

JAY JAGASIA

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Jay Jagasia 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 & 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 **Environment & Planning** 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.

Expertise

Commercial Dispute Resolution

Jay undertakes a wide variety of Commercial work and has a particular interest in Banking & Finance litigation. He is separately recognised in the directories as a leading junior for his Commercial, Professional Negligence, and Banking & Finance work.

Jay has been involved in a number of significant cases.

He also 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 Financial Conduct Authority/Financial Ombudsman Services 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

Featured Commercial Dispute Resolution cases

Adams v Options SIPP UK LLP (formerly Carey) [2021] Bus LR 1568; [2021] EWCA Civ; [2021] EWCA Civ 1188

A landmark test case in the Court of Appeal concerning Self-Invested Personal Pension 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 Sales and Purchase Agreement, principally concerning environmental compliance. Jay instructed as junior counsel in the High Court.

Ceviz v Frawley [2021] EWHC 8 (Ch)

A 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)

A landmark case in the Court of Appeal concerning a principal's responsibility for a ponzi scheme operated by its appointed representative. This case is the leading authority on principal's liability under s.39 of the Financial Services and Markets Act, and is understood to be the 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)

A claim concerning London Inter-Bank Offered Rate (LIBOR) rigging, mis-selling of Interest Rate Hedging Products 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)

A 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. The case is the leading authority on whether After the Event Insurance is sufficient to avoid having to provide security for costs. Jay was 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)

Regarded as one of the leading authorities on CPR 17.4, and amendments to statements of case following expiry of limitation period. Jay was instructed as sole counsel in the High Court.

Property, Trusts & Estates

Jay advises on all aspects of the law of Real Property and Trusts & Estates (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

Environment & Planning

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 Property & Estates work.

He was formerly co-chair of the southwest division of the UK Environmental Law Association, and trained and qualified as a solicitor in a nationally leading environment and energy team. Jay was also 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, waste electrical and electronic equipment, batteries and agricultural waste) and other regulatory offences (Carbon Reduction Commitment, EU Emissions Trading System, 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, Freedom Of Information Act and Environmental Information Regulations applications
- Judicial review and statutory appeals

Education

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

Memberships

- UK Environmental Law Association (UKELA)