

Makhsudul Islam

Year of Call: 2013
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Overview

Makhsudul is a specialist commercial and insolvency barrister.

He is regularly instructed in complex and high value disputes in both the High Court and County Court. He has a strong following and is sought after by international law firms (including from the MENA), as well as leading City and regional law firms. He acts for a wide variety of clients, including multinational corporations, financial institutions, insurers, sporting bodies, public authorities, and high-net-worth individuals.

He has significant experience in a broad range of commercial litigation, and is regularly instructed in the following types of disputes:

- Company and partnership
- Insolvency (corporate and personal)
- Breach of contract
- Supply of goods and services
- Debt recovery
- Guarantee, indemnity and warranty
- Insurance
- Professional negligence

A Silver Circle law firm described Makhsudul as "practical, proactive and a very safe pair of hands." Clients praise his fastidious approach and his ability to provide clear, detailed advice at an early stage. He is also known for putting both professional and lay clients at ease through his personable manner.

Makhsudul was a finalist for Barrister of the Year at the Worcestershire Law Society Awards 2023.

Outside of work, Makhsudul is keen on keeping fit and mental well-being. He enjoys weight training, football, reading and travelling. He is also a self-confessed "horologist" and has a passion for collecting vintage timepieces.

He speaks five additional languages – Bengali (fluent), Urdu (fluent), Hindi (fluent), Arabic (basic) and French (basic).

Commercial

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Makhsudul has an established commercial practice and is regularly instructed in complex and high value disputes. He is particularly experienced in company and partnership matters, complex contractual claims, professional negligence, and disputes involving enforcement and cross-border elements.

His practice encompasses advisory work, drafting, and advocacy in the High Court and County Court. He is instructed by a broad range of clients, including multinational corporations, financial institutions, sporting bodies, insurers, public authorities, and high-net-worth individuals.

Examples of recent work include:

- Successfully represented a chartered surveyor in defending a £200,000 breach of contract claim by his former employers.
- Acted in a £312,000 partnership dispute between partners of a regional law firm, achieving a favourable settlement at mediation.
- Advised the UK's leading minting company on its prospects of pursuing a broker following an insurer's refusal to indemnify losses arising from a fire.
- Successfully represented a client in a £400,000 dispute with his former solicitors over legal fees.
- Advised a local authority on the prospects of a £6 million claim against parent companies arising from the conduct of a negligent subsidiary.
- Advised on appeal prospects in unusual procedural circumstances where permission to appeal was granted on grounds not advanced at trial.
- Advised a cryptocurrency investor on claims arising from a significant data breach and subsequent fraud involving an international bank.
- Advised the owner of a luxury yacht on cross-border professional negligence issues involving a British broker and foreign agents.
- Advised a leading "science-tech" company on limitation and negligence following the destruction of a high-value invention during transit.
- Advised the largest builders' merchant in the UK on its transfer of assets and assignment of debts following its merger and acquisition with another large builders' merchant.
- Advised a consultancy of construction experts on its prospects of recovering outstanding expert's fees from a leading international law firm and a project management company, in a claim complicated by the expert's failure to comply with court deadlines.
- Successfully represented a builders' merchant in enforcing a personal guarantee in the face of a serious fraud allegation.

Insolvency

Makhsudul frequently appears in the High Court and County Court in winding-up and bankruptcy proceedings, acting for creditors, debtors, and insolvency practitioners.

He is regularly instructed on a wide range of interlocutory and substantive applications, including:

- Contesting jurisdiction
- Setting aside statutory demands
- Injunctive relief to restrain the presentation or advertisement of winding-up petitions
- Amendment of petitions
- Transfers or adjournments to High Court judges

- Alternative service
- Annulment
- Costs applications on behalf of supporting creditors
- Transactions at an undervalue
- Fixing the basis of liquidator's remuneration
- Restriction on the re-use of company names
- Delivery-up of property

Makhsudul is adept at advising on and drafting opinions in complex, high value insolvency disputes. He is particularly experienced in technically demanding applications under the Insolvency Act.

Examples of recent work include:

- Successfully advising and representing a creditor at a bankruptcy hearing concerning a £323 million debt arising from extensive fraud proceedings against a company director.
- Successfully securing costs for a supporting creditor (formerly the petitioner), following strategic advice to adopt that position in order to obtain a winding-up order against an evasive debtor.
- Obtaining a winding-up order against a property developer after repeated adjournments over a five-month period on technical grounds.
- Advising on the prospects of a winding-up petition based on an intra-company loan of £136,000, while defending a cross-claim exceeding £20 million.
- Successfully obtained a bankruptcy order for a financial institution in the UAE, against an evasive foreign national residing in the UK, on a debt of £631,000.
- Successfully secured a bankruptcy order for a portfolio landlord against an evasive debtor and vexatious litigant over the course of a year-long proceeding.

Articles

View Article

3PB's specialist commercial barrister Makhsudul Islam explores company directors' duties towards stakeholders and creditors in the event of company insolvency.

View Article

Recommendations

"We were really pleased with Makhsudul, he was practical, proactive and a very safe pair of hands. We will certainly keep him in mind for future instructions."

Associate, Mishcon de Reya LLP

"Thanks very much for your help with this – a good outcome and the client is very pleased."

Partner, Veale Wasbrough Vizards LLP

"Makhsudul is a very knowledgeable, quick-thinking barrister, extremely polite and helpful. I have been impressed with the level of skill he has applied to my matters and his willingness to help in the lead up to hearings."

Solicitor, DAC Beachcroft LLP

"I wanted to say how impressed we are with the result you have obtained.

This was quite a complicated multi-track claim. Thank you for making the articulate submissions that you did."

Associate, Irwin Mitchell

''Thank you for everything you achieved today and for your very detailed attendance note. It was an excellent outcome and the insurer client will be delighted.

Many thanks for the time and thorough preparation involved which led to a successful outcome.''

Associate, Keoghs

"When I instructed Makhsudul on a complex commercial dispute, his understanding of the case far exceeded his call as a barrister. Since then, Makhsudul has become my go-to Counsel for all cases. A rising star at the Bar!”

Associate, Knights Plc

"Makhsudul has a keen eye for detail and provides early strategic advice, resulting in a number of significant positive results which my lay clients have been delighted with. Makhsudul acts with experience far beyond his call.”

Associate, Horwich Farrelly LLP

Academic qualifications

- LL.M, University of Law
- Bar Professional Training Course, University of Law
- Bioethics, University of Oxford
- LL.B Hons, University of Birmingham

Scholarships

- BPTC Scholarship, Jomati Foundation
- Birmingham Excellence Scholarship, University of Birmingham
- Chamberlain Award, University of Birmingham

Professional bodies

- The Honourable Society of Middle Temple
- Midlands Chancery and Commercial Bar Association

Direct Access

Makhsudul Islam is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.