

## JAY JAGASIA

CALL: 2012

SOL: 2010

"An excellent advocate. He is responsive, robust and pragmatic, and puts the clients at ease. He possesses highly impressive problem-solving skills."

*Legal 500 2022*

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Jay is a leading commercial and chancery junior and is recognised as such in the leading directories, where he is recognised in three different practice areas in both directories. He is the head of the Property and Estates team in Chambers. His work and experience extend across all areas of commercial and property litigation and principally involves work in the Business & Property Courts and specialist property tribunals. In addition to his commercial and chancery work, Jay also has considerable advisory and litigation experience on matters relating to environmental and energy law.

Jay has been involved in a number of leading cases, including a case ranked in The Lawyer's top 20 cases of 2018 (the *Premier Motorauctions* litigation, at first instance and in the Court of Appeal), *Anderson v Sense* (at first instance and in the Court of Appeal) and, most recently, in the very significant test case of *Adams v Options (formerly Carey)* (in the Court of Appeal). He has appeared in courts and tribunals up to and including the Court of Appeal.

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## PRACTICE AREAS

- Commercial
- Property & Estates
- Environment & Energy

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## COMMERCIAL

Jay undertakes a wide variety of commercial work and has a particular interest in banking and financial services litigation. He is separately recognised in the directories as a leading junior for his commercial, professional negligence and banking and finance work, and has been involved in a number of significant cases, including:

**Adams v Options SIPP UK LLP (formerly Carey)** [2021] Bus LR 1568; [2021] EWCA Civ; [2021] EWCA Civ 1188 – Landmark test case in the Court of Appeal concerning SIPP mis-selling and extent of duties owed by SIPP providers. Jay instructed as junior counsel in the Court of Appeal.

**MDW Holdings Ltd v Norvill** [2021] EWHC 1135 (Ch); [2021] All ER (D) 09 (Jun); [2021] EWHC 2043 (Ch) – Alleged breaches under an SPA, principally concerning environmental compliance. Jay instructed as junior counsel in the High Court.

**Ceviz v Frawley** [2021] EWHC 8 (Ch) – Breach of joint venture agreement. Jay instructed as sole counsel in the High Court.

**Anderson v Sense Networks Ltd** [2020] Bus LR 1; [2020] BCLC 555; [2019] EWCA Civ 1395; [2019] Bus LR 1601; [2018] EWHC 2834 (Comm) – Landmark case in the Court of Appeal concerning a principal's responsibility for a ponzi scheme operated by its appointed representative – leading authority on principal's liability under s.39 of FSMA and understood to be first reported decision which has considered principal's liability for alleged breaches of SUP. Jay instructed as junior counsel in the High Court and the Court of Appeal.

**Norham Holdings Group Ltd v Lloyds Bank plc [2019] EWHC 3744 (Ch)**– Claim concerning LIBOR rigging, mis-selling of IRHP and conspiracy to cause loss by unlawful means. Jay instructed as junior counsel in the High Court.

**Premier Motorauctions Ltd (in liquidation) v PricewaterHouse Coopers LLP and Lloyds Bank plc [2018] 1 WLR 2955; [2018] Bus LR 882; [2017] Cost LO 865; [2017] EWCA Civ 1872; [2017] Bus LR 490; [2017] 4 All ER 243; [2016] EWHC 2610 (Ch)** – Claim concerning breaches (including conspiracy claims) relating to pre-pack sale and pre-sale conduct and practices of defendants arising out of second defendant’s business support unit following the 2008-09 banking crisis. Leading authority on whether ATE sufficient to avoid having to provide security for costs. Jay instructed as junior counsel in the High Court and the Court of Appeal.

**Glenluce Fishing Company Ltd v Watermota Ltd [2016] 5 Costs LR 1021; [2016] EWHC 1807 (TCC)**- One of the leading authorities on CPR 17.4 and amendments to statements of case following expiry of limitation period. Jay instructed as sole counsel in the High Court.

Jay has litigation and advisory experience in the following key areas:

- Contractual disputes
- Banking (fraud, security realisation, mortgage and redemption disputes, guarantees, derivatives, cheques and bills of exchange)
- Debt claims and asset recovery
- Financial services and FCA/FOS disputes and public law challenges
- Professional negligence
- SPA and breach of warranty claims
- Agency (including commercial agency)
- Restitution
- Sale and supply of goods and services
- Asset finance and leasing
- Partnership disputes
- Corporate disputes (directors’ duties and misfeasance claims, unfair prejudice and other shareholder disputes etc.)
- Insurance coverage and claims
- Construction
- Consumer credit

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## PROPERTY & ESTATES

Jay advises on all aspects of the law of real property and trusts (particularly those with a property element). He is the head of Chambers’ leading Property, Trusts & Estates team and is separately recognised in both directories as a leading junior for his property litigation work. He was recently involved as sole counsel at first instance and as co-counsel on appeal in the significant leasehold enfranchisement case of **Field and others v Freehold Properties 250 Ltd [2020] Ch 665**

Jay has litigation and advisory experience in the following key areas:

- Landlord and tenant (residential and commercial)
- Boundary disputes and adverse possession
- Easements and profits
- Restrictive covenants
- Cohabitation disputes and trusts of land
- Mortgage disputes
- Enfranchisement
- Nuisance (private and statutory)
- Pre-emption
- Highways and public rights of way
- Village greens
- Torts affecting land
- Conveyancing disputes
- Title and registration
- Trusts
- Statutory compensation claims

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## ENVIRONMENT & ENERGY

Jay has developed considerable experience on environmental and energy law matters and is particularly interested in work where those matters interact with his commercial and/or property work. He was formerly co-Chair of the southwest division of the UK Environmental Law Association, trained and qualified as a solicitor in a nationally leading environment and energy team and was seconded (as a solicitor) to the Nuclear Decommissioning Authority and a leading investment bank where he worked within the carbon trading branch of the commodities team. He was recently involved as junior counsel in a significant and rare case involving alleged breaches of environmental warranties under an SPA, **MDW Holdings Ltd v Norvill** [2021] EWHC 1135 (Ch).

Jay has litigation and advisory experience in the following key areas:

- Environmental offences – water, waste (including packaging, WEEE, batteries and agricultural waste) and other regulatory offences (CRC, EU ETS, permitting etc.)
- Environmental permitting
- Private and statutory nuisances and *Rylands v Fletcher* claims
- Contaminated land
- Carbon law – CRC, EU ETS, climate change levy, carbon projects and carbon trading
- Waste
- Water abstraction
- Renewable incentives
- Power purchase agreement disputes
- Environmental warranties and indemnities
- Chemicals
- Environmental indemnities and insurance
- Marine and dredging
- Aarhus, FOIA and EIR applications
- Judicial review and statutory appeals

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## RECENT CASES

- Premier Motor Auctions Ltd (in liquidation) v PricewaterhouseCoopers and Lloyds Bank [2017] EWCA Civ 1872, [2018] 1 WLR 2955
- Glencue Fishing Company Ltd v Watermota Ltd [2016] EWHC 1807, [2016] 5 Costs LR 1021
- Sherborne School v Arbis & Others (HHJ Denyer QC).
- Wake v Parker (HHJ Roche)
- Premier v PwC & Lloyds [2016] EWHC 2610 (Ch)

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## RECOMMENDATIONS

### LEGAL 500 2022

#### Commercial Litigation

'He provides practical and commercial advice, and has a great client manner.'

#### Professional Negligence

'He is brilliant on his feet: really calm and collected when cross-examining witnesses. He is thorough with keen attention to detail, and is excellent with clients.'

#### Property & Construction

'An excellent advocate. He is responsive, robust and pragmatic, and puts the clients at ease. He possesses highly impressive problem-solving abilities.'

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## CHAMBERS UK 2021

### Banking & Finance

Experienced junior who draws on his additional experience as a solicitor. He frequently handles banking and finance litigation as part of a varied commercial disputes practice. She acts both for and against banks and financial institutions.

Strengths: "Extremely technical and able to quickly grasp complex issues." "Jay provides detailed advice and has a way of providing sensible options in extremely complex matters. A great advocate I highly recommend."

Recent work: Instructed on behalf of the claimant in *Norham Holdings Group v Lloyds Bank*, an approximately £5 million claim involving allegations of LIBOR manipulation, misconduct and conspiracy arising out of the bank's Business Support Unit practices and the mis-selling of interest rate hedging products.

#### **Real Estate Litigation**

Former solicitor with expertise in commercial and chancery law. He acts in boundary disputes and adverse possession claims, as well as challenging enfranchisement cases and lease renewal disputes. He also frequently handles solicitors' negligence cases relating to the sale of property.

Strengths: "His drafting is a pure work of art. He goes above and beyond and has the ability to break down really tricky areas of law to the lay client."

Recent work: Acted for 19 claimants aiming to acquire the freehold of their residential properties by way of enfranchisement pursuant to the Leasehold Reform Act 1967. The case included arguments as to whether the landlord could avoid enfranchisement under the Act by retaining the structure and foundations.

#### **Commercial Dispute Resolution**

Advises on a broad range of commercial disputes, including those arising from breach of duty, mis-selling of financial products and supply chain issues. He is also regularly instructed in energy law matters. He is frequently called upon to act both for and against large financial institutions.

Strengths: "He is very experienced because he used to be a solicitor, which does make a difference." "He always seems very busy with complex matters."

Recent work: Acted as junior counsel for the claimant in *Norham Holdings Group v Lloyds Bank*, a multimillion-pound claim for damages relating to alleged LIBOR manipulation.

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## LEGAL 500 2021

### **Commercial Litigation**

'Diligent, hard-working, and very knowledgeable in this field.'

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## CHAMBERS UK 2020

### **Real Estate Litigation**

Up and coming Former solicitor with expertise in commercial and chancery law. He acts in boundary disputes and challenging landlord and tenant cases, among others.

Strengths: "He is sensible with a good commercial instinct, but can be 'elbows out' when the need arises." "Jay works extremely hard, drafts excellent documents and is great on his feet and brilliant with clients." Recent work: Successfully acted for the claimant in *Ridge v Morris*, a case concerning grazing rights and easements arising by prescription.

### **Commercial Dispute**

Advises on a broad range of commercial disputes, including those arising from breach of duty, mis-selling of financial products and supply chain issues. He is also regularly instructed in energy law matters. He is frequently called upon to act both for and against large financial institutions.

Strengths: "He has a real appetite for complex legal issues and advises in line with commercial realities." "He is extremely good and very technically able." Recent work: Instructed as junior counsel to the claimants in *Anderson v Sense Network*, a case concerning a Ponzi scheme which was sold to the claimants by an appointed representative of the defendant network.

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## LEGAL 500 2020

### **Commercial, Banking, Company & Chancery**

"He has good knowledge of the banking sector."

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## LEGAL 500 2019

### Commercial, Banking, Insolvency and Chancery

Leading Junior

'Pragmatic, user-friendly, and tenacious'.

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## CHAMBERS UK 2019

### Commercial Dispute Resolution

Advises on a broad range of commercial disputes, including those arising from breach of duty, mis-selling of financial products and supply chain issues. He is also regularly instructed in energy law matters. He is frequently called upon to act both for and against large financial institutions.

"He gives clear and considered advice and is excellent with clients." "He really gets to grips with the issues very quickly and gives sound, comprehensive advice."

Recent work: Acted for ATP Holdings and another in a claim against National Westminster Bank for various consequential losses arising from the mis-selling of a number of interest rate hedging products.

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## CHAMBERS UK 2018

### Commercial Dispute Resolution

Junior - Up and Coming

Advises on a broad range of commercial disputes, including those arising from breach of duty, mis-selling of financial products and supply chain issues. He is also regularly instructed in energy law matters.

Strengths: "His advocacy and written work are first-rate." "Our clients were extremely impressed with his performance. He is fiery - in a good way."

Recent work: Represented Premier Motor Auctions in a significant claim against PwC and Lloyds Bank, regarding allegations of conspiracy and breach of duty.

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## MEMBERSHIPS:

- UKELA
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## EDUCATION:

- Legal Practice Course, BPP Law School - Distinction
- LLB, University of Warwick - First Class
- HSc (Environmental Sciences & Biology), University of Toronto

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## RECENT NEWS

- Hand Down of Supplemental Judgment 30 July 2021 - Russell Adams v Options UK Personal Pensions - Case Number: A3 2020 1284
- Adams v Options - Approved Judgment (CA)
- Property & Estates E-News - Court Of Appeal Decision In Parmar v Upton - December 2015
- Webinar - Property & Trusts - Jay Jagasia & Matthew Brown - Nov 2015
- Guildhall Chambers quiz night goes down a "sturm" - September 2015
- BLS Seminars - Raj Sahonte and Jay Jagasia guest speakers - Sept 2015
- Breakfast Bites Seminar: Viability assessments and challenges to planning decisions - April 2015

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