

Neutral Citation Number: [2023] EWHC 235 (Comm)

Case No: CL-2021-000362

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
COMMERCIAL COURT

Royal Courts of Justice, Rolls Building
Fetter Lane, London, EC4A 1NL

Date: 27 January 2023

Before :

Mrs Justice Cockerill

Between :

**INFRASTRUCTURE SERVICES LUXEMBOURG
S.A.R.L. (formerly Antin Infrastructure Services
Luxembourg S.A.R.L) and
(2) ENERGIA TERMOSOLAR B.V. (formerly
Antin Energia Termosolar B.V.)**

Claimant

- and -

the KINGDOM OF SPAIN

Defendant

Patrick Green KC, Nick Cherryman and Richard Clarke (instructed by **Kobre & Kim**
(UK) LLP) for the **Claimant**

Hearing dates: **27th January 2023**

APPROVED JUDGMENT ON COSTS

MRS JUSTICE COCKERILL

1. So the principle of costs is not really in dispute. Although Mr Khan said, “*Well, it is all a bit rich, you are stinging us for all these costs when you wrote to us first*” that is essentially a point that would go to the principle of costs and that was not in dispute. The point which Mr Green has made about the reason why that was done and the length of time it has taken for the case to clarify does to some extent answer that.
2. This has to be looked at as a simple, straightforward summary assessment of the costs statement which I have in front of me.
3. It is a very large statement. There are three grade As listed, one of whom is charged out at £1,170 and the next one at £890, the third one at £710, and there is also a grade B at £710. This is against the perspective where London 1, which is the most expensive rate within the guideline hourly rates, goes £512 for band A and £348 for band B.
4. Looked at overall, the hourly rates sought are two to two and a half times the band A rate, the trainee solicitor paralegal rate being two and a half times. So these are well, well above London 1.
5. For all that one can say, this is a matter of great importance to the client and there is a lot of money in issue, that is effectively always the case in litigation in this court and London 1 is effectively designed to deal with that sort of litigation. I might give a small amount of extra headroom in relation to that, but only a small amount. So we are looking at a reduction in the order of half in any event, just on the basis of hourly rates.
6. Then there are a number of things. There is an awful lot of time spent on letters out and emails. There is too much grade A attendance at the hearing today -- you do not need two grade As attending the whole hearing -- and then another three hours on top of the hearing.
7. Were this to go to taxation, Mr Green's brief would inevitably get hit to some extent because, although he has done a great job for his clients, that is quite a large sum of money.

8. When we get into the schedule of work done on documents, the hours which total up for the various topics there are just too much.
9. So I am going to bring this down quite heavily. Starting from the indication that this is about twice as big as it ought to be and then taking into account these other things, I will give £75,000 of costs.