

Imran Benson

Call: 2005



Overview

Imran is an experienced litigator who is well known for a robust but charming style of advocacy alongside responsive and highly personable client service. He enjoys working closely with his clients to find the right strategy to achieve the commercial goals and to build the best possible case. He focuses on professional liability, commercial litigation, costs and insurance disputes but is often sought out in other areas. He gives clear and straightforward advice even in the most complex and nuanced situations.

He is ranked in the legal directories for both professional negligence and costs and was shortlisted by Legal 500 as their Professional Negligence Junior of the Year for both 2023 and 2024. He is in one of The Lawyer's Top 20 cases of 2024 in a major construction case. Imran is instructed by national, City and international law firms, as well as institutional clients and HNW individuals. He is regularly instructed on his own to go against KCs. On the heaviest cases he occasionally juniors to very experienced commercial silks (currently by KCs at Fountain Court and One Essex Court).

He is happy to work on a CFA/DBA basis in the right case. He also accepts direct public access instructions from sophisticated non-lawyers.

Professional liability

A substantial part of Imran's practice involves professional liability work focusing on lawyers, construction & property and financial professionals.

Lawyers

Imran's lawyer's liability practice is extensive. It typically includes: all kinds of property related disputes, fraud, litigation gone wrong and failed non-contentious transactions such as business sales, SPAs, tax avoidance, art purchases and wills claims. He is currently involved in several £multi-million group claims arising out of

failed fractional ownership schemes (care homes, hotel rooms etc). He is acting in a £10m negligence claim against a leading regional firm and London KC. He spent the whole of November 2019 successfully defending a commercial law firm at trial in connection with an £8m claim arising from a company demerger.

Construction & Property

Imran has considerable construction professional expertise, acting for and against architects, engineers, clerks of works, cladding specialists, QS and more. For example he is instructed in a 3 month c.£100m TCC trial commencing in October 2024 (which featured in The Lawyer's Top 20) on behalf of the excess insurer of an insolvent architects practice about a vast mixed use development. He often deals with cases where there is an overlap of construction negligence, insurance issues and sometimes fraud.

Imran has a deep knowledge of the property professional sector. He spent 3 years as a member of the RICS Conduct and Appeals Committee, which disciplines RICS members and has first-hand experience of supervising the management of a substantial central London commercial estate.

He has acted in cases involving all the leading London based international real estate firms. This typically involves alleged negligent valuations of development sites with large GDVs (£1m - £120m) or valuations of industrial, retail, residential, office and alternative properties such as casinos, hotels, utilities, student housing and data centres. He deals in related claims involving LPA Receivers and distressed sales.

His practice also includes complaints about advisory services and property management work. He has been instructed in a range of high value and complex claims (£20m - £60m) concerning the valuation of City of London office blocks and the effectiveness of associated debt securitisation.

Finance

Imran's work relating to financial professionals covers auditors, accountants, actuaries, business sales brokers, IFAs, insolvency practitioners, tax advisors (including investment scheme promoters), pension professionals and insurance brokers, corporate advisors.

Recent cases have involved defending an accountancy firm in a £5m claim connected with an MBO and acting for a business brokerage in a £6m deferred consideration dispute. He has considerable experience in claims involving inappropriate advice and investments, pensions professionals, claims involving private equity, inadequate accounts reporting, failed tax avoidance schemes, He acts both for and against such professionals and is adept at reading financial statements. Many of these claims involve cross claims against other professionals - in respect of which he has broad and deep experience.

Costs

Imran has a busy contentious and non-contentious costs practice typically involving City firms. Recent instructions have come from firms such as Herbert Smith, Weightmans, Macfarlanes and Crowell & Moring. He is often instructed to help negotiate and formalise complex fee arrangements at an early stage of a claim where there is a delicate dance between clients/lawyers/funders or when a major problem has surfaced. He attacks or defends such arrangements where necessary.

In particular he has a deep expertise in costs issues associated with group litigation/competition claims. For instance he acts for Mercedes/Herbert Smith Freehills in the NOx litigation, where costs of more than £500m were claimed.

He has appeared in a number of significant costs cases including the leading case at the Court of Appeal on non-party costs orders in the context of small family businesses and a large number of appeals arising from the endless reforms to the costs parts of the CPR.

He has acted and continues to act for High Net Worth individuals, assisting them and their staff with resolving litigation gone wrong situations. He brings a practical and highly responsive attitude to such cases – happy to deal with WhatsApp calls on a moments notice.

Imran also regularly deals with detailed assessments/preliminary points/item-by-item challenges both inter-partes and solicitor/client in the SCCO or elsewhere. He occasionally sits at the SCCO as a Deputy Costs Judge and has vast familiarity with all these issues.

Commercial law

Imran has a broad, busy and substantial company and commercial disputes practice. Typically this arises out of fraud, SPA disputes, failed domestic and international investments or general contractual or quasi-contractual disputes. He has acted for and against banks and financial institutions both large and small for many years. He is currently engaged in a £18m corporate fraud claim against a former CEO and FD.

He acts in the full range of shareholder/director/D&O disputes. His long experience of working with insurers as well as dealing in company disputes has given him deep expertise in this area.

As examples of recent work:

- Van Zuylen v Whiston-Dew [2021] EWHC 2219 – commercial fraud case involving offshore trusts, FSMA 2000, breach of trust, breach of fiduciary duty and deceit. Widely reported in the Times and Daily Mail. Led by KC at Fountain Court
- successful application under the Cross Border Insolvency Regulations 2006 for

recognition of a foreign representative of main proceeding.

- Cool Seas v Interfish [2018] EWHC 2038 – 17 day trial before Rose J concerning a s.994 petition and cross-petition with cross allegations of fraud relating to a £multi-million business. Sole counsel against KC and Junior.
- acting for a group of claimants in the VW NOx Emissions Scandal Group Litigation
- acting for Liechtenstein liquidators against English former directors claiming £20m
- acting for investors in a failed AIM company bringing claims for deceit worth £several million against the controlling mind of the company – settled with full recovery shortly before trial in Jan 2022.
- an \$87m claim concerning the sale of oil rigs to Iranian entities in breach of sanctions

Imran regularly obtains and resists a wide range of injunctions: domestic and international freezers, search orders and employee anti-poaching injunctions.

He has a deep interest in the art market and has worked on matters concerning auctioneers, art ownership, theft and damage claims.

Insurance

Imran regularly acts in insurance disputes concerning coverage and brokerage.

Recent work has included advising a number of insureds in relation to BII Covid claims, a successful defence at arbitration of a declinature decision by a Legal Expense Insurer on the basis of (amongst other things) provocation by the insured. He has advised on aggregation rights arising out of innocent misselling of a fraudulent investment scheme. He regularly advises on the solicitor's and ICAEW minimum terms. He is involved in fights about successor practices.

He regularly advises on coverage and carries out coverage interviews. He successfully defended QBE on a declinature decision in an accountant's case both at arbitration and on subsequent appeal to the Commercial Court. He has overturned arbitration coverage decisions on the basis of breach of natural justice. He is currently acting as sole counsel in a dishonesty coverage arbitration worth in excess of £20m.

However, his insurance expertise is much broader. He has been involved in a number of fire/property damage claims, recovery claims and a full range of D&O disputes – especially involving fraud. He knows the importance of meticulous attention to detail and the need to take swift and robust action.

He has acted on disputes between broker and underwriter about commission, premium, validation and IPR. He has knowledge of (and indeed written a chapter on) Takaful (Islamic insurance). He acts in broker's negligence claims and is very familiar with the difficult tactical decisions to be made in such cases.

Disciplinary and regulation

Imran appears in front of a range of disciplinary tribunals. As a former member of the RICS Conduct and Appeals Committee he has deep knowledge of the regulatory world. He has provided discrete advice and robust representation to solicitors facing dishonesty charges, accountants/auditors facing charges of incompetence and accepts instructions before the ARB, IFOA, ICAEW, FRC, SDT, ACCA etc as well as truly specialist tribunals such as Lloyds, AIM and others. He is a contributor to ARDL's quarterly briefings.

Arbitration and international

Imran has an arbitration practice involving both ad hoc and the commonly used rules. He has been to, amongst other places, Mauritius, the Middle-East and Channel Islands for professional reasons and is happy to travel where appropriate.

Cyber and information technology

Imran has recently seen a number of instructions involving cyber and technology matters. This relates to cyber fraud, SEO optimisation, alleged failures regarding IT contracts and website development problems. He is familiar with many of the technical and legal concepts which apply in this developing area. He has advised indemnity insurers about the consequences of data hacks at well known legal services providers.

Recent work has included domain name disputes, email interception, website development, fees disputes morphing into negligence claims and digital marketing problems (including social media influencer fraud).

Mediation

Imran is a CEDR Accredited Mediator and regularly mediates prof neg and/or costs disputes, using his extensive experience in these areas. He only mediates these kinds of disputes. He offers 4 hour and 1 day mediations (and a blind bidding service) on a fixed fee basis.

What others say

"Imran has an understated but effective advocacy style." *Chambers UK, 2024*

"Imran's written advocacy is a masterclass and his style of writing is like Lord Denning's unique prose style." *Legal 500, 2024*

"Sound, cool and calm. Very astute." *Chambers UK, 2023*

"Imran is a calm and reassuring presence whose strategic advice and grasp of matters relating to Solicitors Act assessments is exceptional." *Chambers UK, 2023*

"He has a relaxed and approachable style that made him easy to work with, and his submissions feel well considered and persuasive." *Chambers UK, 2023*

"Imran is bright, very commercially minded in his approach, user friendly and a pleasure to work with." *Legal 500*

"Imran has exceptional knowledge of costs law and is an adept advocate who has a natural demeanour in the court room." *Legal 500, 2023*

"Excellent, a first-class senior junior. A superb barrister." *Chambers UK, 2022*

"He's got a very relaxed style, he doesn't panic and he has good advocacy skills."
"Imran is very easy to use and has a good sense of humour." *Chambers UK, 2022*

"Approachable and has a laid-back style which is easy to work with." *Legal 500, 2022*

"He is an outstanding player in the professional negligence field. An extremely responsive barrister who knows the law inside out and deftly navigates the nuances of the case. He has real tenacity and is very good with clients." *Legal 500, 2022*

"An engaging litigator, good client-focus, quick thinking, and erudite." *Legal 500, 2021*

"Imran is exceptionally bright, attentive and very commercial; ensuring the legal position and the client's commercial objectives are considered in tandem. A very strong junior who provides forthright and clear advice." *Legal 500, 2021*

"He is very talented and produces strong pleadings but is also very good to deal with, and is happy to explore alternatives to trial." *Chambers UK, 2021*

"A good advocate with a nice calm style, who's highly persuasive." *Chambers UK, 2021*

"He's technically very, very good and he offers clear advice." *Chambers UK, 2021*

"Imran is approachable and provides succinct advice which, whilst offering different options, doesn't sit on the fence." *Chambers UK, 2020*

"He is a super barrister, who is articulate, bright and very sociable." *Chambers UK, 2020*

"He is a skilled advocate who is very good at handling the judge and his opponent." *Chambers UK, 2020*

"A very commercial barrister who has been growing in stature in recent years." *Chambers UK, 2020*

"Able to get the gist over to the judge clearly, swiftly and persuasively" *Legal 500, 2020*

"He is strong on professional negligence cases" *Legal 500, 2020*

"He is very bright, tenacious, and he stands by his advice. A go-to junior for solicitor professional negligence claims" "He carefully considers the issues and provides clear, pragmatic advice" *Chambers UK, 2019*

"He has a very good court manner" "He is a good advocate with great technical knowledge" *Chambers UK, 2019*

"Excellent on the law and knows how to convince clients to accept sensible commercial advice" *Legal 500, 2019*

"Brilliant" *Legal 500, 2019*

"Works in a very collaborative way and is happy to pick up the phone and chat" *Chambers UK, 2018*

"A highly regarded up-and-coming junior" "Provides commercial and clear advice" *Legal 500, 2017*

"His advice is very practical and he gives us exactly what we need." "He gave a really good ... performance." *Chambers UK, 2017*

"He is very commercial and sees the whole picture." *Legal 500, 2016*

"He is very efficient and good at dealing with slightly tricky personalities. He has skill above his level of call and is someone I'm very happy to bounce ideas off." *Chambers UK, 2016*

"He's an outstanding junior with great communication skills." *Chambers UK, 2016*

"He is extremely thorough and provides well-reasoned advice and guidance." *Legal 500, 2015*

"A great addition to any team facing a significant court battle over costs." *Legal 500, 2015*

Recent cases

Van Zuylen v Whiston-Dew [2021] EWHC 2219 - commercial fraud case involving offshore trusts, FSMA 2000, breach of trust, breach of fiduciary duty and deceit. Widely reported in the Times and Daily Mail.

Goknur v Organic Village [2021] EWCA Civ 1037 – leading case on non-party costs orders in small company scenario

De Sena v Notaro [2020] EWHC 1031 – defence at month long trial of a firm of solicitors facing a £5m+ fiduciary duty claim connected with a corporate demerger transaction. Claim dismissed with indemnity costs.

Malmsten v Bohinc [2019] EWHC (1386) (Ch) – first proportionality decision at High Court level. Successfully reduced the opponent's bill from £47,500 to £15,000.

Confidential v X – LEI coverage arbitration for insurer relying on, amongst other things, provocation clause.

Hislop v Perde [2018] EWCA Civ 1726, [2019] 1 WLR 201 – leading CA case on how Part 36 applies to fixed costs cases.

Cool Seas v Interfish [2018] EWHC 2038 – 17 day trial before Rose J concerning a s.994 petition and cross-petition with cross allegations of fraud relating to a £multi-million business. Sole counsel against KC and Junior.

Oldham v QBE [2017] EWHC 3045 (Comm) – successful defence on appeal from an arbitration about reimbursement of defence costs paid by an indemnity insurer pending a coverage dispute in which QBE ultimately succeeded.

DB v Jacobs [2016] EWHC 1614 – effect of Part 36 offers on Calderbank offers.

Healey v Shoosmiths LLP [2016] EWHC 1723 – 6 day trial, €2m claim concerning purchase of a super-yacht.

Confidential (Jan 2016) – acted for insolvent bank in claim against leading valuation firm re GDV of new-build Surrey mansion. Settled for £2.85m plus costs.

Heatherville v Knight Frank (2015, HHJ Bird, Manchester Mercantile) – acted for defendant in casino valuation claim. Claim discontinued with costs shortly before opening.

Southern Rock v Brightside (2014-2015) – bitter £multi-million litigation with leaders on both sides in many actions in different Courts concerning insurer/broker dispute about claims handling, brokerage fees, misuse of intellectual property rights etc. Settled on satisfactory terms.

Santander v RA Legal [2014] EWCA Civ 183 – breach of trust and s.61 relief – Imran successfully appeared at first instance unled, then came second at the Court of Appeal (led).

Hallam v Baker Estates [2014] EWCA Civ 661 – Imran successfully established that CPR 3.9 does not apply to in-time applications for more time – this was a significant development in light of the topical litigation around Mitchell.

Nicholson v Knox Ukiwa [2008] EWHC 1222 – successful defence of 4th generation loss of chance claim, alleged under-settlement at mediation, arising out of wrongfully

dishonoured.

Further information

Appointments

- Deputy Costs Judge of SCCO
- Former Member of RICS Conduct and Appeals Committee
- Bristol University Distinguished Alumni Lecturer
- South Eastern Circuit Access to Justice Sub-Committee
- Member of the Professional Indemnity Insurance Committee at the ICAEW

Education

- LLB Bristol University
- Queen Mother Scholar
- Lady Templeman-Indo Goodwill award
- Chancery Bar Lodge Essay Prize

Memberships

- ARDL
- LCLCBA
- PNBA
- SEC

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