



Niraj Modha

Barrister & Arbitrator

Year of call: 2010

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"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 and crossing over with: contested interests in land; civil fraud; insolvency; professional negligence; disputes between shareholders, partners, and joint venturers; and construction claims relating to infrastructure projects. He acts for a range of clients including property developers, landowners, investors, local authorities, contractors, employers, and multinational conglomerates.

Niraj appears as sole counsel in trials and application hearings in the Business and Property Courts (Chancery and King's Bench Divisions) and in the appellate courts. He also acts as counsel in international arbitration proceedings (both institutional and ad hoc) 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 on more than 30 occasions. He is a contributor to *Pleading in Arbitration: A Practitioner's Guide and Arbitrator's Handbook*, and frequently speaks at arbitration conferences and events.

Areas of expertise

Property and Real Estate Litigation

Commercial Dispute Resolution

Construction, Engineering and Infrastructure Disputes

International Arbitration

Arbitrators

Commercial Dispute Resolution

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 freezing orders, 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 silks and

senior juniors.

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

Cases of note:

- ***Re: ADL (ongoing)*** – unfair prejudice petition relating to the operation and management of a restaurant, and the property from which it trades.
- ***Re: AGM & Re: Lane (ongoing)*** – unfair prejudice petition and claim relating to the contested shareholding in a company.
- ***Re: Princip Street (ongoing)*** – claim for breach of contract and fiduciary duty, alternatively restitution for unjust enrichment and in debt, relating to a joint venture for the redevelopment of land in Birmingham.
- ***Al-Ahmary v Zekaria (ongoing)*** – claim in deceit and for breach of contract relating to joint ventures for the acquisition and development of property valued at £5m.
- ***Re: Strand Plaza (ongoing)*** – claim against solicitors in professional negligence following the failed purchase of off-plan leasehold properties in Liverpool.
- ***Various claimants v Post Office Limited (2023)*** – entitlement to damages following the overturning of wrongful convictions arising out of the Horizon scandal. Advice and early neutral evaluation.
- ***Sahranavard v Hedges Law & Sahranavard (2023)*** – claim in negligence and for breach of trust against solicitors and for dishonest assistance against a transferor of land and assets. Compromised.
- ***Re: Northern Powerhouse Developments & Carlauren Group (various)*** – acted for purchasers/leaseholders in insolvency proceedings relating to the collapse of several property investment schemes.
- ***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+). Compromised.
- ***Re: SSI (2022)*** – claim for declaratory relief and damages for breach of a shareholders' agreement, articles of association, and fiduciary duties, together with a claim in deceit and misrepresentation for damages and an account of profits relating to the alleged misappropriation of shares in two private companies. Compromised.
- ***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. [Judgment](#).
- ***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.

Niraj's recent advisory work includes the following matters:

- Interpretation and operation of a suite of joint venture agreements relating to development property, led by Paul Darling KC.
- Insurance claims and remedies against the underwriter/broker following damage to commercial property in London.

Recommendations

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

- *"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)
- *"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

- Fellow of the Chartered Institute of Arbitrators (CIArb)
- Commercial Bar Association (COMBAR)
- International Bar Association (IBA)
- Property Bar Association (PBA)
- Chancery Bar Association (ChBA)
- London Common Law and Commercial Bar Association (LCLCBA)
- Young Arbitration and ADR Forum of the International Chamber of Commerce (YAAF)
- Young International Arbitration Group of the London Court of International Arbitration (YIAG)

Qualifications

Education

- Diploma in International Commercial Arbitration (CIArb), 2015
- BVC (Outstanding), 2010
- GDL (Distinction, first in year), 2009
- Qualified Teacher Status, 2007
- BA (First Class Honours), Robinson College, University of Cambridge, 2006; MA.

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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