

## Aparajita Arya

CALL 2021



## Areas of Expertise

• Tax • Commercial Litigation and Disputes • Employment • Personal Injury • Off-payroll working (IR35) • Investigations • Telecommunications • Judicial Review • Financial Mis-Selling & Consumer Credit • Technology

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Aparajita welcomes instructions in all of Chambers' core practice areas, including tax, employment, commercial litigation and personal injury. She is regularly instructed in multi-day hearings and has a busy advisory practice.

Before coming to the Bar, Aparajita was a Research Assistant in the Commercial and Common Law team at the Law Commission of England and Wales (where she gained insight into law reform projects underpinning the Electronic Trade Documents Act 2023, the Property (Digital Assets etc) Bill, and the Arbitration Bill). She tutored tort and EU law at the University of Oxford, and has experience working with governments, universities, and corporates in the technology, policy, finance and investment banking sectors.

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## Expertise

### Tax

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Aparajita is developing a busy practice in direct and indirect tax, acting for both taxpayers and government in litigation and advisory contexts.

### Some of her recent work includes:

- As junior to Akash Nawbatt KC and Bayo Randle, acting for HMRC on *Millican v HMRC* [2024] UKFTT 618 (TC) concerning taxation under the carried interest rules.
- As junior to Marika Lemos and Colm Kelly, acting for HMRC in *Brosch v HMRC* [2023] UKFTT 945, concerning SDLT, Disclosure Notes, and adequacy of disclosure.
- As Junior to Chris Stone KC, acting for HMRC on a IR35 appeal.
- As Junior to David Ewart KC and Marika Lemos, acting for HMRC on a dispute concerning the application of the group relief and anti-avoidance provisions in the Corporation Tax Act 2010.
- Acting for HMRC on appeal concerning the transfer of assets abroad regime.
- Acting for HMRC on judicial review concerning HMRC decisions.
- Advising taxpayers on SDLT and assisting with strategy and correspondence with HMRC.
- Advising taxpayer on enquiries about attribution of income and treatment of dividends where an individual acts through a company.
- Advising taxpayer on employment income and the benefits code.
- Assisting a KC with research into the construction and application of the charging provisions in the Inheritance Tax Act 1984.

During pupillage, Aparajita assisted on matters concerning loss relief in corporation tax, taxation of LLP profits, tax affairs of high-net-worth individuals, SDLT & contractor loan schemes, transfer of assets abroad, sideways loss relief, failure to correct penalties, VAT, and judicial review of HMRC decisions (particularly on the exercise of s.684(7A) ITEPA 2003 discretion).

As pupil to Marika Lemos, she notably assisted with the Court of Appeal case in *HMRC v Wilkes*, and cases which involved a Forbes' World's Top Management Consulting Firm and a Fortune Global 500 company.

## Employment

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Aparajita practices in all areas of employment law, acting on behalf of both claimant and respondent clients. She regularly appears on her own in multi-day employment tribunal hearings, across the full range of employment law, as well as appearing in preliminary hearings. In addition to her thriving litigation practice, Aparajita is also building a busy advisory practice and welcomes instructions in all areas of employment law.

### A snapshot of her recent work includes:

- Acting for a bank on a multi-day hearing concerning a race discrimination and harassment claim.
- Representing the claimant in a jurisdictional hearing concerning the application of the State Immunity Act 1978.
- Successfully representing the claimant in an automatic unfair dismissal and pregnancy discrimination claim.

- Successfully representing a multi-national telecommunications client in dismissing a claim for unfair dismissal for being brought out of time
- Acting on a territorial jurisdiction appeal on behalf of a multi-national client in the natural resources sector.
- Successfully acting for the Respondent in an unfair dismissal claim where the Claimant was dismissed for a first offence which had amounted to gross misconduct.
- Successfully representing Europe's leading technical components distributor in a claim concerning a retention bonus, breach of contract, and unlawful deduction from wages.
- Successfully resisting a claimant's application to amend his claim to include a claim based on s.146 of the Trade Union and Labour Relations (Consolidation) Act 1992.
- Alongside **Andrew Burns KC**, advising employers on industrial relations and on claims arising out of industrial action.
- Advising government bodies on the application of TUPE provisions.
- Advising parties on contractual disputes, complex discrimination claims, and unfair dismissal, whistleblowing, and equal pay claims.

As pupil to **Talia Barsam**, Aparajita gained extensive experience in high value discrimination, unfair dismissal, breach of contract, and complex pay disputes.

## Investigations

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Aparajita is also developing an investigations practice, conducting investigations for multinational clients, including Fortune Global 500 companies.

### **Some examples of recent investigations include complaints regarding:**

- Pregnancy and maternity discrimination
- Bullying and harassment by higher management
- Adequate working conditions for vulnerable and disabled employees
- Managers' handling of emergency situations, including medical emergencies concerning vulnerable employees
- Adequate training and onboarding of younger employees

## Commercial Litigation and Disputes

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Aparajita welcomes instructions in all areas of commercial litigation.

### **Recent highlights include:**

- Representing debtors in alleging unfair relationships with banks and finance providers in respect of undisclosed commissions.
- Representing a former employee in bringing a claim for misrepresentation and breach of

contract against the employer.

- Advising lenders on the application of the Consumer Credit Act 1974 and FCA regimes.
- Acting for a lender in a breach of contract and breach of trust claim against the debtor.
- Successfully obtaining strike out of a breach of contract claim for £4 million.

## Personal Injury

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Aparajita welcomes instructions in personal injury and clinical negligence. She acts for both claimants and defendants on fast-track trials in a range of matters, including road traffic accidents, workplace injuries, clinical negligence, the Highways Act 1980, and travel injury.

As pupil to Jonathan Butters, she was exposed to all aspects of personal injury law, and gained experience in catastrophic injury, road traffic accidents, clinical negligence, and employer's liability matters.

Notably, Aparajita provided assistance to **Robert Weir KC** in three UK Supreme Court appeals: **Griffiths v TUI** (on uncontroverted expert evidence), **McCulloch v Forth Valley Health Board** (on doctors' duties to discuss alternative treatment with patients), and **Paul v Royal Wolverhampton NHS Trust** (on secondary victim claims for psychiatric injuries).

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## Education

BA, English Literature, Lady Shri Ram College for Women – First, graduated top of class

LLB, University of Edinburgh – Distinction

BCL, Trinity College, University of Oxford – Distinction

BTC, BPP London – Very competent

Lord Denning Scholarship (Lincoln's Inn)

Accommodation Award (Lincoln's Inn)

Lord Brougham Scholarship (Lincoln's Inn)

Trinity College Governing Body Prize for Achievements as a Graduate Student (Trinity College, University of Oxford)

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# For enquiries & instruction please contact



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