

Kishore Sharma

Year of Call: 1986



Practice Summary

Kish has nearly 30 years' experience of handling and representing clients' interests in international and domestic commercial litigation and arbitration of the highest difficulty, complexity and value; and of advising them on non-contentious legal issues arising out of such commercial transactions. His expertise is both wide and deep, spanning carriage by sea and storage of bulk and containerised goods, insurance (marine, and all classes of non-marine and reinsurance business), international trade, banking (including negotiable instruments and security for lending), commercial fraud, constructive trust / tracing actions, and corporate insolvency.

Kish's expertise has been gained in these Chambers and as an employed barrister / consultant in high - profile maritime and commercial City firms, Clyde & Co and (earlier) Waltons & Morse (now Kennedys Marine). He has regularly advised / acted for:- London market and overseas insurers and reinsurers with regard to coverage and / or subrogated recoveries issues on a range of marine and non-marine covers, and coverage and / or defence of third-party claims under liability covers;- Commodities traders (particularly of aggregates, coal and petroleum products) on issues relating to international sales, contracts of carriage, storage arrangements and indeed joint venture and share sale and purchase agreements; - Cargo claimants, shipowners, charterers, disponent owners and sub-charterers and / or their P & I Clubs / insurers on disputes relating to all forms of contract of affreightment.- Banks and other counterparties to various banking transactions, including documentary credits, performance bonds and other bankers' irrevocable undertakings; various types of lending agreement; negotiable instruments; security for advances; and proceedings and issues relating to corporate insolvency. The values involved in the cases that he advises and acts in have often been in the millions and, on occasion in the tens or even hundreds of millions of US dollars.

Understanding, protecting and serving the client's interests and needs in the most practical and cost-effective manner possible is always at the heart of Kish's concerns. In Court or the arbitration room, he is dedicated to providing the highest standards of advocacy on his client's behalf. He is adept at working both as the sole or lead Counsel in a matter, and as part of a larger, structured

team.

Kish has represented clients in several mediations arising out of maritime / marine insurance disputes.

Kish has acted and / or appeared in very many arbitrations under LMAA rules, as well as LCIA and ICC arbitrations and various commodities' arbitrations under the auspices of trade bodies. The subject matter has usually been maritime, international trade or reinsurance related, but extends to high value disputes under other commercial contracts, partnership agreements and joint venture / consultancy / share sale and purchase arrangements of considerable complexity.

Kish frequently acts and appears in the Commercial Court, in matters relating to marine and non-marine insurance and reinsurance, shipping, international trade and arbitration claims. However, his practice extends to more far less niche business disputes in the Commercial Court and the Chancery Division. These include disputes under contracts made in a range of disparate domestic and international commercial and industrial settings; commercial fraud including the blocking, tracing and recovery of substantial sums diverted through "phishing" scams; banking transactions particularly claims relating to documentary credits, performance bonds and other bankers' irrevocable undertakings, various types of lending agreement, negotiable instruments and security for advances and constructive trust claims against banks; and proceedings in the Insolvency and Companies Court relating to corporate insolvency. Kish has frequently obtained and defended urgent interim injunctions in such proceedings including Worldwide Freezing Orders and Anti-Suit Injunctions.

Kish receives instructions and advises on professional negligence cases relating to professionals involved in the substantive areas of his practice - in particular, insurance brokers, accountants and solicitors.

Kish has on several occasions advised on regulatory issues relating to the conduct of insurance business, and of insurance broking, arising under the FCA handbook / ICOBS.

Memberships

- COMBAR
- The London Shipping Law Centre
- British Insurance Law Association
- Admiralty Bar Group
- Financial Services Lawyers' Association