

## Amardeep Dhillon

Called: 2010  
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### PROFILE

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Amardeep, called to the Bar in 2010, is an experienced commercial and chancery barrister, specialising in shareholder and partnership disputes, as well as commercial litigation and contractual disputes. He is particularly experienced in multi-day commercial trials and has previously acted as disclosure Counsel, leading teams of junior barristers on digital disclosure reviews.

Given his previous career as a dentist, Amardeep has built a niche area of practice in regard to the medical sector and in commercial/chancery disputes on behalf of healthcare professionals, be they dentists, pharmacists or medical doctors.

By this stage of his career, he is well versed all aspects of procedural issues such as relief from sanctions and strike-out for defective pleadings, and is regularly instructed to appear at all levels of court, including the Appellate courts, and in high value cases.

### EXPERTISE

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#### Commercial Litigation and Arbitration

Amardeep has significant experience in all elements of commercial litigation issues, including director and shareholder disputes, partnerships and quasi-partnerships, as well as all business contractual disputes. He is well versed in shareholder agreements, including rights of pre-emption, as well as arguments as to valuations and goodwill. His experience of company disputes extends to breaches of directors' duties and unfair prejudice petitions, extending also to derivative actions. This would include the mis-use of company funds by directors, including whether for an improper purpose or fraud and whether de jure, de facto or shadow directors.

He is particularly familiar with share and asset purchase agreements, concentrating on fraud and fraudulent misrepresentations and breaches of warranties (including with reference to time bar clauses and whether notifications under the same are valid).

Amardeep has advised and settled pleadings regarding the alleged mis-selling of Russian-grade investment bonds, in addition to advising on frauds in respect of bonds and bond structures, in addition to mis-sold investment products in which international investors have invested. He has also advised on jurisdiction of international banks for the purposes of bringing claims in the English courts, as well as FSMA 2000 Act breaches.

As part of his practice, and particularly in relation to factoring agreements and other loan agreements (whether bridging or commercial lending), he has assisted individuals and directors in terms of challenges to guarantees given, as well as being well-versed more generally in terms of guarantees and indemnities.

In respect of non-contentious matters, Amardeep has advised (in conjunction with in-house Counsel(s) as they require) international firms on standard terms and conditions, and individuals on bespoke agreements in relation to investments.

Amardeep brings the above experience to his Arbitration practice, being familiar with LCIA, DIAC, SIAC, IACP, SCC and SCCA rules for all of the major jurisdictions. In addition to appearing as Counsel, he is also able to accept instructions to sit as an Arbitrator, particularly where expertise in healthcare and commercial healthcare contracts are required, whether at state-level or otherwise.

### **Relevant Cases:**

*Azhdari v Adjari* [2024] EWHC 2824 (Ch)

Acted for successful Claimant in proving the existence of a Partnership after a 3-day trial, with the Court ordering an account as well as giving warning to the Defendant in relation to the Defendant's fraudulent accounting, tax evasion and immigration fraud.

*Ijaz v Manan* [2023] EWHC 2574 (KB)

Acted for the successful Claimant in a claim concerning breach of contract, defamation and harassment, where following a 4-day trial, the Court made findings of fact that the disputed contract was genuine and the Claimant had not forged such a document as alleged.

*Braceurself Ltd v NHS England* [2023] EWCA Civ 837; [2024] 1 W.L.R. 669; [2024] 2 All E.R. 1008

In this appeal, the Court considered what matters were rightfully able to be advanced in a counter-notice for appeal, by a Defendant being successful at trial and therefore respondent to the action, without such matters themselves requiring permission to appeal.

*Agbaje v Robert Frew Medical Co Ltd* [2023] EWCA Civ 702 and [2022] EWHC 1373 (Ch)

Appeared as sole counsel at first instance and on appeal, on the interpretation of whether damages in respect of a pre-emption clause for the acquisition of shares could attract interest under the definition of debt and damage within S.35A of the Senior Courts Act 1981. The context of the dispute was between medical practitioners operating as a general medical practice.

*Moody v Estate of Jones* [2021] EWHC 3443 (Ch)

Appeared in a complicated Partnership dispute, trial being held over 8 days, regarding the correct ownership of a property asset bought in the early 1980s and the correct accounting for profits from the property, including the application of the laches defence amongst other defences advanced.

*Cranstoun v Notta* [2021] EWHC 133 (Ch); [2021] Costs L.R. 47 and [2020] EWHC 3488 (Ch)

Successfully acted for the Claimants in 4-day trial, in relation a dispute relating to an expense sharing arrangement and the date for valuation, and also requiring the cross-examination of valuation experts.

*Flying Music v Theatre Entertainment and Others*

Successfully appeared for the respondents in resisting summary judgment in a 2-day application where the matters pleaded included: frustration, lack of consideration and force majeure in circumstances where the contract was due to be performed during the Greek Riots.

**Simmons v City Hospitals Sunderland NHS [2016] EWHC 2953 (QB)**

Appeared as a junior (led by Adrian Hopkins KC), resisting an application to withdraw admissions contained within a consent order.

**Ghummain v Sikander and Others [2015] EWHC 1675 (Ch)**

Appeared for the Defendants in resisting an application for relief from sanctions in circumstances where the Claimants had failed, for almost 9 months, to disclose documents pursuant to an unless order.

**Gahir v Bansal [2016] EWHC 2041 (QB); [2016] All ER (D) 63 (Aug)**

Acted successfully for the applicant seeking relief from sanctions in setting aside a default judgment, where the application was made some 3 months after default judgment.

**Sequence Properties Ltd v Patel [2016] EWHC 1434 (Ch)**

Acted for the applicant in seeking permission to appeal and seeking relief from sanctions, in respect of a costs order made against him.

**Chopra v Bank of Singapore Limited and Oversea-Chinese Banking Corporation Limited [2015] EWHC 1549 (Ch)**

Appeared for the Claimants (led by Ken Rogers in part) in resisting the jurisdictional challenge brought by the Defendants in relation to a banking dispute.

**Kuldip Singh v Thoree [2015] EWHC 1305 (QB)**

Appeared for the respondents on appeal regarding a refusal to set-aside a default judgment.

**Greenwich RBC v Ogbuka Housing Ltd [2015] EWHC 2707 (QB); [2015] L.L.R. 706**

Acted for a religious organisation resisting an planning injunction for improper use.

**Elsworth Ethanol Company and another v Brian Selby Hartley and Others [2014] EWHC 99 (IPEC); [2015] 1 B.C.L.C. 221 and [2014] EWHC 380 (IPEC)**

Acted for the Applicant in claiming the right to a patent, due to breach of contract and/or breach of de-facto directors' duties.

## **Insolvency and Trusts**

In insolvency, Amardeep accepts instructions: in relation to transfers at an undervalue, whether under Section 339 or Section 423 of the Insolvency Act; presentation and restraint of winding-up petitions; and challenges to administrators actions.

In terms of trusts, Amardeep has acted for a number of HNW and UHNW individuals and their family trusts, including those where assets are shares in companies listed on stock exchanges. The disputes in which he has assisted includes in terms of the interpretation of the trust deeds including the class and extent of beneficiaries, as well as improper actions by trustees in dissipating the trusts assets, or applying them for an improper purpose.

Relevant cases:

**Y Ltd v X [2021, settled and confidential]**

Appeared for the Defendant (Led by Avtar Khanguare KC) is resisting a circa £7million Section 423 claim in respect of a factoring claim being enforced on a guarantee given by the Defendant, with the assets held by the Defendant in various family trusts being under attack. The case was settled successfully before trial.

Mowbray v Saunders and Another [2015] EWHC 2317 (Ch)

Appeared for the debtor to successfully argue the apportionment of liability for a trustee in bankruptcy's costs as between the debtor and the creditor.

## **Commercial Healthcare Disputes and Procurement**

Due to his previous career as a dentist and having previously delivered dental treatments under the new contract, he is fully versed in all aspects of Units of Dental Activity (UDAs) and Units of Orthodontic Activity (UOAs), including both GDS and PDS Contracts. He is therefore ideally suited to advise on all aspects of these disputes, from as between partners and associates to procurement disputes involving NHS England.

Amardeep has also advised GP consortia on a number of matters and accepts instructions in relation to GMS, PMS issues, and APMS issues. This commercial healthcare knowledge also extends to pharmacists and CPCF issues and disputes.

Unsurprisingly, he has acted on a number of disputes involving the sale and purchase of dental practices and pharmacies.

In terms of procurement, Amardeep is comfortable in accepting urgent instructions in relation to all aspects of the same, having advised and represented losing bidders, as well as advising state authorities more generally on the scope and nature of proposed procurements.

Relevant Cases:

Braceurself Ltd v NHS England [2024] EWCA Civ 39; [2024] K.B. 914; [2024] 3 W.L.R. 319; 212 Con. L.R. 95 (Led by Mr Moser K.C.)

In this important procurement matter, the Court clarified the approach of the Francovich factors and also the Energy Solutions approach in the context of a single breach in a close run procurement which led to the unsuccessful bidder being wrongly denied the contract.

Braceurself Ltd v NHS England [2019] EWHC 3873 (TCC); [2022] EWHC 1532 (TCC); [2022] EWHC 3537 (TCC); [2019] EWHC 3873 (TCC); and [2019] EWHC 3509 (TCC)

Appeared as a junior (led by Jon Holl-Allen KC), challenging the award of an orthodontic tender by NHS England, these cases being at first instances concerning: whether the automatic stay should be lifted; what documents could be removed from the confidentiality ring; factual findings following a 5-day high court trial; and the further liability judgment, the latter two being considered on appeal.

Basso v Wadhvani [2019] EWHC 3212 (QB)

Appeared seeking permission to appeal on the issue of consideration, having also appeared at first instance in a 2-day trial. The appeal was sought in relation to the unsuccessful part of the first instance decision regarding the correct interpretation of an Associate Orthodontic Contract.

NHS England v X, November 2017 before Senior Master Fontaine [unreported]

Appeared on behalf of the Applicant Defendant in a one day hearing to seek to bar NHS England relying on a database to prove their claim that UDAs had been overclaimed, in circumstances where the original FP17 Claim Forms were unavailable as they had been destroyed meaning the database was secondary evidence only.

## **General Dental Council trials and appeals**

Amardeep has significant experience in representing dentists at the GDC and on appeal to the High Court. He is able to advise and represent on particularly complex matters, including fraud and overclaiming. His previous career as a dentist provides particular insight in this regard.

### **Reported case:**

Igboaka v General Medical Council [2016] EWHC 2728 (Admin)

Acted for a medical doctor appealing a suspension imposed by the GMC.

## **Construction Disputes**

Amardeep has acted in both JCT and non-JCT contract disputes, whether compromising design faults, build issues or engineering issues, or a combination of these. His experience includes piling disputes, as well as issues with concrete pours and design faults.

He has also been retained to advise construction firms on a non-contentious basis to review complex JCT and non-JCT contracts, prior to the execution.

## **FURTHER INFO**

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