



## Harmish Mehta

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Harmish joined Radcliffe Chambers as a tenant in October 2024, following the successful completion of his pupillage. Harmish accepts instructions across all of Chambers' core practice areas.

Harmish accepts instructions across all of Chambers' core practice areas and has a particular interest in the areas set out below.

He received First Class Honours in his LLB (London School of Economics and Political Science) and LLM (Fitzwilliam College, Cambridge).

After his studies, Harmish volunteered for The Constitution Unit at University College London. There he co-authored (with Professor Robert Hazell CBE, Turan Hursit and Peter Waller) *Improving Parliamentary Scrutiny of Public Appointments*, a report which was cited by the House of Commons Public Administration and Constitutional Affairs Committee.

Harmish held research roles at JUSTICE and the Commonwealth Parliamentary Association and was an advice worker at a refugee centre.

He was Judicial Assistant to the Rt. Hon. Sir Brian Leveson, who was President of the Queen's Bench Division at the time.

He also taught law at the University of Cambridge for three years.

For the two years prior to pupillage, Harmish worked for James Ramsden KC as a Senior Legal Assistant at Astraea Group, an alternative business structure law firm. There he assisted with commercial, commercial chancery, arbitration, civil fraud, regulatory and cryptoasset-related work.

### COMMERCIAL AND ARBITRATION

Harmish has been instructed in various commercial matters and is currently instructed to assist Stuart Benzie in an arbitration under the UNCITRAL Arbitration Rules concerning impugned debt-to-equity conversions.

During pupillage, Harmish gained experience of various commercial matters, including by:

- assisting Alexander Kingston-Splatt with multiple disputes concerning the enforceability of guarantees;
- assisting Zachary Kell with a claim worth £1.8 million concerning a purchase-and-lease arrangement;

- shadowing Stuart Benzie in a dispute concerning a potential indemnity claim;
- shadowing Stuart Benzie in a mediation concerning transfer of a trademark; and
- shadowing Daniel Burton in a dispute concerning alleged liabilities totalling \$18 million arising from a wholesale supply agreement.

At Astraea Group, Harmish assisted with various commercial matters, including:

- *Stati v Kazakhstan*, in which the firm acted as Global Counsel for the Stati Parties in their multi-jurisdictional action to enforce a \$500 million arbitration award against the Republic of Kazakhstan;
- a cross-border shipping dispute in Singapore concerning enforcement of an arbitration award; and
- advice on potential arbitration proceedings in a software dispute worth \$2 million.

## TAX

Harmish is currently instructed in an appeal to the First-tier Tribunal (Tax Chamber) concerning the “managed service company” provisions contained in Chapter 9 of Part 2 of the Income Tax (Earnings and Pensions) Act 2003.

During pupillage, Harmish shadowed Nicholas Macklam in the appeal to the Upper Tribunal in *Pitt v HMRC*, which concerned the application of the follower notice regime to a tax avoidance scheme based on historic provisions relating to disposal of discounted securities ([\[2024\] UKUT 00021 \(TCC\)](#), Upper Tribunal Judge Raghavan and Judge Jennifer Dean). Harmish wrote a case note, published in the British Tax Review, about the Upper Tribunal’s judgment. Click to view the [note](#).

Also during pupillage, Harmish shadowed Elizabeth Ovey in a matter concerning the closing of a funded unapproved retirement benefits scheme (FURBS) and inheritance, capital gains and income tax implications.

Harmish is working towards a STEP (Society of Trust and Estate Practitioners) Diploma with coverage of private client tax.

## PRIVATE CLIENT

Harmish has been instructed in multiple contentious private client matters.

During pupillage, Harmish assisted Sophia Rogers (led by Constance McDonnell KC and Christopher Wagstaffe KC) with the appeal to the Supreme Court in *Hirachand v Hirachand* (on appeal from [\[2021\] EWCA Civ 1498](#), King LJ, with whom Singh LJ and Sir Patrick Elias agreed). The question for the Supreme Court is whether a success fee under a conditional fee agreement is a debt the satisfaction of which may constitute a “financial need” for which the court may make provision in an award under the Inheritance (Provision for Family and Dependents) Act 1975 (“the 1975 Act”).

Also during pupillage, Harmish shadowed and assisted Daniel Burton with various private client matters, including:

- *Lane v Lane*, a claim for will construction and removal of an executor, addressing for the first time whether a testamentary gift of a “share and interest” in a partnership deemed on the basis that, at the time of death, the partnership had been dissolved but not yet wound up ([\[2024\] EWHC 275 \(Ch\)](#), Jonathan Hilliard KC), in respect of which Harmish and Daniel co-authored an article for the journal Private Client Business (click to view the [article](#));
- *Folds Farm Trustees Ltd v Cutts*, a claim by trustees of discretionary will trusts for approval (or “blessing”) of their decision to appoint Folds Farm, the trusts’ primary asset, to one of the beneficiaries ([\[2024\] EWHC 12 \(Ch\)](#), Master Clark);

- an application for remuneration by administrators in respect of the complex administration of a high-value estate involving negotiations about tax treatment and interests in offshore structures;
- a claim challenging the formal validity of a will;
- advice on the beneficial ownership of real property following testate and intestate deaths;
- advice on vesting, contingency and divesting of beneficiaries' interests;
- mediation in a dispute involving a potential claim for reasonable financial provision under the 1975 Act and a potential disappointed beneficiary claim;
- advice on an error in a will, raising issues of rectification, construction and variation;
- a dispute involving a claim for breach of a contractual undertaking to nominate certain individuals for the purposes of an occupational death-in-service benefit, and a claim for reasonable financial provision under the 1975 Act; and
- advice on a dispute involving a potential *donatio mortis causa* (deathbed gift) claim, disappointed beneficiary claim, proprietary estoppel claim and claim for reasonable financial provision under the 1975 Act.

At Astraea Group, Harmish assisted James Ramsden KC with a dispute concerning assets bequeathed under a Saudi Arabian law will.

Harmish is also working towards a STEP (Society of Trust and Estate Practitioners) Diploma.

## **PENSIONS**

During pupillage, Harmish shadowed Elizabeth Ovey in various pensions matters:

- a dispute concerning the permissibility of amendments to scheme rules to impose charges on transferring members;
- advice concerning the closing of a funded unapproved retirement benefits scheme (FURBS);
- a dispute concerning recoupment of overpaid pension benefits;
- a dispute concerning a guarantee in respect to an executive pension scheme;
- potential claims relating to alleged failures by scheme administrators when satisfying transfer requests to carry out sufficient due diligence to protect against pensions scams; and
- advice concerning to scheme equalisation and validity of amendments.

Also during pupillage, Harmish shadowed Reuben Comiskey (led by Brad Pomfret KC) in the Court of Appeal proceedings in *White v Manolete Partners plc*. The appeal concerned whether orders requiring a debtor to draw down an occupational pension into a specified bank account are impermissible due to the effect of section 91(2) of the Pensions Act 1995.

Harmish has attended the Beginners Course on Pensions Law given by the Association for Pension Lawyers.

## **CIVIL FRAUD**

During pupillage, Harmish gained experience of various civil fraud and related matters, including by:

- assisting Alexander Kingston-Splatt (led by Simon Mills) with the obtaining of urgent Norwich Pharmacal, non-disclosure and anonymity orders to support investigations into suspected fraud in a commercial arrangement;
- shadowing Zachary Kell (led by Philip Coppel KC) during the 8-week trial before Bright J of a £240 million deceit claim concerning the "Eclipse Partnerships" film financing and tax avoidance schemes (see [\[2024\] EWHC 849 \(Comm\)](#) for the resulting judgment); and

- shadowing Josh Lewison in an urgent application for a worldwide freezing order.

At Astraea Group, Harmish also assisted with various civil fraud matters, including claims worth over \$10 million, cross-border claims, challenges to freezing orders and claims based on the Insolvency Act 1986.

## **BANKING AND FINANCIAL SERVICES**

During pupillage, Harmish assisted Daniel Burton (led by Robert-Jan Temmink KC) with the litigation in *Various SAM Borrowers v BOS (Shared Appreciation Mortgages) No.1 Plc*, a group claim (with management judge Joanna Smith J) alleging that the sale of shared appreciation mortgage products gave rise to an unfair relationship. See [\[2022\] EWHC 2594 \(Ch\)](#) for background information.

Also during pupillage, Harmish assisted Alexander Kingston-Splatt with multiple matters involving allegations of unfair relationships.

At Astraea Group, Harmish assisted James Ramsden KC with various regulatory matters relating to financial services.

## **COMPANIES**

Harmish has been instructed in multiple company law matters.

During pupillage, Harmish gained experience of various company law matters, including by:

- assisting Alexander Kingston-Splatt and Stuart Benzie with unfair prejudice petitions;
- assisting Alexander Kingston-Splatt with advice on a void share buyback agreement and options to remedy the impact of its voidness on subsequent resolutions; and
- assisting Alexander Kingston-Splatt with a claim by a company against a former director concerning the allocation of expenses and relief under section 1157 of the Companies Act 2006.

At Astraea Group, Harmish assisted with multiple company law matters. These involved:

- unfair prejudice;
- pre-emption rights;
- construction of share purchase agreements and articles of association;
- director disqualification; and
- company restoration.

## **TRUSTS**

During pupillage, Harmish assisted with various trusts matters, including:

- advice on questions of construction;
- claims for accounts and recovery of assets, including a secret commission claim against an alleged fiduciary; and
- advice on jurisdiction and governing law in a potential claim concerning a trust over foreign real property.

At Astraea Group, Harmish assisted James Ramsden KC with the Court of Appeal hearing in *Tulip Trading Ltd v van der Laan*, a claim going to the fundamentals of fiduciary duty. See “Cryptoassets and Fintech” below.

## **RESTRUCTURING AND INSOLVENCY**

Harmish regularly appears in hearings for winding up and bankruptcy petitions and has appeared in the ICC interim list.

During pupillage, Harmish gained experience of various insolvency matters, including by:

- assisting Stuart Benzie with an appeal against a liquidator's rejection of a proof of debt;
- assisting Zachary Kell with an appeal against a winding up order;
- shadowing Andrew Brown in an urgent and without notice application for an interim suspension of discharge of bankruptcy;
- shadowing Alexander Kingston-Splatt in an application to set aside statutory demands;
- shadowing Alexander Kingston-Splatt in a potential preference claim; and

shadowing Daniel Burton in advice on pre-pack administration and enforcement of a contract by an administrator.

### **PROFESSIONAL LIABILITY**

During pupillage, Harmish gained experience of various professional liability matters, including by:

- assisting Adam Deacock with a potential claim concerning auditors' alleged negligence;
- assisting Alexander Kingston-Splatt with a potential claim concerning solicitors' advice on a share purchase agreement;
- shadowing Daniel Burton in a potential claim concerning solicitors' advice on a property transaction;
- shadowing Louis Grandjouan in an application for pre-action disclosure to support a potential claim concerning solicitors' advice to defend a claim; and
- shadowing Daniel Burton in multiple matters involving potential disappointed beneficiary claims.

### **CRYPTOASSETS AND FINTECH**

At Astraea Group, Harmish assisted James Ramsden KC with various matters relating to cryptoassets and fintech, including the following:

- *Tulip Trading Ltd v van der Laan*, a claim that Bitcoin software developers owed fiduciary duties and duties in tort to apply a code to reverse the alleged theft of Bitcoin worth \$4.5 billion. Harmish assisted with the jurisdictional challenge in the claim, which gave rise to hearings before the Court of Appeal ([\[2023\] EWCA Civ 83](#), Birss LJ, with whom Lewison and Popplewell LJ agreed) and High Court ([\[2022\] EWHC 667 \(Ch\)](#) and [\[2022\] EWHC 2251 \(Ch\)](#), Falk J, as she then was) and contested applications for security for costs ([\[2022\] EWHC 2 \(Ch\)](#) and [\[2022\] EWHC 141 \(Ch\)](#), Master Clark).
- *Wright v BTC Core*, a claim to ownership of alleged database rights in Bitcoin blockchain databases (see description in [\[2023\] EWHC 1893 \(Ch\)](#) at [14]).

### **SANCTIONS**

At Astraea Group, Harmish assisted with various matters concerning UK and EU sanctions.

### **CHARITIES**

During pupillage, Harmish shadowed Daniel Burton (led by Robert Pearce KC) in the Court of Appeal hearing in *Zedra v Attorney General*, which concerned the application of the "National Fund", a £600 million trust fund, under the cy-près doctrine ([\[2023\] EWCA Civ 1332](#), Lewison LJ, with whom Asplin LJ and Sir Launcelot Henderson agreed). Harmish and Daniel have authored a case note on the Court of Appeal's judgment: [click here](#) to view it.

## ACADEMIC QUALIFICATIONS

- LLM – First Class Honours, Fitzwilliam College, Cambridge (2017-18)
- LLB – First Class Honours, London School of Economics and Political Science (LSE) (2012-16)

## SELECTED WORK HISTORY

- Senior Legal Assistant, Astraea Group (2021-2023)
- Supervisor in Administrative Law, University of Cambridge (2018-2021)
- Judicial Assistant to the Rt. Hon. Sir Brian Leveson, Court of Appeal of England and Wales (2018-2019)
- Legal Intern, JUSTICE (2017)
- Research Assistant, Commonwealth Parliamentary Association (2017)
- Research Volunteer, The Constitution Unit, University College London (2016-2017)
- Advice Worker, Notre Dame Refugee Centre (2016-2017)

## PRIZES, SCHOLARSHIPS AND RECOGNITIONS

- Bedingfield Scholarship, The Honourable Society of Gray's Inn
- Partial BPTC Fee Scholarship, City, University of London
- David Pearl Prize, Fitzwilliam College, Cambridge
- Honorary 1912 Scholarship, Fitzwilliam College, Cambridge
- Top of class, Sentencing and Treatment of Offenders, London School of Economics and Political Science

## PUBLICATIONS

- [“Pitt v HMRC: follower notices, precedent and the ‘reasonable person’”, \[2024\] British Tax Review, Issue 3](#)
- [“Ademption of Gifts of Partnership Shares; Executor Removal”, \[2024\] Private Client Business, Issue 3 \(with Daniel Burton\)](#)
- [“Cy-près Schemes and the National Debt \(Zedra v Attorney General\)”, Lexis+, 30 November 2023 \(with Daniel Burton\)](#)
- [“Improving Parliamentary Scrutiny of Public Appointments”, UCL Constitution Unit, July 2017 \(with Professor Robert Hazell CBE, Turan Hursit and Peter Waller\)](#)
- Contributions to [UCL Constitution Unit Blog](#)

## POLICIES AND OTHER DETAILS

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