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Vinesh Mistry

Door Tenant
Called: 2017
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PROFILE

Vinesh is currently working offshore in the Bermuda office of the global law firm, Kennedys.

When in Chambers, Vinesh had flourishing commercial litigation and insolvency/company law practices, representing his clients (from individuals to large companies) up to and including in the High Court. He gained a strong working knowledge of liquidation, shareholder disputes and conflict of laws during his tenancy. Vinesh decided to build upon this foundation by experiencing high-stakes international commercial work in the offshore jurisdictions.

Consequently, Vinesh moved to Bermuda in January 2024.

Since moving, he has worked on some of the largest cases progressing through the local court system (and the Privy Council) and on some truly high profile matters. For example, Vinesh has represented the dissenting shareholders in Bermuda's largest share appraisal action (a case which will also shape English company law), a liquidation trustee seeking funds lost via the Bernie Madoff ponzi scheme and a well-known insurer dealing with a major ecological disaster. Although work of this kind and of this scale requires one to blend the jurisprudence of many separate nations, English law remains the steadfast centre of Vinesh's practice.

Vinesh has already been recognised in the Legal 500 as a Recommended Lawyer in Bermuda for Dispute Resolution.

Outside of work, Vinesh has (modest) aspirations of being an endurance athlete, having completed marathons, duathlons and triathlons. He can often be found on his bike trying to avoid the many potholes on Bermuda's roads. Vinesh is also a fan of classical literature, and his favourite book is the Count of Monte Cristo by Alexandre Dumas.

EXPERTISE

Commercial

Vinesh is regularly instructed in cases beyond his Year of Call. He has been exposed to a breadth of English and Bermudian commercial matters including: international arbitration (ICC, Bermuda Form and others), economic torts, market loss claims and claims for guarantee / indemnity. His career to date (both in and outside of the legal profession) has given Vinesh a solid understanding of accounting practices, corporate structures and commercial reality. Vinesh also has an international focus to his practice. Not only is he currently working offshore, he represented foreign clients as sole counsel and as part of a team when in the UK. Vinesh is familiar with the ASEAN nations, the Middle East, parts of Africa and the ICC and AIAC arbitration centres.

Recent work includes:

- (Bermuda) represented a market-leading insurer in a 'Bermuda Form' arbitration commenced after a major ecological disaster;
- (Bermuda) advised one of the island's largest retailers in a dispute with Customs about the import of controlled products;
- instructed as sole counsel in a claim for passing off (claimed at £1.5 million);
- advised and settled pleadings in a claim for breach of contract (involving complex issues of governing law and jurisdiction) for a corporate client based in Nigeria (valued in excess of £150,000);
- settled pleadings in a claim for breach of contract and conversion brought by a well-known film production company (claimed in excess of £1 million);
- successfully struck out claims brought under consumer protection regulations;
- junior counsel in an ICC arbitration concerning the generation of electricity;
- junior counsel in an ICC arbitration regarding the construction of systems in oil refineries (claim exceeding USD $1 million);
- settled pleadings in a claim for losses following a major food produce recall (valued over £200,000); and
- advised in a claim for unjust enrichment following substantial work done to a plot of land.

Company and Insolvency

Company and insolvency matters are a prominent part of Vinesh's practice, both at home and abroad. In addition to conducting a wealth of wind-up and bankruptcy hearings, Vinesh has advised clients in niche / technical areas of debt recovery and enforcement.

Recent work includes:

- (Bermuda) acted in Bermuda's largest share appraisal claim, representing the dissenting minority shareholders (approximately $1.65 billion);
- (Bermuda) represented a liquidation trustee in proceedings seeking to recover funds dissipated as part of the Bernie Madoff ponzi scheme;
- (Bermuda) advised the director of a national carrier how fiduciary duties are applied when a company is approaching insolvency;
- conducted bankruptcy and wind-up hearings (including interim applications);

- successfully applied to annul a bankruptcy order;
- advised on the recovery of a historic debt owed by a recently discharged bankrupt;
- advised on breach of directors' duties and the associated minority shareholder claim;
- drafted pleadings for and conducted hearings in the application to amend the Companies Register; and
- successfully obtained charging orders and orders for sale.

FURTHER INFO

Education/Qualification

- BPP University, BPTC (VC)
- University of Warwick, LL.B. Hons (2.1)

Scholarships/Prizes

- Inner Temple BPTC Exhibition Award (2016)
- Warwick Scholarship (2013)
- Warwick Scholarship (2011)

Languages

Gujarati

Directories

Legal 500 (Caribbean, Bermuda) 2025: Recommended Lawyer (Dispute Resolution) – "Vinesh Mistry has impressed me already with his analytical and writing abilities."

Publications

- Vinesh Mistry and Felix Gibson, "The Nuisance of Knotweed: Davies v Bridgend County Borough Council [2023] EWCA Civ 80"
- Bermuda, International Arbitration Laws and Regulations 2024-2025, International Comparative Legal Guide (co-author)

Memberships

- COMBAR
- R3
- Bermuda Bar (pending Call)

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