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Year of Call: 2006

E: AmitGupta@EnterpriseChambers.com

T: 020 7405 9471

Clerk: Raj Lamba

PRACTICE AREAS

Insolvency & Restructuring

Commercial

Company

Company Directors Disqualification

Banking and Finance

Mediation and ADR

PROFILE

Amit has a strong commercial and chancery practice with a heavy emphasis on contentious insolvency (corporate insolvency, LLPs, partnerships and bankruptcy), commercial disputes, company law (including directors' duties, shareholder disputes and unfair prejudice petitions), company directors' disqualification proceedings and bank recovery proceedings (charges, mortgages, guarantees and indemnities). He has considerable experience of directors' disqualification proceedings, having been appointed to the Attorney General's CDDA provincial B Panel. He frequently represents the Secretary of

State and directors.

Amit has a strong following of solicitors and lay clients that will always choose him for their work. He prides himself on giving clear and practical advice, quickly absorbing complicated instructions in order to give clear bite-sized advice whilst sharing the workload with his instructing solicitors. Amit is regarded as being user-friendly and accessible.

He has been led by silks and senior juniors, who have found him not only a pleasure to work with but also able to give a fresh view and add value. He has also appeared against silks as sole counsel.

Amit has a knack of being instructed by high profile clients who include an ex-England footballer, a current Spanish footballer, a well-known hypnotist, a bankrupt ex-director of one of the largest personal injury firms (which eventually went into liquidation) and a member of a popular 90s boyband.

For several years Amit has ranked as a leading junior for his Restructuring and Insolvency and Commercial Litigation.

Amit is fluent in Hindi and has a working knowledge of Panjabi. In his spare time he enjoys watching cricket, playing badminton, swimming, snowboarding and the theatre.

PRACTICE AREAS

Insolvency & Restructuring

Insolvency work forms the majority of Amit's practice and includes all aspects of company, LLP, partnership and individual insolvency. His experience ranges from applications to set aside statutory demands, injunctions, bankruptcy petitions, administration applications, antecedent transaction claims (misfeasance, TUVs, preferences, s.423 IA 1986), unlawful dividends and distributions, voting appeals, wrongful trading and all other areas of insolvency.

He has appeared in the High Court on numerous occasions in applications seeking to cure defective out of court administration appointments, high value contested bankruptcy petitions, bankruptcy tourism cases, contested applications to annul and misfeasance trials.

He acts for individuals, companies, partnerships, LLP's, unincorporated associations, banks, accountants and most often insolvency practitioners.

Recent cases include:

- **Re HL (2019):** Amit was instructed by Begbies Traynor (the liquidators of a company) over a period of some three years to advise on, draft correspondence and draft proceedings in respect of a wrongful trading and misfeasance claim exceeding £1M. The matter has recently settled after acceptance of a Part 36 offer made by the liquidators.
- **Re AMS (2019):** high-value claim for TUVs, preferences, misfeasance and unjust enrichment. Ongoing with trial 4 day trial in 2020.
- **Re UKC (2019):** advising the liquidators and drafting correspondence in respect of proposed claims against a director and s.127 claims. High value and complex. Ongoing.
- **Re: W&R (2019):** acting for the liquidators in respect of a high-value and complex wrongful trading claim. Awaiting trial date.
- **Re ANL (2019):** a tricky application to further extend an administration, together with permission to make a distribution for an unspecified amount (whilst one significant creditor claim continued remained contentious).

- **Re ERPL (2019):** acting for a very well-known High Street clothes brand in an injunction to restrain advertisement of a petition. Order obtained at the first hearing and awaiting the return date later this year.
- **Re BFL (2019):** Amit advised on and drafted an application concerning a defective out of court appointment of administrators. The statutory declaration had been given by the director before his wife (an accountant, rather than somebody permitted to take the oath). He obtained an order declaring the appointment as retrospectively valid.
- **GL v MA (2018):** representing the trustees in bankruptcy where the bankrupt alleged that it was his brother who had been made bankrupt and not him. Shortly before trial the bankrupt admitted it was him who had been made bankrupt.
- **SFT v AD (2018):** Amit obtained an injunction to restrain presentation of a bankruptcy petition where the debt was not only contested, but statute-barred and vested in the respondent's trustee in bankruptcy. Order maintained on return date, together with a costs order on the indemnity basis.
- **Re ML (2018):** a complicated application to further extend an administration, together with permission to make a distribution for an unspecified amount (whilst one significant creditor claim continued remained contentious). Amit obtained the extension and permission to make a distribution, together with prospective relief pursuant to s.1157 CA 2006 in respect of the proposed distribution.
- **AL v Frank Wesley (2017):** advising on numerous occasions and drafting correspondence arising from an MVL where the liquidator would not make decisions concerning disputes between the two camps of creditors/shareholders.
- **Re UPG Plc (in liquidation) (2017):** advising interested parties on tactics and pari passu in a large liquidation.
- **Mama Milla Ltd (in liquidation) (2016):** advising HSBC on their UK procedures concerning winding up petitions arising out of this case.
- **Re Knightswan (2016):** representing the incoming office-holder on a contested block-transfer order. A previous administrator of a company sought to set aside a block-transfer order on the basis of ostensible bias (the outgoing office-holder had lost his licence due to thefts from estates and had nominated a licenced insolvency practitioner to take on his caseload). Amit represented the incoming office-holder and successfully had the application dismissed on the basis there was no actual or ostensible bias, with a personal costs order against the applicant.
- **Re Kingston's Investments Ltd (In Liquidation) [2015] EWHC 1619 (Ch.):** After a change of legal representation, Amit was instructed to advise the second respondent on any appeals arising from this judgment.
- Advising on a *Berkeley Applegate* application.

Commercial

Amit has considerable experience in commercial litigation, which makes up a significant part of his practice and includes breach of contract claims, unfair contract terms, bank recovery proceedings, civil fraud, breach of warranty, confidential data cases, guarantees/indemnities, rectification, *non-est factum* and negligence.

Amit also has a wealth of CPR-based experience alongside his commercial practice, which includes (world-wide) freezing orders, security for costs, extended civil restraint orders, passport delivery-up orders, specific disclosure, relief from sanctions and appeals.

Recent cases include:

- **BMW v VYSG (2019):** advising drafting a defence and drafting correspondence for the defendants (the innocent wife and innocent parents) to a claim in tracing arising from a £5M fraud committed by the husband (who had been imprisoned for the frauds).
- **RSAH v DLG (2019):** advising on whether a contract could be terminated where the breach by the proposed defendant was minor but had significant personal ramifications for the clients.

- **GD v Savills PLC (2019)**: acted for Savills in striking out a claim based on trespass, defamation, breaches of article 1 and 14 of the ECHR and the Equality Act 2010.
- **PIL v KBII (2019)**: drafting high-value proceedings against an American corporation, together with an application for service out of the jurisdiction.
- **Re JWH (2019)**: advising LPA receivers on the validity of their appointment.
- **Re RC (2018)**: advising on a proposed claim against a Spanish lawyer who was supposed to have remitted the proceeds of sale to a particular bank account on the sale of a Spanish property, but where fraudsters had intercepted emails and caused the monies to be paid elsewhere.
- **NWS v S (2018)**: advising on liability and unfair contract terms in a business-to-business agreement where the signed terms and conditions severely restricted liability.
- **CVZ v AM (2017)**: Represented the defendants in a case listed for a 5 day trial concerning breach of contract, misrepresentation, civil fraud and illegal tape recording. Settled on the first day of trial.
- **Blueprint v Becklow (2016)**: advising on retention of title clauses in respect of tiles held by the administrators of a company.
- **Gibb v Bushwackers (2016)**: representing the applicant in obtaining an order setting aside default judgment (applying the relief from sanctions test) some 350 days after the default judgment was entered.
- **Seabird v Acorn (2015)**: Amit represented the claimant/applicant and obtained orders for delivery up of data concerning 2D and 3D seismic data concerning oil and gas, preservation of data and orders for disclosure.
- **Construction v De Hoop Pekso (2014) (TCC)**: Amit successfully obtained security for costs in a case concerning implied terms, breach of contract and jurisdiction issues.

Company

Amit appeared in the leading case of **Fivestar Properties Limited [2015] EWHC 2782 (Ch.)** in which the court considered the boomerang effect of restoration where a company is dissolved and the freehold of a property has been disclaimed by the Crown. Amit has also appeared in and advised on numerous claims concerning the effect of articles of association, shareholder disputes, unfair prejudice petitions, company restoration, late registration of charges and just and equitable winding up petitions.

Recent cases include:

- **Re SF (2019)**: resisting a complex unfair prejudice petition where an application will be made to strike the petition out for want of standing.
- **Re OWL (2019)**: advising on the effect of company restoration on freehold and leasehold property which has been disclaimed by the Crown Estate Commissioners.
- **CYH v Crown Estate (2018)**: obtained a vesting order for the ex-directors of a small company that had been dissolved many years prior.
- **Re JCBP (2018)**: advising in respect of escheat when a freehold held by a dissolved company had been disclaimed by the Crown Estate Commissioners.
- **Re Millivres Prowler (2017)**: obtained an order for registration of a charge out of time.
- **AJ v PL (2017)**: unfair prejudice petitions concerning a well-known pizza franchise. Amit advised and drafted points of defence for the franchisee in a petition brought by a minority shareholder.
- **DK V HL (2017)**: unfair prejudice petitions concerning a well-known pizza franchise. Amit advised and drafted points of defence for the franchisee in a petition brought by a minority shareholder.

Company Directors Disqualification

Amit has been appointed Junior Counsel to the Crown (Midlands Panel) and has for the last 4 years acted for the Secretary of State / Official Receiver. He also represents directors. He often advises on such claims, drafts correspondence and drafts evidence in disqualification claims and is very experienced in interim hearings and trials.

Recent cases include:

- **SSBEIS v A (2019)**: obtained a disqualification order for 5 years where there had been preferential treatment of creditors to the detriment of HMRC.
- **SSBIS v JIM (2018)**: a multi-day trial representing the SSBIS in a disqualification claim where the director had a conflict of interest and had failed to open bank accounts. In essence, the director had incorporated companies to accrue HMRC liabilities with no realistic way to pay them. JIM was disqualified for a significant period of time and ordered to pay costs. Appeal refused.
- **SSBIS v D (2016)**: obtained an order for his client to act, pursuant to s.17 CDDA, when he had been disqualified as being a director for 8 years.
- **SSBIS v Yaqoobs (2016)**: advising the defendants to a claim for disqualification where the Secretary of State relied on allegations arising from the insolvency of historic companies to fortify the allegations made in respect of this company. Settled shortly before trial.

Banking and Finance

Amit is also regularly instructed to act for high street banks in litigation concerning guarantees/indemnities, securities, the recovery of assets the appointment of LPA receivers and registration of charges out of time.

Recent cases include:

- **FF v KL (2019)**: defending a claim for possession and arrears for a company, where the loan plus arrears amounted to c. £5M. The case concerned the drafting and construction of the loan documentation and charge documentation, together with a sub-tenancy where the mortgagee had acquiesced in the occupation of the sub-tenant. Appeal outstanding.
- **Barclay's v A (2019)**: acting for Barclays in a claim for possession and mortgage arrears, which was defended on the basis of undue influence. Ongoing.
- **Re A (2018)**: advising on the validity and enforceability of a loan agreement and a charge document (including the threatened appointment of LPA receivers).
- **Close Brothers v JGMM (2017)**: representing the Close Brothers in a claim, together with a without notice injunction to preserve assets, deliver up vehicles and provide disclosure – injunction granted and maintained on contested return date.
- **Mama Milla Ltd (in liquidation) (2016)**: advising HSBC on their UK banking procedures arising out of this judgment.

Mediation and ADR

Amit combines his practice at the Bar with his work as a mediator.

Amit accepts instructions to mediate disputes within his key practice areas of Commercial, Insolvency, Company and Banking and Finance.

SIGNIFICANT CASES

Durkan v Jones [2023]

EWHC 1359 (Ch.)

Important decision concerning the meaning of “carrying on business” for the purposes of s.265(2)(b)(ii) of the Insolvency Act 1986. In this case, the debtor was the owner of a residential property that was let to tenants, which was sufficient to be carrying on a business in this jurisdiction. This case is also a useful example of the circumstances in which the court might find witness evidence as manifestly incredible, without cross-examination.

Walsh v Greystone [2019]

7 WLUK 568 per Nugee J

Amit appeared for the former solicitors in respect of the delivery up of files sought by their former client. The former client had sought a very broad list of documentation (including privileged documentation, correspondence and advice). Amit successfully argued against such a broad order being granted; the court found that the former client only required the trial bundles, transcripts of hearing and judgment to consider the merits of an appeal.

Tongue v (i) RSPCA and (ii) Timothy Heaselgrave [2017]

EWHC 2508 (Ch.)

Amit appeared for the trustee in bankruptcy in this 10 day trial listed before Newey J concerning the RSPCA’s costs of caring for cattle for a number of years. The RSPCA had taken control of the cattle because they were not being cared for properly, a risk to the public, a risk to each other and being kept on a farm in sub-standard conditions. The trustee had, at a mediation, settled the dispute with the RSPCA and agreed to admit a varied proof, which the bankrupt challenged. The trustee (i) was called to give evidence and cross-examined and (ii) adduced his own expert evidence in respect of the cost of caring for cattle for a protracted period. Amit successfully protected the trustee’s position and the RSPCA were made to pay the trustee’s costs of the proceedings. This case now represents one of the few new cases on the law of bailment, how that relationship arises and the impact of intermediaries.

Andrews v Stanway [2017]

EWHC 2248 (QB)

Amit appeared for the Respondent in a contested freezing injunction concerning joint venture agreements, misappropriation of assets, poorly pleaded claims, risk of dissipation, fraud and oral contracts.

Smile Stylist Ltd v Harte Solutions Ltd [2017]

EWHC 2971 (Ch.)

Contested winding up petitions where there were disputes of fact about who was in control of cash and NHS dental contracts

Re Officeserve Technologies Limited [2017]

EWHC 906 (Ch.)

Amit appeared for the Applicant seeking an administration order in circumstances where the statutory criteria for granting an administration order was met but there had been significant transactions post-presentation of a winding up petition, such that the Court declined to make an administration order and appointed a provisional liquidator instead.

Rowntree Ventures Limited (2) JM Print Services Limited v (1) Oak Property Partners Limited (2) Oak Forest Partnership Limited [2016]

EWHC 1523 (Ch.)

Amit appeared for two consortiums of creditors who had allegedly been duped into leasing hotel rooms on 999 year leases at inflated prices (running into the millions) for administration applications. The court refused to make the administration order that Amit's client were seeking at first instance, but that decision was overturned on appeal.

Re Fivestar Properties Limited [2015]

EWHC 2782 (Ch.)

Appeared for the bank in the leading case on bona vacantia, disclaimer and escheat arising from dissolution of a company in administration.

SP Holding Tractor Hire Limited v CVS (Commercial Valuers & Surveyors) Limited [2015]

EWHC 3838 (Ch.)

Contested injunction to restrain advertisement of a petition.

Swindells v Green [2014]

UKUT 0139

Amit represented the respondent and successfully defeated the application to discharge or otherwise modify a restrictive covenant.

Chatha -v- Uppal [2012]
EWHC 2150 (Ch.)

Amit appeared on a worldwide freezing injunction together with an order for delivery up of a passport. The court considered the balance to be struck between the risks of the respondent absconding against retaining the respondent's passport which would place him in breach of his business visa.

CAREER AND ASSOCIATIONS

Called to the Bar in 2006

LLB at University College of London (UCL)

BVC at College of Law London (Outstanding awarded)

Junior Counsel to the Crown (Midlands Panel)

Previously spoken at the R3 conference and the UK Insolvency Network conference.

Committee Member - Bar Representation Committee

Chancery Bar Association - ChBA

Commercial Bar Association - COMBAR - Equality and Diversity Committee Member

Accredited Mediator

PUBLICATIONS

Lexis Nexus Randi blog, Corporate Rescue Magazine and Insolvency Intelligence

9 Old Square
Lincoln's Inn
London
WC2A 3SR

T 020 7405 9471
E london@enterprisechambers.com

BRISTOL

60 Queen Square
Bristol
BS1 4JZ

T 0117 450 7920
E bristol@enterprisechambers.com

LEEDS

Fountain House
4 South Parade
Leeds
LS1 5QX

T 0113 246 0391
E leeds@enterprisechambers.com

NEWCASTLE

65 Quayside
Newcastle upon Tyne
NE1 3DE

T 0191 222 3344
E newcastle@enterprisechambers.com

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