



## Niraj Modha

Year of call: 2010

Email: niraj.modha@39essex.com

*"As far as barristers go, Niraj is one of the most approachable. He is measured, technically astute and very highly respected and regarded by his peers." The Legal 500 2023*

Niraj is a property, commercial, and construction law specialist. His cases frequently involve issues relating to contested interests in land, civil fraud, insolvency, professional negligence, and disputes between shareholders, partners, and joint venturers. He acts for a range of clients including property developers, investors, local authorities, contractors, and multinational conglomerates.

Niraj appears as sole counsel in trials and applications in the Chancery and Queen's Bench Divisions of the High Court and in the appellate courts. He also acts as counsel in arbitration proceedings (both institutional and ad hoc), invariably with an international element, and represents clients at mediation.

Niraj accepts appointments as an arbitrator. He is a Fellow of the Chartered Institute of Arbitrators and a member of several panels including the CI Arb Business Arbitration Scheme and the Law Society President's Panel. Niraj has been appointed as an arbitrator in more than 25 matters within the past three years. He is also available to act as a tribunal secretary.

## Areas of expertise

- Property and Real Estate Litigation
- Commerical Dispute Resolution
- Construction, Engineering and Infrastructure Disputes
- International Arbitration
- Arbitrators

## Commerical Dispute Resolution

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Niraj frequently appears as sole counsel in the High Court in commercial and company law matters. He is familiar with a range of interim applications, including applications for injunctive relief, security for costs, specific disclosure, strike out, and summary judgment. He has appeared successfully in the Circuit Commercial Court, the Business List, and the Insolvency and Companies List, frequently against more experienced counsel.

Niraj's practice also involves applications for interim payments, default judgment, setting aside, and issues relating to the enforcement of foreign judgments.

### Cases of note:

- ***Homes of England v Horsham Holdings (various)*** - Entitlement to interim injunctive relief in favour of a minority shareholder during the course of an unfair prejudice petition.
- ***Homes of England v Nick Sellman (Holdings) Limited & Bromham Road Development LLP*** [2020] EWHC 936 (Ch) - Correct test on an application by a member of an LLP to bring a derivative action.  
[Judgment](#)
- ***Confidential (Circuit Commercial Court)*** - Claim in restitution/for repudiation of a contract following delays in the production, delivery, and installation of equipment at the claimant's premises (£1m+).
- ***Confidential (Commercial Court)*** - Claim by marine surveyor for damages following de-accreditation by an institution responsible for the inspection and audit of the transport and storage of chemicals at sea
- ***Schettini v Silvestri*** [2019] EWCA Civ 349 - Correct approach to challenging a cross-undertaking.  
[Judgment](#)
- ***Leon v Her Majesty's Attorney General & others*** [2018] EWHC 3026 (Ch); [2019] Bus LR 618 - Entitlement to a vesting order following the dissolution of a company and disclaimer by the Crown. Subject to two appeals  
[Judgment](#)
- ***Eastenders Cash and Carry plc & First Stop Wholesale Limited v Commissioners for Her Majesty's Customs and Revenue*** [2014] UKSC 34; [2015] 1 AC 1101 - Customs officers' powers to detain goods under the Customs and Excise Management Act 1979 where reasonable grounds to suspect duty had not been paid and further enquiries were required to be made.  
[Judgment](#)

## Recommendations

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Niraj is ranked in The Legal 500 in Property and Real Estate Litigation:

- *"A highly intelligent and careful junior with strong specialist knowledge. Ultra-responsive though very busy. I would not hesitate to recommend him for any property related dispute."* The Legal 500 (2022)
- *"User-friendly and a strong team player."* The Legal 500 (2022)
- *"His attention to detail is superb and he has an ability to grasp difficult and detailed facts quickly. Ability to remain calm under pressure."* The Legal 500 (2021)
- *"Whilst always meticulously prepared, he is also extremely good on his feet."* The Legal 500 (2020)

## Memberships

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- Fellow of the Chartered Institute of Arbitrators (CI Arb)
- Commercial Bar Association (COMBAR)
- International Bar Association (IBA)
- Property Bar Association (PBA)
- Chancery Bar Association (ChBA)
- Young Arbitrators' Forum of the International Chamber of Commerce (YAF)

- Young International Arbitration Group of the London Court of International Arbitration (YIAG)

## Qualifications

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### Education

- Diploma in International Commercial Arbitration (CIArb)
- BVC (Outstanding)
- GDL (Distinction)
- Qualified Teacher Status (2007)
- BA (First Class Honours), Robinson College, University of Cambridge (2006)

### Scholarships and Prizes

- Travelling Scholarship in Dispute Resolution (The Worshipful Company of Arbitrators)
- Levitt Scholarship, Buchanan Prize, Lord Denning Scholarship, Lord Haldane Scholarship and Hardwicke Entrance Award (Lincoln's Inn)
- 3 Verulam Buildings Prize for best overall performance on the GDL (City Law School)
- Titular Scholarship and College Prize (Robinson College, University of Cambridge)

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