law and professional practice issues. Before becoming an academic, David was a construction and engineering disputes lawyer with a leading commercial law firm in Glasgow and Edinburgh, with international experience. The focus of his practice was advising on construction and engineering disputes across the energy, infrastructure and leisure sectors. David has a Masters by Research from the University of Manchester.



PAPER DISCUSSANT

Martin Hogg is Professor of The Law of Obligations and Head of School at Edinburgh University Law School. Following two years qualifying as a Solicitor with Dundas & Wilson CS in Edinburgh, he was appointed as a Lecturer at the Faculty of Law at Edinburgh in 1995. In 2004 he was appointed Senior Lecturer, and in 2013 was appointed to a Chair in the Law of Obligations. He is a (non-practising) member of the Faculty of Advocates (the Scottish Bar). He has previously held office as Associate Dean of the Faculty of Law, as well as Director of Undergraduate Studies, Director of Teaching, Deputy Director of Research, and Convener of the Board of Studies. He took office as Deputy Head of the Law School in 2014, and became Head of School and Dean of Law in 2017.

DAY 2

WEDNESDAY, 8 SEPTEMBER 2021



GMT 12:00 PM - 3:30 PM

PAPER 4

GMT 12:45 PM - 1:30 PM

THE IMPACT OF DIRECTIVE 93/13 IN CYPRIOT CONTRACT LAW [ENGLAND AND CYPRUS]



PAPER AUTHOR

Nicholas Mouttotos is a postdoctoral researcher at the University of Bremen. His research focuses on European private law and the manner in which European private law affects the national legal order of different Member States. His research is primarily of a comparative nature, taking into account all three approaches to doing comparative research, namely: functionalism, cultural background and divergent preferences.



PAPER DISCUSSANT

Jan Halberda is Assistant Professor at the Department of General History of Law and State at the Faculty of Law and Administration, Jagiellonian University, Kraków, Poland. His field of research covers Anglo-American private law, comparative law and legal history, with a special research focus on equitable estoppel in common law (focus on England & Wales, United States, Australia). For several years he held the positions of head of legal, compliance officer and CEO of a large corporation in Poland. He is a practising attorney-at-law (radca prawny).

JOINT DISCUSSION OF PAPERS ON
GOOD FAITH IN CONTRACTS – GMT 1:30 PM - 2:00 PM

DAY 2

WEDNESDAY, 8 SEPTEMBER 2021



GMT 12:00 PM - 3:30 PM

PAPER 5

GMT 2:10 PM - 2:55 PM

UNCONSCIONABILITY OF CONTRACT: A COMPARATIVE STUDY OF INDIA, THE UNITED KINGDOM AND THE UNITED STATES



PAPER AUTHORS

Pallavi Mishra is Assistant Professor of Law at the Symbiosis Law School, NOIDA (SLS-N) and has teaching experience of almost six years. Her teaching and research are at the intersection of commercial and environmental law. She writes on critical legal theories, Contractual Jurisprudence, Environmental Regulatory Law and Company Law along with like Corporate Legal Studies. Her research papers have been published in various journals and commonplace periodicals of international repute. Pallavi pursued her Master's Degree in Business Laws from the National Law Institute University, Bhopal, India and is also currently earning her Ph.D. from the latter.



Dharmita Prasad is Assistant Professor at Jindal Global Law School. She has a master's degree from University of Johannesburg in International Commercial law and undergraduate degree in Law from National Law University, Jodhpur. Her research interest is in the area of private international law, ranging from jurisprudence behind the subject to the public policy exception. Before making a transition to academia she was a dispute resolution attorney for several years.



PAPER DISCUSSANT

Stelios Tofaris is Fellow in Law at Girton College, Cambridge, and a University Senior Lecturer in Private Law in the Faculty of Law, University of Cambridge. He read law (BA, PhD) at Corpus Christi College, Cambridge. In 2018, he was awarded a University of Cambridge Pilkington Prize for Excellence in University Teaching. Since 2019, he is the Book Review Editor of the Cambridge Law Journal. Dr. Tofaris is also a Barrister (Inner Temple).

DISCUSSION - 02:55 PM – 03:15 PM (GMT)

DAY 2

WEDNESDAY, 8 SEPTEMBER 2021



GMT 12:00 PM - 3:30 PM

CLOSING REMARKS BY CONVENORS

GMT 3:15 PM - 3:30 PM



Manasi Kumar is a Professor at Jindal Global Law School. Prior to entering academia, she worked as commercial dispute resolution attorney with well-known law firms in India and the United States, where she was admitted to the Oregon state bar. She had a diverse commercial practice that included construction, oil and gas, government procurements, insurance, and maritime law. Upon joining JGLS, she has been teaching foundational contract law courses, and since 2015 has been teaching a self-designed, highly popular elective on commercial contract drafting. Her research is focused on contract law, alternate dispute resolution, and animal law (she occasionally offers a self-designed elective on animal welfare law in India). She has also served as Assistant Dean of Academic Affairs in JGLS and later Controller of Examinations for O.P. Jindal Global University, a role she stepped down from to focus on her research in 2018. In 2020, she received the O.P. Jindal Global University Research Excellence Award. She has a Juris Doctor from Lewis and Clark Law School in the United States, where she was inducted into the Cornelius Honour Society upon her graduation in 2008, an honour given to select graduates by the law school faculty.



Maren Heidemann is a founding director of the London Centre for Commercial and Financial Law. She has held a number of full time and visiting academic appointments in the UK since 2007 including at the University of Westminster and University of Glasgow. She also lectures regularly across Europe including at Universities in Berlin, Oslo and Lisbon. She has been working for the University of London since 2010 in various roles including as research fellow, postgraduate supervisor supervising doctoral students at the Institute of Advanced Legal Studies (IALS) in the areas of international sales, comparative corporate and data protection law and as Teaching Fellow and tutor at the Centre for Commercial Law Studies (CCLS) at Queen Mary, University of London. Her main academic interest is in transnational commercial law, comparative private law, the relationship between public and private law and international taxation. She is a fully qualified German lawyer and obtained a master's degree (1994) and a PhD (2005) in international commercial law from the University of Nottingham. Her case work as legal practitioner has included cross-border corporate and contract law, international taxation, landlord and tenant as well as administrative and heritage law matters. She has also worked for the non-profit sector since 1989.