

## Navjot Atwal

Call Date: 2002

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Navjot has a broad civil and commercial practice covering a wide range of contractual and other business disputes, commercial fraud, insolvency and property related work.

He has considerable experience of applications for pre-emptive and interlocutory relief including freezing injunctions and other interim injunctions. His cases often involve an international element.

Navjot is highly valued by his clients as an effective and forceful trial advocate. He is extremely hard-working, approachable and user friendly.

Navjot was a member of the Attorney General's Panel of Civil Counsel (C Panel) between 2008-2013. He regularly appeared in court on behalf of all of the Government Departments. In particular, he was instructed on behalf of HMRC in respect of personal and corporate insolvency and director's disqualification matters.

Before joining chambers Navjot worked as an intern at the European Commission in Brussels and also worked as a researcher in the House of Commons.

## Legal Services

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### Appeals to the Privy Council

Navjot undertakes a large volume of public law work in the Privy Council. He is regularly instructed in constitutional, commercial and criminal cases on behalf of Caribbean governments.

### Notable Appeals to the Privy Council cases

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#### *R v Shavargo McPhee (Bahamas)*

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Whether a juvenile's confession for murder should have been excluded as it was taken in the absence of an 'appropriate adult'. The Privy Council provided valuable guidance on the role of an 'appropriate adult' during police questioning.

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## Lendore v AG of Trinidad and Tobago (T&T)

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Whether the Presidential power of pardon was constitutionally exercised when commuting the death sentences of 40 prisoners to terms of imprisonment for life (led by Peter Knox QC).

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## Jamal Cleare v AG & Ors (Bahamas)

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Whether a trial judge had misconstrued medical evidence said to substantiate a claim for assault and battery at the hands of the police. Appeal considered the law relating to concurrent findings of fact.

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## Newbold v (1) AG of the Bahamas (2) Government of the USA (Bahamas)

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A constitutional challenge to the legality of wiretapping laws in The Bahamas. Detailed consideration of the common law right to privacy (led by Howard Stevens QC).

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## Commercial

Specific practice areas include: contractual disputes (including distributorship agreements, guarantees/indemnities and claims for misrepresentation); company law disputes (including unfair prejudice petitions and derivative actions); partnership claims; agency claims (including claims under the Commercial Agency Regulations); claims involving breach of fiduciary duties (particularly in relation to company directors) and property related work.

## Notable Commercial cases

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### Energie Direct Franchising Ltd v Star Gym Ltd & Ors

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Defending an application for a 'Springboard' injunction relating to the termination of a franchising agreement for the running of a London gym. Claims of misuse of confidential information and setting up a competing business.

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### Wysepower Group Limited

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Defending an application for summary judgment in a claim for damages in respect of substantial work carried out to a Mayfair property.

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### Chohan v Ved

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# 3 HARE COURT

Dealing with significant applications for specific and electronic disclosure relating to the termination of a joint venture agreement for the purchase of an office building.

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Bestville Properties Limited v C&R Group Limited & Ors

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Defending an application for a freezing injunction following the termination of a lease relating to a bar/nightclub in London (freezing assets c.£1million).

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Draper and Dash Limited v Sustainware Limited

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Advising on a substantial claim for breach of contract arising out of an IT project.

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A v B

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Advising and acting on a behalf of a company in respect of its claim for breach of fiduciary duty against a former director. Allegations of setting up a new company and unauthorised appropriation of company property.

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## Insolvency

Navjot acts and advises in all areas of personal and corporate insolvency law. He is regularly instructed in matters concerning: disputed winding up and bankruptcy petitions; injunctions to restrain presentation and advertisement of petitions; setting aside statutory demands; validation orders and office holder claims.

Navjot regularly acts for office holders, directors, creditors and debtors in these matters. He has particular experience of director's disqualification proceedings having previously acted on behalf of the Secretary of State in such matters.

### Notable Insolvency cases

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Re Alpha Student (Nottingham) Limited

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An application by liquidators under s.112 IA 1986 for directions on the distribution of proceeds of sale (c.£1.2million) of a failed student housing development. Complicated issues relating to the creation of purchaser's liens.

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Re Michele Young (a bankrupt)

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Appearing on behalf of the trustee in bankruptcy in a dispute concerning the vesting of the proceeds of a life assurance policy of the late billionaire Scot Young in his ex-wife's bankruptcy estate. Rare example of the

application of the principle in *ex parte James*.

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Re London Motor Museum

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Appearing on behalf of the liquidators in a claim worth c.£1million for wrongful trading and breach of fiduciary duty against a director. Case involved disputed ownership claims of a large number of 'supercars' owned by several Premier League footballers.

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Electric Sky Productions Limited v Discovery Corporate Services

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Advising the administrators of a film production company on a claim for breach of contract against the Discovery Channel relating to the 'Lost Worlds' television series. Construction of various film production agreements.

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Re Arena Talent Limited

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Advising the liquidator of 2,000 mini-umbrella companies run from the Philippines on the distribution of c.£9.2 million in client monies. Complex procedural and substantive issues considered.

## Travel and Aviation

Navjot is regularly instructed on behalf of all of the major tour operators, air and cruise lines in respect of accidents abroad. He advises on jurisdictional questions, foreign law and local standards, upon package travel claims and upon liability under the Athens and Montreal conventions. Many of his cases have been reported in the national press.

## Memberships

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- ChBA (Chancery Bar Association)
- London Common Law & Commercial Bar Association (LCLCBA)

## Qualifications

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- LLB (First Class)
- LLM (Merit) Corporate and Commercial Law, University College London
- BVC (Very Competent), Inns of Court School of Law

## Awards

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- Major Bar Examination Scholarship by Lincoln's Inn.
- Hardwicke, Sunley and Cassel awards.