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PRACTICE AREAS

Commercial and Chancery
Company
Insolvency & Restructuring

PROFILE

Shuvra Deb will be practising in the Cayman Islands

Shuvra was called to the Bar in 2007 and practises in all matters relating to insolvency, company and commercial chancery law. She has particular expertise of an international dimension and those involving commercial fraud. In 2016, Shuvra was appointed to the Attorney General's C Panel of Junior Counsel.

Commercial and Chancery

Contractual disputes, banking and financial regulation, injunctions, partnerships, guarantees, misrepresentation, commercial fraud, civil restraint orders.

Company

Breaches of directors' duties, minority shareholder disputes, advising investment funds, directors' disqualification.

Insolvency & Restructuring

Corporate and individual insolvency including petitions, appeals, annulments, validation orders, administrations, disputes as to co-ownership of property.

SIGNIFICANT CASES

Morby v Gate Gourmet Luxembourg IV Sarl and another [2016] EWHC 74 (Ch)

Morby v Gate Gourmet Luxembourg IV Sarl and another [2016] EWHC 74 (Ch)

On appeal to the High Court, Chancery Division before Mr Edward Murray (sitting as a Deputy Judge of the High Court).

This case clarifies the mechanism by which personal service of a bankruptcy petition may be effected even in circumstances where the petition is not placed into the debtor's hands.

Rule 7.55 of the Insolvency Rules 1986 may be applied to cure a defect in the requirement to serve a bankruptcy petition personally on the debtor as required by the provisions of Rule 6.14 of the Insolvency Rules 1986.

This may be done in circumstances where the test as to service as set out in *Kenneth Allison Ltd v AE Limehouse & Co* [1992] 2 AC 105 is satisfied; in particular, that the petition is left with or near the intended recipient.

Shuvra also appeared in the court below before Mr Registrar Briggs in the Chancery Division: (1) *Gate Gourmet Luxembourg IV Sarl* (2) *Specialist Airport Services Limited v Morby* [2015] EWHC 1203 (Ch).

Ashraf and another v PhoneyPayPlus Limited [2015] EWCA Civ 1154

In the Court of Appeal, Civil Division before Lord Justice Lloyd Jones, Shuvra successfully opposed an application for permission to appeal the decision below.

In that case, *PhonepayPlus Limited v Ashraf and another* [2015] Bus LR 567; [2014] EWHC 4303 (Ch), Shuvra represented the Claimant, PhonepayPlus Limited, the regulator of premium rate telephone and internet services which operates under powers conferred on it by the Office of Communications (OFCOM).

A preliminary issue decided in the Claimant's favour was whether it had standing to bring proceedings against an individual who was providing premium rate services in the context of enforcing a fine ordered to be paid by that provider.

The protracted proceedings resulted in successful summary judgment on behalf of the Claimant.

Winsor v Vale [2014] EWHC 957 (Ch)

In the High Court, Chancery Division, before Mr Justice Henderson. On behalf of the Defendant, Shuvra successfully secured an Extended Civil Restraint Order (ECRO) against the Claimant.

This case affirms the test in *Re Ludlam (A Bankrupt)* [2009] EWHC 2076 (Ch) that for an ECRO to be made, three unmeritorious claims or applications are required as the bare minimum to satisfy the requirement of persistence as stated in the Civil Procedure Rules Practice Direction 3C.

The Claimant had brought an unsuccessful claim under the Inheritance (Provision for Family and Dependents) Act 1975 claiming a beneficial interest in the Estate and had persistently issued satellite litigation in different courts culminating in several costs orders, a bankruptcy order, a property possession order and the ECRO.

CAREER AND ASSOCIATIONS

The Honourable Society of the Inner Temple

Chancery Bar Association

Bar Vocational Course, Inns of Court School of Law, Very Competent, 2007

Diploma in Law, City University, London, Commendation, 2006

BA, First Class Honours (English Language & Literature), King's College London, 2004

PUBLICATIONS

"When is a transaction not a transaction?" – *Corporate Rescue and Insolvency* (2015)

"Re Virtualpurple versus National Westminster Bank: The Next Instalment" – *International Corporate Rescue*

Research Assistant to Nicholas Stewart QC: "Unincorporated Associations" – Oxford University Press 2011

"Company Voluntary Arrangements: Recent Developments" – *International Corporate Rescue* 2011



LONDON

9 Old Square
Lincoln's Inn
London
WC2A 3SR

T 020 7405 9471
E london@enterprisechambers.com

BRISTOL

4-5 College Green
Bristol
BS1 5TF

T 0117 450 7920
E bristol@enterprisechambers.com

LEEDS

43 Park Square
Leeds
LS1 2NP

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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