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## Hitesh Dhorajiwala

CALL 2019



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## Areas of Expertise

• Employment • Dismissals & Employment Rights • Equality • Tax • Personal Injury • Off-payroll working (IR35) • Professional Negligence • Clinical Negligence • ADR in injury cases • Human Rights • Industrial Relations

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Hitesh accepts instructions in all of Chambers' key practice areas, and his core practice areas are Employment Law and Tax. He has gained good advocacy experience since becoming a member of Chambers, appearing in numerous multi-day hearings in the Employment Tribunals; and has also been led in the Court of Appeal in tax matters. His particular interests reside in the question of work relationship status (the subject of his PhD thesis), and how that also interacts with tax law.

Hitesh graduated with a BA in Jurisprudence from the University of Oxford in 2014, and an LLM from UCL in 2015. He received his PhD in Law in 2020, which was titled Relational Dynamics: Organising Rights and Work Relationships. He continues to be engaged as a Guest Lecturer at UCL, teaching and lecturing in Employment Law and EU Law. Hitesh is also a Research Fellow at the Institute for the Future of Work, and an Editor of the UK Labour Law Blog.

He accepts pro bono instructions where appropriate.

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## Expertise

### Employment

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Hitesh practices in all areas of employment law and has significant expertise in the law of work

relationship status. Hitesh has experience doing a wide range of both respondent and claimant work in the employment tribunals. This work has ranged from acting for large high street retailers and small businesses, to individual claimants. This includes not only tribunal advocacy, but also advisory work on complex legal questions. He is also aware of the strategic and commercial interests of clients engaged in litigation.

#### Recent cases have included:

- a complex unfair dismissal and disability discrimination claim against a large retailer
- redundancy dismissal claims
- holiday pay claims for casual workers
- whistleblowing; an employment status dispute concerning the use of personal service companies
- involvement in 'fire and rehire' litigation
- wrongful dismissal for a company executive.

He also gained extensive employment law litigation experience as a pupil to **Alice Mayhew KC**. This included high value whistleblowing claims, unfair dismissal, Permanent Health Insurance issues in relation to discrimination law, strike out hearings, remedies hearings, and preliminary hearings.

## Tax

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Hitesh is keenly developing his tax practice. He has been led in high profile litigation in the Court of Appeal: as junior to **Aparna Nathan KC** in *R (Hoey) v HMRC* [2022] Civ 656 (concerning the proper interpretation of the s.684(7A) ITEPA 2003 power); and as junior to **Marika Lemos** in *Naghshineh v HMRC* [2022] EWCA Civ 19 (concerning sideways loss relief). He has also been led on matters which concerned questions of work relationship status in the context of tax law.

As a pupil to Aparna Nathan KC, Hitesh gained a wide range of tax litigation experience, and specifically in *Walweski v HMRC* [2020] UKFTT 0058 (TC), which concerned a novel point of law arising out of s 850C – E ITTOIA 2005. He was also a pupil to Marika Lemos in the Upper Tribunal in *HMRC v Naghshineh* [2020] UKUT 30, which concerned the interpretation of the provisions on sideways loss relief in s 66 – 68 ITA 2007. During pupillage, Hitesh also gained experience in tax advisory work, including work on IR35 matters, and residence and domicile matters.

## Personal Injury

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Hitesh has gained court experience in personal injury matters since becoming a member of chambers.

As pupil to **Stephen Cottrell** and **Jonathan Butters**, Hitesh gained significant litigation and advisory experience in a wide range of personal injury matters. This included experience in relation to road traffic accidents, clinical negligence claims, asbestosis claims, and matters relating to causation and expert evidence (specifically as a pupil to Stephen Cottrell in *Griffiths v TUI UK Limited*

[2020] EWHC 2268 (QB).

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## Academic

BA (Hons) Jurisprudence; St John's College, Oxford

LLM (Distinction); UCL

BPTC (Very Competent); BPP University

PhD; UCL

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## Awards and Scholarships

Lincoln's Inn, Hardwike Entrance Award & Lord Denning Major Scholarship

UCL, Faculty Research Scholarship

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## Memberships

ELA, PIBA, LSWU, ILS, UCU

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## For enquiries & instruction please contact



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