

# Avtar Khangure QC

**Call: 1985**

**Silk: 2003**

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## Private International Law Profile

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Avtar was called to the Bar by Gray's Inn in 1985. Having completed a master's degree in commercial law and a commercial pupillage in London, it gave him the practical experience to develop a commercial, company and insolvency practice in the Midlands.

Over the course of the last 25 years he has been involved in general commercial litigation within the fields of banking, company law, insolvency, professional negligence, franchising, shareholder disputes, disciplinary proceedings before regulatory bodies, tax and VAT cases before the Special Commissioners and VAT Tribunals and product liability. The claims have ranged from tens of thousands to multi-million pounds. His client base is also varied, from major institutions such as banks, to professional clients such as accountants and solicitors to individuals and companies.

The 2018 Chambers & Partners Bar directory describes Avtar as "intellectually brilliant and a winner in court," while the 2017 Legal 500 guide notes that he is "very compelling on his feet."

He has lectured in the field of commercial law and insolvency to solicitors, bankers and to insolvency practitioners and was the Chairman of the Midland Commercial and Chancery Bar. Over the last few years Avtar has acted in a large number of cases involving very high value claims, including the following:

multi-million pound shareholder disputes

multi-million pound commercial disputes involving the motor-car industry

the insolvencies of large companies, including those listed on the stock exchange and trading in other jurisdictions

capital reductions - cases involving trusts and fiduciaries

banking

in particular, piercing the corporate veil so as to render individual directors liable to a major bank in respect of invoice discounting agreements

Derivatives and hedging products

corporation Tax disputes before the Special Commissioners

VAT disputes before the VAT Tribunal

Civil Fraud, including: - applications for freezing and search orders

applications for Insolvency Practitioners seeking to recover assets fraudulently dissipated whether in the UK or outside

applications on behalf of Banks against individuals who have committed a fraud upon them

civil Asset recovery in the Crown Court

applications for Customs and Excise

Avtar has acted for Banks in many types of cases involving bank securities, including guarantees, letters of credit, bills of exchange, invoice discounting, insolvency, breach of trust and knowing / dishonest assistance in the

dissipation of assets, fraud, etc. He was involved in a number of cases acting for a bank in which he successfully recovered large sums of money from directors of companies where the banks had no form of security.

## What-the-Directories-Say

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- "An imposing advocate and a smooth operator." - Legal 500 2019
- "Excellent technical knowledge and very good on his feet.", "An excellent performer who is persuasive and assured in court.", "Avtar is a top-drawer advocate and is very client-friendly."and "He's a quality operator in the Birmingham market." - Chambers UK 2019
- "He's very calm, measured, understated, bright and very good on his feet." "He's approachable, clear and concise." "I admire his ability to grasp matters very quickly. He's very user-friendly and he marshals resources properly." - Chambers UK 2018
- "Avtar is one of the best silks in the Midlands. He is quick to grasp the nub of the problem and assimilate the facts. He's intellectually brilliant and a winner in court." "I've got a lot of time for him. He's very calm under pressure, very reassuring in front of judges and very, very good in the courtroom." Chambers UK 2018
- "Very compelling on his feet." - Legal 500 2017
- "A well-regarded silk with a broad company law practice. He has considerable expertise in shareholder disputes, claims for breach of duty and corporate restructurings." - Chambers UK 2017
- "He's very good on his feet; his strength is his advocacy and the manner in which he comes across in court." - Chambers UK 2017
- "Top-tier silk whose capabilities span the full spectrum of insolvency work. He frequently handles complex cases on behalf of a range of clients, with notable experience in the financial sector. Market sources are quick to highlight his strength in oral advocacy and measured approach in court." - Chambers UK 2017
- "The most notable person in this market, he is a very impressive operator with a nice style and a balanced, smooth approach." "I would have no hesitation using him again; he is particularly good on his feet and good with judges." - Chambers UK 2017
- "The acknowledged Midlands expert in all insolvency law matters. He's exceptionally slick and knowledgeable." - Chambers UK 2017
- "Excellent - his advocacy skills are second to none." - Chambers UK 2017
- "He is very slick and has no rough edges. He got the case well and truly kicked into touch." - Chambers UK 2015
- "Pre-eminent in company and insolvency law for a long time." "A tenacious advocate known for his commercial approach to complex insolvency matters," and he is "popular both with his peers and with the local judiciary." - Chambers UK 2015
- "Bullish, knowledgeable and always impressive." - Chambers UK 2015
- "Outstanding ability on his feet and ability to pull out fantastic results in the trickiest cases." - Chambers

UK 2015

- "A specialist in complex, high-value claims." - Chambers UK 2015

## Recent-Experience

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Avtar has been recently or is currently involved in:

- A lengthy trial involving intellectual property;
- A court of appeal hearing involving issues as to the personal liability of an administrator of a company;
- A professional negligence case against a firm of solicitors;
- Partnership disputes;
- An alleged £22,000,000 fraud;
- A derivative action;
- Mis-selling of derivatives and hedging products;
- A high profile directors' disqualification case;
- Proceedings in DIFC in Dubai;
- An international arbitration in Dubai

## Reported-Cases

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- Creation Consumer Finance Ltd (t/a Premium First) v Allied Fort Insurance Services Ltd Chancery Division, 30 November 2012

Subject: Civil procedure; Insurance; Dissipation of assets; Freezing injunctions; Insurance brokers; Interim injunctions; Risk; Setting aside freezing injunctions

- Wright Hassall LLP v Morris [2012] EWCA Civ 1472 Court of Appeal

Subject: Insolvency; Civil procedure; Administrators; Agents; Defendants; Liabilities; Statements of case

- Hellard v Irwin Mitchell (A Firm) [2012] EWHC 2656 (Ch)

Subject: Civil evidence; Legal profession; Negligence; Defence counsel; Legal professional privilege; Privileged documents.

- Kang v Kang Chancery Division, 15 February 2012

Subject: Company law; Breach; Company records; Consent orders; Directors' powers and duties; Disclosure; Enforcement; Further information; Inspection

- Wright Hassall LLP v Morris [2012] EWHC 188 (Ch); [2012] B.C.C. 624; [2012] B.P.I.R. 654

Subject: Insolvency; Agency; Administrators; Agents' liabilities; Conditional fee agreements

- Till v MorrisChancery Division District Registry (Birmingham), 22 December 2011

Subject: Partnerships; Dissolution; Documents; Partners' powers and duties

- Phoenix Property Investors Ltd v Grange Securities Ltd [2011] EWHC 1131 (Ch)

Subject: Contracts; Breach of contract; Contracts for sale of land; Non-performance; Repudiation

- Irwin v Lynch [2010] EWCA Civ 1153; [2011] 1 W.L.R. 1364; [2011] Bus. L.R. 504; [2011] B.P.I.R. 158Court of Appeal (Civil Division)

Subject: Civil procedure; Insolvency; Administrators' powers and duties; Limitations; SubstitutionWhere Reported; Official Transcript

- Ahmed v Landstone Leisure Ltd [2009] EWHC 125 (Ch); [2009] B.P.I.R. 227

Subject: Insolvency; Contracts; Cheques; Dishonour of cheques; Misrepresentation; Sale by auction; Setting aside; Statutory demands

- Kelly v Hussain [2008] EWHC 1117 (Ch)

Subject: Company law; Conduct; Directors; Dismissal; Exclusion; Petitions; Shareholders; Unfairly prejudicial conduct

- Hill v Haines [2007] EWCA Civ 1284; [2008] Ch. 412; [2008] 2 W.L.R. 1250; [2008] 2 All E.R. 901; [2008] 1 F.L.R. 1192; [2007] 3 F.C.R. 785; [2007] B.P.I.R. 1280; [2008] W.T.L.R. 447; [2008] Fam. Law 199; [2007] 50 E.G. 109 (C.S.); (2007) 151 S.J.L.B. 1597; [2007] N.P.C. 132; Times, December 12, 2007Court of Appeal (Civil Division)

Subject: Insolvency; Family law; Ancillary relief; Consideration; Property adjustment orders; Transactions at an undervalue

- Hill v Haines [2007] EWHC 1012 (Ch); [2007] 2 F.L.R. 983; [2007] 2 F.C.R. 513; [2007] B.P.I.R. 727; [2007] Fam. Law 890; [2007] N.P.C. 58; Times, May 14, 2007
- Foyle v Turner [2007] B.P.I.R. 43

Subject: Insolvency; Bankruptcy; Bankrupts; Creditors; Delay; Matrimonial home; Peaceful enjoyment of possessions; Possession orders; Right to fair trial; Right to respect for private and family life

- Re Bunting Electric Manufacturing Co Ltd [2005] EWHC 3345 (Ch); [2006] 1 B.C.L.C. 550

Subject: Company law; Directors; Dishonesty; Disqualification orders; Intention; Professionals; Statutory declarations

- Ram v Ram (No.1) [2004] EWCA Civ 1452; [2005] 2 B.C.L.C. 476; [2005] 2 F.L.R. 63; [2004] 3 F.C.R. 425; [2005] B.P.I.R. 616; [2005] Fam. Law 274; (2004) 148 S.J.L.B. 1317Court of Appeal (Civil Division)

Subject: Insolvency; Family law; Human rights; Bankruptcy; Divorce; Financial provision; Protection of property; Transactions at an undervalue

- GPN Ltd (In Receivership) v O2 (UK) Ltd [2004] EWHC 2494 (TCC); [2005] C.I.L.L. 2285

Subject: Contracts; Agency; Agents' powers and duties; Agreements; Apparent authority; Quantity surveyors;

Striking out; Summary judgments

- Sere Holdings Ltd v Volkswagen Group UK Ltd [2004] EWHC 1551 (Ch)

Subject: Civil procedure; Contracts

- Gough v Chief Constable of the West Midlands [2004] EWCA Civ 206; [2004] Po. L.R. 164; (2004) 148 S.J.L.B. 298; Times, March 4, 2004 Court of Appeal (Civil Division)

Subject: Torts; Evidence; Police; Delivery up; Ownership; Police powers and duties; Public policy; Retention; Wrongful interference with goods

- Hirani v Rendle [2003] EWHC 2538 (Ch); [2004] B.P.I.R. 274

Subject: Insolvency; Trusts; Annulment; Assessment; Bankruptcy orders; Costs; Fees; Trustees in bankruptcy

- Morrison v Chief Constable of the West Midlands [2003] EWCA Civ 271; [2003] Po. L.R. 93; Independent, February 28, 2003 Court of Appeal (Civil Division)

Subject: Civil procedure; civil Jury directions; Time; Verdicts

- Wheatley v Wheatley [1999] 2 F.L.R. 205; [1999] B.P.I.R. 431; [1999] Fam. Law 375

Subject: Insolvency; Bankruptcy orders; Consent orders; Lump sum payments; Trustees in bankruptcy

## Specialist-Areas

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Avtar Khangure QC is a member of the following specialist practice groups where detailed CV's can be viewed by clicking on the links below:

- General Commercial
- Banking & Financial
- Commercial Fraud
- Company
- Insolvency
- International & Overseas
- Partnership
- Professional Liability

## Qualifications-and-Appointments

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- B.A.
- LL.M (Cantab)
- 1998 Assistant Recorder
- 2000 Recorder
- 2003 Silk

## Professional-Associations

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- Chancery Bar Association
- Commercial Bar Association
- Midland Chancery and Commercial Bar Association
- Dubai International Financial Centre