

Jamil Mustafa

Called to the Bar 2018

+44 (0)20 7696 9900

jamilmustafa@southsquare.com



Jamil joined South Square as a tenant in October 2020.

Jamil accepts instructions in all of Chambers' core areas of practice including insolvency and restructuring, banking and finance, commercial litigation and arbitration, offshore litigation, company law and civil fraud. He appears both led and unled in the High Court.

He is developing a practice with a dual focus on insolvency and restructuring and commercial litigation. He has been involved in high-profile insolvencies and restructurings, including that of *Greensill Capital* and the heavily contested restructuring of *McDermott (Re CB&I UK Ltd)*. On the commercial litigation side, Jamil acted (with Adam Al-Attar) for the successful claimant bank in its claims for repayment of c.US\$86 million of loans provided to the Venezuelan state oil company in *Banco San Juan Internacional v Petróleos de Venezuela S.A.*, and on behalf of the administrators of JD Classics Limited in respect of claims against the founder and former director of the company, in *JD Classics Limited v Hood* (led by Adam-Al Attar) and against its former statutory auditor, in *JD Classics Limited v PricewaterhouseCoopers LLP* (led by Anneliese Day KC (Fountain Court) and Adam Al-Attar).

Before coming to the Bar, Jamil graduated with a First-Class degree in Government and History from the London School of Economics and Political Science. He was then awarded a Master of Philosophy degree in American History with Distinction from the University of Cambridge where he ranked first in his class. Subsequently, Jamil obtained a Distinction on the Graduate Diploma in Law from City, and in the year before commencing pupillage, studied the Bachelor of Civil Law at the University of Oxford, graduating with a Distinction.

Insolvency and Restructuring

Jamil has experience of a wide range of insolvency applications, including winding-up petitions, applications to set aside statutory demands, bankruptcy petitions, administration orders and extensions, applications to move companies from administration to liquidation and applications under section 236 of the Insolvency Act 1986.

He also advises and acts in relation to contentious insolvency applications, for example, under section 212 of the Insolvency Act 1986 (misfeasance), the operation of the insolvency legislation, in particular insolvency set-off, and in relation to schemes of arrangement and restructuring plans under Part 26A of the Companies Act 2006. He further has experience of bespoke insolvency regimes, notably the investment bank special administration regime.

Highlights include:

- *Re TXU UK Limited (In Administration)* [2021] EWHC 758 (Ch): appeared on behalf of the joint administrators and CVA supervisors of TXU UK Ltd in respect of their successful application seeking directions to enable them to make a final distribution and bring the CVA to an end without a reserve for potential future claims (led by Tom Smith KC).

- *Re TXU Limited (in Administration) & Ors* (2022): appeared on behalf of the joint administrators of several companies within the TXU Group in respect of their successful applications for discharge and involuntary strike-off under the original Part II of the Insolvency Act 1986, bringing to an end the 20-year administration of companies within the TXU Group.
- *Re Dolfín Financial (UK) Ltd* (2021): obtained a special administration order placing Dolfín Financial (UK) Ltd, an independent wealth-management investment firm, into an investment bank special administration (led by Adam Al-Attar).
- *Re Dolfín Financial (UK) Ltd* [2023] EWHC 123 (Ch): appeared for the joint special administrators of Dolfín Financial (UK) Ltd in successfully resisting an application by a creditor for further information regarding their remuneration in what is understood to be the first case to consider Rule 201 of the Investment Bank Special Administration (England and Wales) Rules 2011.
- *Re Greensill Capital (UK) Limited* (2021-2023): acted (with Glen Davis KC, Matthew Abraham and Stefanie Wilkins) for Credit Suisse's \$10 billion Supply Chain Finance Funds which were backed by Greensill's existing and future trade receivables. This includes various matters relating to the administration of Greensill Capital as well the Liberty Steel Group (one of the UK's largest industrial and metals companies).
- *Travelex Holdings Limited & Ors* (2022): acted for the administrators of several entities in the Travelex Group in respect of their applications to extend their administrations and for declaratory relief (led by Matthew Abraham).
- *Chandrasekaran v Fisher* [2023] EWHC 522 (Ch): appeared on behalf of a director / shareholder in respect of his application seeking declarations that the appointment of joint administrators over the company, and steps taken by them, were void and of no effect (led by Barry Isaacs KC).
- *Re CB&I UK Ltd* [2023] EWHC 2497 (Ch) and [2024] EWHC 398(Ch): appeared on behalf of Reficar (Refinería de Cartagena S.A.S) at the convening and sanction hearings for a restructuring plan proposed by the McDermott International Group which sought to wipe out a c.US\$ 1 billion arbitration award in favour of Reficar. It was the first restructuring plan to be listed for an 8-day contested sanction hearing. Reficar secured a 19.9% stake in the McDermott International Group which is estimated to be worth c. US\$ 900 million (led by Felicity Toubé KC, Tom Sprange KC (King & Spalding) and Matthew Abraham).
- *Re CB&I UK Ltd* [2023] EWHC 2987 (Ch): successfully represented Reficar in respect of its application to extend the timetable for the sanction hearing of a restructuring plan proposed by the McDermott International Group securing the longest listing for a contested sanction hearing of a restructuring plan before the English Court (led by Matthew Abraham).

Banking and Finance

Jamil acts and advises in relation to insolvency and commercial disputes within a banking and finance context. He has experience advising and acting in relation to disputes concerning private equity, note structures, loans (including LMA standard forms) and securities trading.

- *Banco San Juan Internacional Inc v Petróleos de Venezuela S.A.* [2020] EWHC 2937 (Comm): acted for the claimant bank in its successful application for summary judgment against the

defendant Venezuelan state oil company in respect of its claims to recover loans totalling over US\$86 million (led by Adam Al-Attar).

- *Banco San Juan Internacional Inc v Petróleos de Venezuela S.A* [2021] EWCA Civ 610: successfully represented the claimant bank at the oral hearing of an application for permission to appeal filed by the defendant, the Venezuelan state oil company (led by Adam Al-Attar).
- *Banco San Juan Internacional Inc v PDVSA Petróleo S.A.* (2021): successfully represented the bank in its application for summary judgment against the guarantor of a loan of US\$35 million provided by the bank to the Venezuelan state oil company (led by Adam-Al Attar).
- *Re Abraaj Holdings (in official liquidation)* (2020-2023): acted for the joint official liquidators of Abraaj Holdings in relation to claims arising out of the collapse of the Abraaj Group, formerly one of the world's largest emerging market private equity firms, including claims that payments totalling over US\$200 million were voidable preferences or dispositions of property at an undervalue (led by Tom Smith KC).

Commercial Litigation and Arbitration

Jamil has appeared before the Commercial Court both led and unled. He has particular experience addressing disclosure issues within the context of commercial trials and has been involved in claims raising issues of private international law, professional negligence and breach of fiduciary duty.

- *Banco San Juan Internacional Inc v Petróleos de Venezuela S.A.* [2020] EWHC 2937 (Comm): acted for the claimant bank in its successful application for summary judgment against the defendant Venezuelan state oil company in respect of its claims to recover loans totalling over US\$86 million (led by Adam Al-Attar).
- *Banco San Juan Internacional Inc v Petróleos de Venezuela S.A* [2021] EWCA Civ 610: successfully represented the claimant bank at the oral hearing of an application for permission to appeal filed by the defendant, the Venezuelan state oil company (led by Adam Al-Attar).
- *Banco San Juan Internacional Inc v PDVSA Petróleo S.A.* (2021): successfully represented the bank in its application for summary judgment against the guarantor of a loan of US\$35 million provided by the bank to the Venezuelan state oil company (led by Adam-Al Attar).
- *JD Classics Limited (in Administration) v Hood*: acted for the joint administrators of JD Classics Limited, a company specialising in the sale and restoration of classic cars, in their multi-million-pound claim for breach of fiduciary duty against the company's former director (led by Adam Al-Attar).
- *JD Classics Limited (in Administration) v Hood* [2021] EWHC 3189 (Comm) and EWHC 3193 (Comm): appeared on behalf of the joint administrators of JD Classics Limited in respect of applications to enforce the defendant's disclosure obligations, obtaining a novel 'imaging order' against the defendant (led by Adam Al-Attar).
- *JD Classics Limited (in Administration) v PricewaterhouseCoopers LLP*: acting for the claimant in a multi-million-pound audit negligence claim (led by Anneliese Day KC (Fountain Court) and Adam Al-Attar).

Company Law

Jamil acts and advises in relation to claims under the Companies Act, including claims for breach of directors' duties, unfair prejudice and derivative actions.

- *The Body Lab Limited v Mr Jodi Pitout* (May 2024): acted as sole counsel to the successful defendant and counterclaimant in a five-day trial in Central London County Court concerning claims for the repayment alleged directors' loans and the proper operation of compulsory share transfer provisions.

Offshore

- *Re Abraaj Holdings (in official liquidation)* (2020-2023): acted for the joint official liquidators of Abraaj Holdings in relation to claims arising out of the collapse of the Abraaj Group, formerly one of the world's largest emerging market private equity firms, including claims that payments of over US\$200 million were voidable preferences or dispositions of property at an undervalue (led by Tom Smith KC).

Career

- 2018 Called to the Bar of England and Wales

Memberships

- Chancery Bar Association
- Commercial Bar Association
- Insolvency Lawyers Association

Education and Qualifications

- 2018-2019 St. Cross College, Oxford University, BCL, Options studied: Commercial Remedies, Conflict of Laws, Legal Concepts in Financial Law and Restitution of Unjust Enrichment
- 2017-2018 BPP University Law School, BPTC, Outstanding
- 2016-2017 City, University of London GDL, Distinction (third in class)
- 2015-2016 Clare College, Cambridge University, MPhil in American History, Distinction (first in class)

class)

- 2012-2015 The London School of Economic and Political Science, BSc in Government and History, First Class Honours

Scholarships and Prizes

- 2018 Buchanan Prize (Lincoln's Inn).
- 2017 Lord Denning Scholarship (Lincoln's Inn)
- 2017 Advocacy Scholarship (BPP University Law School)
- 2016 Hardwick Entrance Award (Lincoln's Inn).
- 2016 Lord Bowen Scholarship (Lincoln's Inn)
- 2016 MPhil dissertation deposited in the Seeley Historical Library, University of Cambridge.

Interests

History, Cricket, Football.
