



Amit Karia

Call: 2013

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Practice Overview

Amit has a busy commercial chancery practice that focuses on commercial litigation, insolvency, company law and taxation. He has particular interest and expertise in civil fraud, technology based disputes and group actions. Amit is sought after for his insight, client care and strategical approach to litigation. While Amit is regularly instructed un-led on sizable High Court claims, he is the go-to junior for a number of leaders and solicitors.

Amit's family background in business, including trading and managing manufacturing and technology companies and commercial property, to a large extent guides his candid and commercial approach to clients and disputes. Prior to coming to the Bar Amit worked at the Financial Conduct Authority, Slaughter and May LLP and undertook government policy work in Kathmandu, Nepal. Amit has also worked as in-house counsel in both the Personal Tax Litigation and Insolvency departments of HM Revenue and Customs Solicitor's Office.

Civil Fraud

Amit is regularly instructed in High Court civil fraud cases from pre-issue advice all the way to post trial enforcement. His experience at HMRC, the FCA and previously undertaking white-collar criminal work sets him apart from his peers in civil fraud. Amit is experienced and adept at obtaining and opposing urgent interim relief. Recent instructions have been:

- Claim against a Mayfair based asset manager and its former directors for drawing up forged cheques in the Claimant's name in the amount of £1,000,000, including claims against the payee and collecting banks for breach of their mandate and conversion (2020).
- Obtaining an interim proprietary injunction and thereafter judgment including declaratory relief and indemnity costs against an Abu Dhabi based Defendant in respect of a £1.5m civil fraud claim (2020).
- Acting for an electrical services contractor in a claim in the Technology and Construction Court for c. £8m against a cable supplier for fraudulently provided sub-standard cabling that was used at numerous sites of a major supermarket chain (2020)
- Pursuing contempt proceedings against a director arising out falsehoods in pleadings and CPR 18 questions (2020).
- Advising and defending a freezing injunction and extensive disclosure application in the Commercial Court (2019).
- Proprietary and moneys claim against a London based family office and its former director for deriving a secret profit of c.£350,000 from a property deal when acting as the Claimant's London agent.
- Led on a civil fraud claim brought by developers of ultra-prime London residential property (adopting a SAM model) against their joint-venture partners (2018).

Commercial Litigation

Amit is regularly instructed to represent and advise on a wide variety of commercial disputes, those often include professional negligence, technology and infrastructure, financial services and international elements. Amit has particular experience working with and advising litigation funders and on group actions.

Recent instructions have been:

- LCIA Arbitration in respect of implementation of alternative energy infrastructure in Central Asia (2020).
- Acting for a pool of professional service providers employed to assist in a group action (of c.7,000 Claimants) against RBS, to recover their unpaid fees (2020).
- Defending a website developer against a claim for c.£300,000 of losses, including loss of revenue arising out of a purportedly defective back-end system (2020).
- Representing a Russian property investor/developer in respect of claim for c.£2m against an Italian supplier (2019).
- Advising and acting for a US virtual reality systems developer against a UK hardware manufacturer in respect of defects in supplied hardware (2019).
- Defending a c.£700,000 claim against a bridging loan provider and broker (2019).
- Led on a complex group litigation action group against former solicitors and others for fees of c.£20m (2019).
- Led on a claim by an inter-dealer broker against an IT provider for defective bespoke communication and database systems created (2018).
- Led on defending a claim by a Cypriot company against a Libyan individual, Jersey trust and BVI entity in respect of a £10m loan (2018).
- Advising on the enforceability of an assignment of a book of factored commercial debts (2018).
- Led on a group litigation (c.200 claimants) against a major financial institution concerning the legality and enforceability of lending agreements to fund Spanish timeshare contracts (2018).
- Advising on a dispute concerning the regulatory status and legality of an investment fund “introducer” when introducing a prominent pension fund to a secondary real estate fund (2017).

Company & Partnership

Amit is instructed in both contentious and non-contentious company matters. Amit regularly provides direct access advice to M&A insurers and other professionals involved in M&A. Amit is also regularly instructed to advise on taxation issues by both solicitors and tax professionals.

Recent instructions have been:

- Advising on the tax implications (specifically CGT and SDLT) of the restructuring of £30m residential and commercial property portfolio, including advise on negotiations with HMRC in respect of the valuation of various atypical property assets at 1982 (for the purposes of CGT rebasing) (2020).
- Bringing an unfair prejudice petition in respect of a retail company (2019).
- Advising the board of a national electrical services supplier on the removal of directors and “bad leaver provisions” (2018).
- Advising a solicitor in respect of a multiparty dispute (inc. administrators) and in respect of disbursements and WIP owed from the sale/transfer of a portfolio of solicitor files (2019).
- Being instructed as part of a counsel team as interveners in a Supreme Court appeal on behalf of the All Party Parliamentary Group for Fair Business Banking - the appeal related to an extension of the rule against reflective loss (2019).
- Negotiating a £50m share purchase agreement on behalf of the Vendor (2019).
- Advising M&A insurers on the lawfulness of tax efficient restructuring of a group of companies (2019).
- Advising on the CGT and SDLT consequences of the separation of a c.£5m residential property holding company (2019)

Insolvency

Amit has a wide breadth of experience in corporate and personal insolvency. He is instructed equally by insolvency practitioners as individuals/companies.

Recent instructions have been:

- Opposing order for sale proceedings in respect of a former bankrupt's family home under the 3 year "use it or lose it" provisions.
- Advising and representing a liquidator in respect of a multiparty £3m preference claim against a Panamanian discretionary trust, a publicly traded City of London merchant bank and others (2020).
- Acting, successfully, for a Trustee in Bankruptcy in respect of the sale of commercial property at a significant undervalue (2019).
- Representing a major energy drinks brand against a c.£5m winding up petition and bring counterclaims for unlawful means conspiracy against the Petitioner and supporting creditors (2019).
- Defending multiple directors and recipients in respect of a £2.5m liquidators claim for misfeasance, transactions at an undervalue and preferences (2019)
- Advising and winding up a Company in deadlock on just and equitable grounds (2018).
- Representing and advising the liquidator (from the above winding up) in respect of bringing a c.£700,000 claim for subscription monies against a BVI investor (2019).
- Acting for a liquidator in respect of claims against a former director for transactions at an undervalue, unpaid director's loan account and preferences (2018).
- Representing a financial advisor that invested and operated sideways tax relief film schemes (2017)
- Advising on challenging a fixed charge receiver's decision to sell a c.£20m development property portfolio (2018)
- Advising, and eventually having dismissed, a winding up petition presented by the UK distributor of an international external building cladding manufacturer. Interestingly, the outcome turned on it being at least arguable that said cladding was not safe, despite satisfying building regulations (2017).

Additional Information

Qualifications / Education

- BSc in Psychology and Criminology (2:1)
- Graduate Diploma in Law (Distinction)
- Bar Professional Training Course (Outstanding)

Awards

- Gray's Inn Internship Scholarship (2014)

Memberships

- Commercial Bar Association
- Chancery Bar Association

Languages

- Gujarati (conversational)

Public Access

Yes

Cases

Eradicating the knotweed: "Reflective loss" is cut down to size. Marex Financial v Sevilleja [2020] UKSC 31

Reference:**Date:** 15 Jul 2020**Court:****Judge:****Practice Area:****Amit Karia obtains judgment, declaratory relief and indemnity costs against Abu Dhabi fraudster****Reference:** M v (1) G (2) ML Limited**Date:** 02 Apr 2020**Court:** Chancery Division

Amit Karia represented the Egyptian based Claimant (“**M**”) in a claim to recover shares in the Second Defendant (“**ML Limited**”) which were fraudulently acquired by the First Defendant (“**G**”). ML Limited owned a c.£1.5m flat on the Embankment, which was M’s London holiday home. G was an Abu Dhabi based director of M’s former Mayfair based asset manager (“**B Limited**”). M alleged that G was merely acting as a nominee or was a fictitious identity created by a shadow director of B Limited (“**Mr B**”). The Claimant and Mr B had considerable litigation history, to the extent that in respect of other business deals, on M’s prosecution in Egypt, Mr B had been criminally convicted for fraud and sentenced to 3 years imprisonment. The nature of the fraud was quite simple: G produced a purportedly pre-signed stock transfer form transferring all the shares in ML Limited from M to G; and (somehow) obtained ML Limited’s Companies House access codes and used them to effect the changes on ML Limited’s public register of members.

The Defendants’ defence was that the £1m+ provided by M to B Limited to purchase the Embankment flat pursuant to a written property and asset management agreement on his behalf was instead provided pursuant to an oral agreement made in Egypt to provide immigration services to M and his family. Further, that M held the shares in ML Limited on trust for B Limited and said trust structure was merely to facilitate the provision of those immigration services. A plethora of arguments were raised to that defence: this was inconsistent with other claims brought by B Limited against C, the trust structure needed to be in writing to operate in law, the contemporaneous correspondence made clear M was the owner, etc.

Multiple rounds of interim proprietary injunctions were obtained by M to prevent dissipation and damage to Embankment flat, the first obtained days after the fraud was discovered. There were also repeated CPR 18 applications for the Defendants to provide the requisite particulars of their defence.

On 2 April 2020 the court granted M judgment, including declaratory relief as to M’s ownership of the shares in ML Limited and in turn the Embankment flat. Additionally, M was even successful in obtaining indemnity costs and a substantial interim payment on account of the same.

Judge:**Practice Area:** Civil Fraud**Articles**

Date	Title	Contributors
17 Jun 2020	Residence, Tax and COVID-19 Published in	Amit Karia

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