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Profile

Arfan Khan specialises in Commercial and International Law. His practice covers the full spectrum of trial and appellate disputes across the business and commercial world, including banking & finance, civil fraud, property, intellectual property, employment, chancery, insolvency, company, insurance, arbitration, public and public international law. He has 15 years' experience, having been called to the Bar in 2001 and was awarded:

- Leading Chancery Barrister of the Year 2015, ACQ Global Awards 2015.
- Leading Intellectual Property Barrister of the Year 2015, ACQ Global Awards 2015.
- Intellectual Property Barrister of the Year 2015, The Lawyer Monthly 2015.

He is listed in the directory of Global Law Experts as an IP Litigation Expert in England.

He was named Times Lawyer of the Week and has received judicial recognition for his advocacy in reported cases, including the following:

- “Focused”, “helpful” and “concise”: Patten LJ, Tomlinson LJ and Floyd LJ in *Geller & Anor, R (on the application of) v The Secretary of State for the Home Department* [2015] EWCA Civ 45, [2015] All ER (D) 54.
- “Advanced cogent arguments”: Rimer LJ in *Gaurilcikiene v Tesco Stores* [2013] EWCA Civ 1612.
- “Able submissions both orally and in writing”: Lloyd LJ in *Secretary of State v Property Investor's Courses Ltd & Anor* [2009] EWCA Civ 104.
- “Ablly represented [the Appellant]... in the best traditions of the Bar in a case involving a hugely complex background”: Wall LJ and Holeman J in *M v M* [2009] 2 FLR 957.

Further information

Education

- LLB (Hons) (Sheffield). 1st in part 2 and 3 subjects including highest first in Jurisprudence.
- LLM (UCL). Distinction in Insolvency Law. Recipient of the UCL Potts Scholarship for 1st place in the All UK Universities Post Graduate Essay Competition in Commercial Law – awarded after an oral defence of the thesis. Participants included post-graduate students from the University of Oxford and Cambridge.

Other awards and activities

- Recipient of the University Moot Court award for exemplary oral and written advocacy.
- Hardwicke Scholar, Lincoln's Inn.

- Mitchell's Scholar for participation in the Quarter Final of the World Universities Debating Championships.
- Nathanson Scholar for first place in the Nabarro Nathanson competition.
- Listed in the International Asian Who's Who Guide.
- Former tutor and examiner in Property Law at the University of Sheffield.
- As a student, published in the Law Quarterly Review.
- Member of the United Kingdom Association of Jewish Lawyers & Jurists.

News & Resources

New tenant - Arfan Khan

We are delighted to welcome Arfan to Chambers today.

13th April 2016 [Read more](#)

Banking litigation

Significant reported cases (appealing as leading or junior counsel)

- *Axia FX Ltd v Royal Bank of Scotland* (2012-2016). Five day High Court trial involving alleged unlawful termination of banking facilities without notice and breach of fiduciary duties.
- *Bank of Ireland v Gill* [2014] B.P.I.R. 156. The Court allowed an application to lift a stay in the interests of creditors where there was deliberate flouting of a Court order.
- *Qadir v RBS* (2011-2013). Successfully settled a claim in excess of £4 million against the former executive of the Bank of Ireland.
- *The Governor and the Company of the Bank of Ireland v Jaffery and Gill* [2012] EWHC 1377 (Ch); CA. Instructed in an appeal involving first instance findings of breach of fiduciary duty and dishonest assistance against a banker. The appeal settled.
- *The Government of Equatorial Guinea v H* (2007). Instructed as sole Counsel on behalf of the Government of Equatorial Guinea in a claim for professional negligence against a bank. The claim successfully settled.

Arbitration

Significant reported cases (appealing as leading or junior counsel)

- *Marsdon Equities v Global Iron Ore Ltd* (2014) (Commercial Court). Successfully obtained permission to enforce a New York arbitration award in the sum of £49 million.
- *Global Steele v Fawaz* (2007). Successfully enforced an arbitration award in the sum of £3 million.

Commercial litigation

Significant reported cases (appealing as leading or junior counsel)

- *Anami Holdings v Gill* [2014] EWHC 3800 (Ch). Successfully resisted an application for judgment in the sum of £2.5 million and other disclosure orders.
- *Chilab v King's College London & Anor* [2013] 2 Costs L.R. 191. Successfully opposed an application by KCL for security for costs against a wife on appeal.
- *Integral Memory Plc v Haines Watts* [2012] S.T.I.1385. Successfully obtained permission to appeal on the papers. The Court held that claims for breach of contract and negligence were time barred.
- *Chamberlin v Revenue & Customs Commissioners* [2010] S.T.C.2782; [2011] S.T.C.1237. Successful on appeal which held that an erroneous VAT return does not give rise to a debt. Judgment overturned in the Court of Appeal.
- *Osuji v Holmes* [2011] R.V.R. 228; Times, April 19, 2011. Obtained permission to appeal on a second appeal. The Court of Appeal held permission to discontinue was not required where a High Court injunction was obtained pending the issue of proceedings, and the claim had been subsequently issued in the County Court.
- *Attorney General of Zambia v MCD* [2008] Lloyd's Rep F.C. 587. Acted for a successful appellant. Claims of dishonest assistance, knowing receipt and vicarious liability dismissed on appeal.

Intellectual property

Significant reported cases (appealing as leading or junior counsel)

- *Personal Management Solutions v Brakes & Others* [2014] QB EWHC 3495 (QB). Appeal in a breach of confidence case and trial on quantum.

Employment / State immunity / Diplomatic immunity

Significant reported cases (appealing as leading or junior counsel)

- *Benkharbouche v Embassy of Sudan, 4A Law & Others intervening* [2015] I.R.L.R 301. Succeeded in the argument that the State Immunity Act 1978 should be set aside in order to give effect to employment claims falling within the material scope of EU law. Leading Counsel for the successful intervener 4A Law.
- *Almalki v Reyes, 4A Law & Others intervening* [2015] I.R.L.R. 289. Succeeded in the argument that a diplomat is not immune from a claim where he/she acts for personal gain. Leading Counsel for the successful intervener 4A Law.
- *Wokuri v Kassam* [2013] Ch 80. Successful in the submission that a diplomat is not immune from an employment claim.
- *Gaurilcikiene v Tesco Stores Ltd* [2013] EWCA Civ 1612. Successfully obtained permission to appeal. The Court determined the appeal, which involved an allegation of procedural irregularity in tribunal proceedings.
- *Nortel Networks UK Ltd (In Administration) v Unite the Union* [2010] 2 B.C.L.C. 674. Succeeded in the argument that the Court should hear an application to lift the moratorium so that employment claims could proceed.
- *Day v Haine* [2008] B.C.C.845. Succeeded on appeal in the argument that a protective award was a provable debt in a corporate liquidation.

Public law

Significant reported cases (appealing as leading or junior counsel)

- R (on the application of Geller) v Secretary of State for the Home Department [2015] All ER (D) 54. Succeeded in obtaining permission to appeal on the papers by arguing that the government policy to exclude foreign nationals was unlawful. Appeal raised free speech issues under Article 10 of the ECHR and was dismissed.
- Michael v Official Receiver [2014] EWCA Civ 534. Succeeded in obtaining permission to appeal in a second appeal. The Court of Appeal held that the predetermination test in planning cases did not apply to an allegation of judicial bias.
- Geert Wilders (Netherlands) v Secretary of State for the Home Department [2010] I.N.L.R 337. Successful in an appeal, which held that the exclusion of a EU national from the UK was unlawful, contrary to Article 10 of the ECHR.
- Attorney General of St Lucia & The Judicial Legal Services Commission v Horace Fraser [2009] 2 LRC 26 (PC). Appeared in an appeal concerning the constitutional removal of a member of the judiciary. Appeal allowed, and the removal was held unconstitutional.