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Ben Griffiths KC

Call: 2004 **Silk:** 2026

Ben is a company, insolvency, commercial and financial law specialist. His expertise spans both advisory work and litigation in the fields of company law, corporate restructuring and insolvency, banking, financial services, LLP law, partnership and civil fraud. He has wide-ranging experience of commercial and financial litigation and arbitration, including complex, multi-jurisdictional claims.

Ben is regularly instructed to act both as sole counsel and with a leader. He has appeared in all courts from the High Court (Chancery Division, Commercial Court and Companies Court) through to the Supreme Court and Privy Council. He has appeared twice in the Court of Appeal as sole advocate.

In both 2019 and 2022, Ben was a nominee for Chambers & Partners' Company/Insolvency Junior Barrister of the Year award.

Litigation and Arbitration

- Directors' duties
- Shareholder and LLP disputes
- Takeover disputes
- Joint venture disputes
- Civil fraud and asset recovery
- Contractual claims
- Partnerships
- Interim remedies
- Jurisdiction and conflicts of law
- Professional negligence
- Warranty claims

Significant cases include:

Burnford v Automobile Association [2022] EWHC 368 (Ch) (High Court), [2022] EWCA Civ 1943 (CA)
Strike out application on deceit claim concerning issues of reflective loss and contractual interpretation

Fitzroy Street Capital Inc v Manning [2022] EWHC 1495 (Ch)
Trial of claim by secured and unsecured creditors against administrators for breaches of fiduciary duty and negligence in the sale of the company's assets

Koo v Nam Tai Properties Inc (2022, BVI High Court)
Acting for the defendant company in opposing a claim brought by a former director under a contractual indemnity

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Credorax v Israeli VC Partners, LP (BVIHCM2021/0145, BVI High Court)

Trial of claim concerning the enforceability of a company loan note and security in light of US sanctions

Byers v Chen [2021] UKPC 4

Appeal to the Privy Council on a liquidator's claim against a former director of a company for breach of duty and unfair preferences in making payments to certain creditors ahead of the company's entry into liquidation

Harbour Fund III, LP v Kazakhstan Kagazy Plc [2021] EWHC 1128 (Comm)

Trial concerning the interpretation of a litigation funding agreement and the enforceability of the funding agreement between the parties

IsZo Capital LP v Nam Tai Property Inc (BVIHC (COM) 2020/016, BVI High Court; BVIHCMAP2021/0010, Eastern Caribbean Court of Appeal)

Claim by shareholder seeking to set aside an allotment of shares for $175m on the basis of breaches of directors' duty by the board of a US-listed public company

WWRT v Tyshchenko (2020, Chancery Division)

Acting for the claimant on an application for a freezing order in support of fraud claims

Awaze Ltd v Wyndham Destination Network, LLC (2020, Commercial Court)

Acting for the defendant on claims for c £35m pursuant to an indemnity in a share purchase agreement

BTI 2014 LLC v Sequana SA [2019] EWCA Civ 112

Appeal concerning the duties of directors concerning creditor interests when a company is in the zone of insolvency and fraudulent transactions under s423 IA 1986

Vneshprombank LLC v Bedzhamov (2019, Chancery Division)

Application by the claimant bank for freezing and search orders in support of fraud claims

Re Varnish TopCo Ltd (2019, Chancery Division)

Acting for two shareholders opposing an unfair prejudice petition in relation to the holding company of the Victoria Plumbing group

Ashany & Brog v Eco-Bat Technologies Ltd [2018] EWCA Civ 1066

Appeal concerning issues of costs following the discontinuance of proceedings

Re ASA Resource Group Plc [2018] EWHC 1102 (Ch)

Strike out application on an unfair prejudice petition under s994 CA 2006

Carlyle Capital Corporation v Conway, Guernsey Royal Court (No 11/2012 (jurisdiction), [2013] 2 Lloyd's Rep 179 (anti-suit injunction), 38/2017 (trial), [2019] GCA014 (appeal)

Acting on behalf of the liquidators of an investment fund on claims for breach of duty and negligence against the former directors and managing agents of the fund in the Guernsey Royal Court

JSC Mezhdunarodny Promyshlenniy Bank v Pugachev (Chancery Division, Court of Appeal)

Between 2014 and 2016, Ben acted as the lead junior counsel for the claimant bank in fraud proceedings

against Mr Pugachev, including obtaining freezing orders, search orders and other interim relief. The proceedings gave rise to 10 reported judgments in which Ben was involved, and Ben appeared twice unled in the Court of Appeal ([2015] EWCA Civ 906 and [2015] EWCA Civ 1108)

BAT Industries v API [2013] EWHC 3612 (Comm)

Jurisdiction application in connection with a claim by BAT Industries pursuant to a contractual indemnity

BAT Industries v Windward Prospects Ltd [2013] EWHC 3612 (Comm)

Application to appoint a receiver over potential claims of the respondent company concerning alleged unlawful dividends

Ticketus v Whyte [2013] EWHC 4069 (Ch)

Acted for Ticketus on its claims against Craig Whyte, the former chairman of Rangers Football Club, in connection with claims arising out of ticketing arrangements for the club

Restructuring and Insolvency

- Corporate restructuring
- Restructuring and insolvency of financial institutions
- Bondholder litigation
- Cross-border insolvency
- Financial instruments
- Private examinations
- Winding up
- Administration
- Receivership
- CVAs
- Creditor schemes

Significant cases include:

Fitzroy Street Capital Inc v Manning [2022] EWHC 1495 (Ch)

Trial of claim by secured and unsecured creditors against administrators for breaches of fiduciary duty and negligence in the sale of the company's assets

Barings (UK) Ltd v Galapagos SA [2022] EWHC 1633 (Ch)

Application to wind up company, involving issues concerning the European Insolvency Regulation and the EU Withdrawal Agreement

Re Petroserv Marine Inc [2022] EWHC 1667 (Ch)

Acting for a creditor opposing a creditors' scheme of arrangement under Part 26 CA 2006

Byers v Chen [2021] UKPC 4

Appeal to the Privy Council on a liquidator's claim against a former director of a company for breach of duty and unfair preferences in making payments to certain creditors ahead of the company's entry into liquidation

Re Comet (2020)

Acting for the former administrators of Comet in disciplinary proceedings brought by the ICAEW

BTI 2014 LLC v Sequana SA [2019] EWCA Civ 112

Appeal concerning the duties of directors concerning creditor interests when a company is in the zone of insolvency and fraudulent transactions under s423 IA 1986

Carlyle Capital Corporation v Conway, Guernsey Royal Court (No 11/2012 (jurisdiction), [2013] 2 Lloyd's Rep 179 (anti-suit injunction), 38/2017 (trial), [2019] GCA014 (appeal)

Acting on behalf of the liquidators of an investment fund on claims for breach of duty and negligence against the former directors and managing agents of the fund in the Guernsey Royal Court

JSC Mezhdunarodny Promyshlenniy Bank v Pugachev (Chancery Division, Court of Appeal)

Between 2014 and 2016, Ben acted as the lead junior counsel for the claimant bank on fraud and insolvency claims against Mr Pugachev. The case involved obtaining cross-border recognition of the bank's insolvency. The proceedings gave rise to 10 reported judgments in which Ben was involved, and Ben appeared twice unled in the Court of Appeal ([2015] EWCA Civ 906 and [2015] EWCA Civ 1108)

Caldero Trading Ltd v Beppler & Jacobson Ltd [2014] EWHC 1142 (Ch)

Acting on behalf of provisional liquidators on various issues concerning the company, including an application by a shareholder to remove the provisional liquidators from office and an application for the return of share capital to shareholders

Re MF Global UK Limited [2013] EWHC 2556 (Ch)

Application concerning the quantification of the provable debts of clients in the liquidation of MF Global

BAT Industries v Windward Prospects Ltd [2013] EWHC 3612 (Comm)

Application to appoint a receiver over potential claims of the respondent company concerning alleged unlawful dividends

BONY v Truvo NV [2013] EWHC 136 (Comm)

Challenge by creditor to restructuring of the debtor company

Assenagon Asset Management SA v IBRC Ltd [2012] EWHC 2090 (Ch)

Acting for a noteholder challenging the validity of a substantial debt restructuring carried out by Anglo-Irish Bank

Corporate

- M&A and takeovers
- Schemes of arrangement
- Reductions of capital
- Directors' duties
- Corporate governance
- Shareholders' rights
- Shareholder disputes
- Joint venture disputes
- Capital reorganisations
- Meetings and resolutions
- Directors' disqualification

Significant cases include:

Re Petroserv Marine Inc [2022] EWHC 1667 (Ch)

Acting for a creditor opposing a creditors' scheme of arrangement under Part 26 CA 2006

Byers v Chen [2021] UKPC 4

Appeal to the Privy Council on a liquidator's claim against a former director of a company for breach of duty and unfair preferences in making payments to certain creditors ahead of the company's entry into liquidation

IsZo Capital LP v Nam Tai Property Inc (BVIHC (COM) 2020/016, BVI High Court; Eastern Caribbean Court of Appeal)

Claim by a shareholder seeking to set aside an allotment of shares for $175m on the basis of breaches of directors' duty by the board of a US-listed public company

Re Prudential Assurance Company Ltd and Rothesay Life Plc [2020] EWCA Civ 1626

Acting for the Association of British Insurers on an appeal in respect of a Part VII scheme under FSMA 2000. This was the first time the Part VII jurisdiction had been considered by the Court of Appeal.

Re Universal Coal Plc (2020, Chancery Division)

Acting for the claimant company on an application for confirmation of the imposition of a sanction on a shareholder for having made a takeover offer which was not compliant with the company's articles

Re Inmarsat Plc [2019] EWHC 3470 (Ch)

Acting for a shareholder on a members' scheme of arrangement under Part 26 CA 2006

Re ASA Resource Group Plc [2018] EWHC 1102 (Ch)

Strike out application on an unfair prejudice petition under s994 CA 2006

Re Jimmy Choo Plc (2017, Chancery Division)

Acting for the bidder company on a scheme of arrangement under Part 26 CA 2006

Carlyle Capital Corporation v Conway, Guernsey Royal Court (No 11/2012 (jurisdiction), [2013] 2 Lloyd's Rep 179 (anti-suit injunction), No 38/2017 (trial), [2019] GCA014 (appeal)

Acting on behalf of the liquidators of an investment fund on claims for breach of duty and negligence against the former directors and managing agents of the fund in the Guernsey Royal Court

Caldero Trading Ltd v Beppler & Jacobson Ltd [2014] EWHC 1142 (Ch)

Acting on behalf of provisional liquidators on various issues concerning the company, including an application by a shareholder to remove the provisional liquidators from office and an application for the return of share capital to shareholders

BAT Industries v Windward Prospects Ltd [2013] EWHC 3612 (Comm)

Application to appoint a receiver over potential claims of the respondent company concerning alleged unlawful dividends

Assenagon Asset Management SA v IBRC Ltd [2012] EWHC 2090 (Ch)

Acting for a noteholder challenging the validity of a substantial debt restructuring carried out by Anglo-Irish Bank

Farstad Supply S/A v Enviroco Ltd [2011] 1 WLR 921 (Supreme Court)
Appeal to Supreme Court concerning the meaning of the terms "parent company" and "subsidiary company" under the CA 2006

Rolfe v Rolfe [2010] 2 BCLC 525
Dispute between shareholders concerning the proper composition of the board of directors and the applicability of the *Duomatic* principle

International and Offshore

Ben has substantial experience of offshore litigation and advice concerning international transactions. He has been instructed on high-profile matters involving the British Virgin Islands, the Cayman Islands, Bermuda, the Channel Islands and Hong Kong, as well as international arbitrations and appeals to the Privy Council. His experience includes:

Byers v Chen [2021] UKPC 4
Appeal to the Privy Council from Eastern Caribbean Court of Appeal on a liquidator's claim against a former director of a company for breach of duty and unfair preferences in making payments to certain creditors ahead of the company's entry into liquidation

Koo v Nam Tai Properties Inc (2022, BVI High Court)
Acting for the defendant company in opposing a strike out application brought by a former director under a contractual indemnity

Credorax v Israeli VC Partners, LP (BVIHCM2021/0145, BVI High Court)
Trial of claim concerning the enforceability of a company loan note and security in light of US sanctions

IsZo Capital LP v Nam Tai Property Inc (BVIHC (COM) 2020/016, BVI High Court; Eastern Caribbean Court of Appeal)
Claim in BVI High Court by a shareholder seeking to set aside an allotment of shares for $175m on the basis of breaches of directors' duty by the board of a US-listed public company

Carlyle Capital Corporation v Conway, Guernsey Royal Court (No 11/2012 (jurisdiction), [2013] 2 Lloyd's Rep 179 (anti-suit injunction), No 38/2017 (trial), [2019] GCA014 (appeal)
Acting on behalf of the liquidators of an investment fund on claims for breach of duty and negligence against the former directors and managing agents of the fund in the Guernsey Royal Court

Alfa Telecom Turkey Ltd v Cukurova (Privy Council)
Appeared on a number of hearings in the Privy Council on appeal from courts of the British Virgin Islands (with Stephen Smith QC). The case concerned relief from forfeiture following the appropriation of the appellant's shares on its default under a $1.6 billion loan.

Ben Griffiths

Borelli v Ting [2010] UKPC 21 (Privy Council)

Appeared on behalf of the liquidators on an appeal to the Privy Council on a claim to set aside a compromise agreement to enable the liquidators to pursue substantial claims for civil fraud against the former chairman and managing director of Akai Holdings Ltd

Memberships and publications

Chancery Bar Association

COMBAR

Member of Law Society Company Law Committee

Member of ILA Technical Committee

Contributor to Buckley on the Companies Acts, PLC Insolvency and FromCounsel

Recognition

Chambers & Partners UK Bar 2027 –

Company, Restructuring and Insolvency

Legal 500 UK Bar 2027 –

Insolvency, Company and Commercial litigation