## Jayesh Jotangia

Year of Call: 2002

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## Practice Summary

Jayesh is a dual-qualified Solicitor Advocate and Barrister with litigation rights on a direct access basis. He is also a qualified Mediator and has completed the CIArb module in International Arbitration Law, Practice and Procedure.

He specialises in civil/commercial litigation and ADR, advising multinational clients across sectors that has included industries such as steel, aluminium, freight, logistics, healthcare, construction and aviation consultancy, advising and representing on cases which have varied between regulatory breaches to contract from Tribunal level to High Court proceedings.

Jayesh regularly negotiates commercial contracts—particularly for India-based businesses in the UK—and provides regulatory consultancy for Indian companies entering the UK market. He acts both for and against Indian entities in UK-based disputes, with experience in enforcing contractual obligations, registering foreign judgments, advising Indian banks on personal guarantee enforcement, and supporting clients with intellectual property matters by way of examples.

UK and Indian businesses often interact through contracts governed by English law (as is extremely common in international deals involving Indian parties), leading to disputes resolved in English courts, arbitration (e.g., LCIA or ICC seats in London). Accordingly, Jayesh has advised on a number of these main types of litigation matters involving UK and Indian companies typically falling into commercial/corporate disputes, arising from cross-border trade, investment, joint ventures, supply chains, technology transfers, and services between the two jurisdictions.

Jayesh also has substantial experience representing regulatory bodies and professionals in fitness to practise proceedings before the MPTS, GDC, NMC, GPhC and HCPTS. He has developed recognised expertise in guiding doctors through the GMC's complex Portfolio Pathway (formerly CESR). In addition, he has served as a Legal Adviser to General Optical Council committees.

Jayesh takes on a number of Employment Tribunal disputes, acting on behalf of both Claimant and Respondent. He has acted for a number of local and governmental authorities, including Police

matters too.

He is the former chairman of the Hindu Lawyers Association (UK) and the Indian National Bar Association – UK Chapter and has acted as Lead Secretariat to the All-Party Parliamentary Group for British Hindus, advising Parliamentarians on issues relating to Hindus and India.

In 2015, Jayesh was a core member of the organising team for the historic Wembley Stadium event attended by Indian Prime Minister Narendra Modi and UK Prime Minister David Cameron. He has since been recognised with several awards, including “Best Professional in Business” at the 2017 London Asian Business Awards and “Legal Eagle of the Year” at the 2020 iGlobal awards.

With extensive experience working directly with clients, Jayesh places strong emphasis on clear communication, collaboration and exceptional client care. He is known for his fast and approachable manner and commitment to achieving the best possible outcomes.

## GMC Portfolio Pathway (formerly known as CESR Appeals), Healthcare Regulatory & Professional Discipline

Jayesh represents professionals concerning fitness to practise allegations before the MPTS, GDC, NMC, GPhC and HCPTS. Jayesh has also sat as a Legal Assessor on a number of cases at the General Optical Council on fitness to practise hearings providing legal advice to GOC Panels. Over the years, Jayesh has developed a niche practice in GMC’s CESR application and appeals process. He has successfully managed to assist international doctors through the complex Portfolio Pathway process (previously known as CESR), where many of his doctor clients have entered the Specialist Register from a number of medical faculties.

Jayesh is on the NMC’s panel of presenting advocates and has received instructions from the BMA to advise on the GMC’s Portfolio Pathway/CESR process on behalf of doctors as he is one of an extremely few numbers of lawyers in the UK who has expert knowledge in this area. Jayesh’s client base stem from all medical faculties including Anaesthetics, Dermatology, General Surgery, Psychiatry, Trauma & Orthopaedics, Obstetrics & gynaecology, Ophthalmology, Plastic Surgery to name a few. Jayesh is commonly instructed on behalf of the HCPC in HCPTS proceedings as well as being instructed by a number of defence solicitors on behalf of health professionals.

Jayesh’s reported cases in healthcare professional regulatory matters include:

> Dr Richa Bhatia v General Medical Council [2016] EWHC 3221 (Admin)
>
> Akhtar v General Dental Council [2017] EWHC 1986 (Admin)
>
> Jain v General Medical Council [2019] EWHC 1841 (Admin)

## Landlord & Tenant

Jayesh advises clients in Commercial Landlord & Tenant issues, Dilapidations, Forfeiture and Leases, and Possession and Renewal of Business Tenancies.

## Mediation

Jayesh is a qualified Mediator. In the past he has often acted as a mediation advocate on employment or small/fast/multi track cases especially in contractual disputes, but in 2020, he decided to take one step further in this field of expertise and fully qualify as a Mediator from the London School of Mediation.

## International Arbitration

Over the years, Jayesh has assisted Senior Counsel on multi-million dollar international arbitration proceedings before the London Court of International Arbitration concerning disputes between international steel companies and governments. Jayesh also drafts contracts incorporating arbitration clauses as well as drafting arbitral pleadings.

As well as being a qualified Mediator, Jayesh has completed the CIArb's International Arbitration Law, Practice and Procedure module and is often instructed to advise on disputes between UK and Indian companies.

## Employment

Over the years, Jayesh has represented Claimants and Respondents at the Employment Tribunal and the Employment Appeals Tribunal. His work has included all areas in this arena including discrimination, TUPE, unfair & wrongful dismissal, whistleblowing, etc. Given his expertise in medical matters, Jayesh is often instructed to advise and represent on disputes between medics, dentists, health professionals and their employers.

## Construction Litigation

Jayesh is familiar with construction disputes and has assisted many individuals in their claims against residential contractors in multi-track proceedings. He has also represented clients in formal construction adjudication processes.

## Insolvency and Company Litigation

Solicitors often instruct Jayesh on matters before the Insolvency and Business Lists as well as receiving instructions direct from lay clients. Jayesh's caseload has involved company disputes including shareholder & partnership disputes, unfair prejudice claims, challenging meetings, litigation brought pursuant to the Companies Act, directors' and fiduciary duties by way of example. He has also advised and represented on bankruptcy petitions, applications relating to statutory demands, preferential creditors' claims, etc.

## Professional and Clinical Negligence

Jayesh has advised, drafted pleadings and represented a number of professionally regulated individuals and companies on negligence matters. Because Jayesh is known by a number of doctors and dentists, he is often instructed to defend both respective practices given his increased understanding of procedures adopted due to his involvement in various CESR faculty appeals specialisms. As a result of specific specialism knowledge,  is also instructed by Claimants on various clinical negligence claims against medical professionals, including drafting pre-action protocol letters, pleadings and advocacy.

### Quotes

"It is worth mentioning the short time in which Counsel was able to master all the relevant issues, legal, factual and procedural. It makes our task that much easier knowing that the Clients' case can be entrusted into such a safe pair of hands."

- LB LEGAL SERVICES LIMITED

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## Direct Access

- Yes

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## Achievements

- Ex-chairman of the Hindu Lawyers Association (UK)
- Ex-chairman Indian National Bar Association – UK Chapter
- Best Professional in Business” at the London Asian Business Awards - 2017
- iGlobal's Legal Eagle of the Year award (affiliated to India Global Forum) - 2020

## Areas of Expertise

- Commercial
- Employment
- Inquiries And Inquests
- Professional Discipline And Regulatory
- Business Crime