Neutral Citation Number: [2025] EWHC 1167 (Admin)

Case No: AC-2024-LON-003457

IN THE HIGH COURT OF JUSTICE
KING'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LONDON

Tuesday 13th May 2025

Before:
FORDHAM J

- -

Between:

VENKATESHWARLU BANDLA	**Appellant**
- and -	
SOLICITORS REGULATION AUTHORITY	**Respondent**

- -

- -

The **Appellant** appeared **in person**
Michael Standing (instructed by Capsticks LLP) for the **Respondent**

- -

Hearing date: 13.5.25

Judgment as delivered in open court at the hearing

- -

Approved Judgment

- -

FORDHAM J

Note: This judgment was produced and approved by the Judge, after authorising the use by the Court of voice-recognition software during the delivery of an ex tempore judgment.

FORDHAM J:

Introduction

1. This is the "rolled-up" hearing of an application for an extension of time, with the substantive appeal to follow if the extension of time is granted. The appeal is pursuant to section 49 of the Solicitors Act 1974. It is an appeal against a decision of the Solicitors Disciplinary Tribunal (the "SDT"). The decision of the SDT was to strike off the Appellant from the roll of solicitors. The s.49 appeal is a statutory appeal as of right, but subject to the extension of time that would be necessary in the present case.

2. The reason for the rolled-up hearing is because of the potential overlap between the extension of time issues and the strength or apparent strength of the underlying appeal against the decision of the SDT. The Appellant rightly recognises that the extension of time is the first necessary issue. We have dealt with that issue first. But I permitted and encouraged headline points to be made by the Appellant about the strength of the appeal. In the event, I did not need to call on Mr Standing for the Respondent (the "SRA"), except on two discrete points on which the Appellant was then able to reply. Mr Standing had filed and adopted a skeleton argument, which the Appellant had received and had an opportunity to consider. I have been assisted by the provision of a large volume of material and a large number of authorities. These were compiled and prepared for the court by the SRA's solicitors but served on and available to the Appellant. The case materials were rightly been prepared for the Court by the SRA as an appropriate course where the Appellant is a litigant in person, albeit a former solicitor.

Open Justice

3. This case was heard in open court at a public hearing. The case has at its forefront the position relating to the Appellant's past mental health condition. For his part, the Appellant did not seek any order for anonymity or any reporting restriction and he has confirmed that as his position. For its part the SRA as regulator, and Mr Standing as its Counsel, have satisfied themselves that it was not necessary or appropriate to invite any derogation from open justice. I am, for my part, entirely satisfied that the parties were correct in their approach to this aspect of the case.

Extension of Time: Taylor

4. The approach to be adopted on an application for an extension of time was identified by Lang J in Taylor v SRA [2019] EWHC 201 (Admin) at §§7-10. That is an authority to which Mr Standing's skeleton argument referred me. As Lang J there explains:

> ***By CPR rule 52.12(2)(b), an Appellant's Notice must be filed within 21 days after the date of the decision. This is subject to CPR PD 52D paragraph 3.3A, which provides that, where a statement of reasons for the decision is given later than notice of the decision, time runs from the date on which the statement of reasons is sent to the Appellant. Under CPR rule 3.1(2)(a) the court may grant an extension of time… An application to appeal out of time is to be equated with an application for relief from sanctions, and the court will apply what have become known as the Mitchell/Denton principles (see Denton v TH White Ltd [2014] EWCA Civ 906 [2014] 1 WLR 3926 at §24). The court will apply CPR 3.9, which states that the court will consider all the circumstances of the case so as to enable it to deal justly with the application, including a need for litigation to be conducted efficiently and at proportionate cost and to enforce compliance with rules, Practice Directions and orders. In applying the Mitchell/Denton principles, the first stage is to identify and assess the seriousness and significance of the failure to comply. The second***

> ***stage is to consider why the default occurred. The third stage is to evaluate all the circumstances of the case so as to enable the court to deal justly with the application, including the first and second factors.***

In his oral submissions the Appellant has reminded me of the overriding objective (CPR 1) and the interests of justice, which must be at the forefront of that third stage and the application of the Court's discretion.

Mental Health and Late Appeals: J v K

5. Guidance relating to mental health and appeal proceedings, in the context of employment appeals, was given by Underhill LJ in J v K [2019] EWCA Civ 5 [2019] ICR 815. That is an authority to which the Appellant invited my attention . The key passage in it is at §39 which makes some general points intended to be of value as guidance in the context of the broad discretion concerning extensions of time and appeals in that employment context. Underhill LJ said this:

> ***(1)The starting point in a case where an applicant claims that they failed to institute their appeal in time because of mental ill-health must be to decide whether the available evidence shows that he or she was indeed suffering from mental ill-health at the time in question. Such a conclusion cannot usually be safely reached simply on their say-so and will require independent support of some kind. That will preferably be in the form of a medical report directly addressing the question; but in a particular case it may be sufficiently established by less direct forms of evidence, eg. that the applicant was receiving treatment at the appropriate time or medical reports produced for other purposes.***
>
> ***(2) If that question is answered in the applicants favour the next question is whether the condition in question explains or excuses (possibly in combination with other good reasons) the failure to institute the appeal in time. Mental ill-health is of many different kinds and degrees…***
>
> ***(3) If the tribunal finds that the failure to institute the appeal in time was indeed the result (wholly or in substantial part) of the applicants mental ill-health, justice will usually require the grant of an extension. But there may be particular cases, especially where the delay has been long, where it does not: although applicants suffering from mental ill-health must be given all reasonable accommodations, they are not the only party whose interests have to be considered.***

Background

6. The Appellant is aged 52 and was admitted to the roll of solicitors in the UK on 15 November 2007. He practised as a solicitor and then started his own firm in 2012 called Ven Solicitors. The firm had premises at High Street North in Eastham, London SE12. As a practising solicitor, the Appellant was required annually to apply for the renewal of his practising certificate. As principal and owner of Ven Solicitors, he was required annually to confirm to the SRA that his firm held the necessary insurance. He made renewal applications in October 2013, October 2014 and October 2015. On each of those occasions he confirmed that the firm did have the required insurance cover.

7. On 5 November 2015 the Appellant responded to a query from the SRA asking who was the authorised COLP and COFA. Those are acronyms which relate to the authorised person with responsibility for dealing for dealing with compliance in relation to legal practice and financial administration. He replied by email from ven@vensolicitors.co.uk, to confirm that he was both COLP and COFA for the firm.

8. From 22 December 2015 onwards, however, the Appellant was unresponsive to all communications from the SRA. There was evidence before the SDT, and there is

evidence before me, of the attempts that were made to make contact with him. They involved the use of the given landline and a given mobile phone number. They involved the use of the email address from which he had communicated on 5 November 2015 and a second email address associated with the firm. These email addresses were, as the Appellant has explained to me today, linked to the firm's operating website. The SRA's attempts included visits to the firm's office premises; visits to the Appellant's home address; and communications with his ex-wife. Their divorce had been finalised by a family court order dated 17 November 2015, as the Appellant has disclosed in his materials in support of his appeal. What followed included a Forensic Investigations Report on 12 January 2016; communication between the SRA and the Legal Ombudsman the following day; and a supervision report dated 22 January 2016. That report recommended the intervention action that was subsequently taken, to assume control of the firm and protect the interests of any clients.

9. In due course a referral was made to the SDT. Ultimately there was a hearing on 9 May 2017 in public before the SDT. The outcome was that the Appellant was struck off. The SDT's judgment is dated 22 June 2017. It was published online at that, and remains published online. The basis on which the Appellant was struck off was that he had no insurance for 2015/16; that he had misleadingly and dishonestly stated on his 6 October 2015 renewal application that insurance was held; and that he had abandoned his firm without taking the appropriate steps in relation to the SRA as regulator and in relation to his clients.

The Appeal

10. The Appellant's appeal notice in this Court was lodged on 10 October 2024. Within it there was an application for an extension of time. In the event the Appellant has adopted, belatedly, an argument to the effect that he does not even need an extension of time. That is on the basis of his asserting that the SDT's statement of reasons was never lawfully sent to him. His application for expedition was refused on 30 November 2024. He has filed a 30-page grounds of appeal (6 October 2024); a 10-page additional grounds of appeal (undated); a 2-page skeleton argument (6 October 2024); a 15-page skeleton argument (21 April 2025); a 3-page witness statement (6 October 2024); a 23-page updated witness statement (17 March 2025); a 13-page supplementary witness statement (21 April 2025); and a 13-page second supplementary witness statement (6 May 2025). I have read all of those materials. The bundle of documents runs to 1204 pages. Further materials were provided by the Appellant on 9 May 2025 and (to the Court) on 12 May 2025.

Case-Law

11. The SRA's bundle of authorities cites 24 sources. The SRA's solicitors have, as I have explained, also prepared a bundle containing the 53 cases cited by the Appellant which exist. As to cases "which exist", there is in this case a specific and very serious concern about caselaw which the Appellant cited to the court in grounds of appeal which he has maintained. I will return to that at the end of this judgment. For now, I put that matter entirely to one side.

Capacity

12. I have been satisfied that there are no capacity issues requiring consideration or investigation so far as the present circumstances are concerned. I have already explained that this is a case which has at its forefront the topic of the Appellant's past mental health condition. His position is that he had fully recovered from his mental health issues as at February 2024. He has filed a four-page letter dated 16 January 2025 written by Dr Iqbal of Bolton Mental Health Services Assessment Team. It records the Appellant's "stable" mental health. Also filed by him is a letter dated 25 February 2025 from his GP which refers to a medical condition namely "delusional disorder/schizophrenia (February 2013)" and records that the Appellant is "currently stable" and indeed "not on any medication for this".

Statement of Reasons

13. Turning to the Appellant's application for an extension of time, logically the first question to address is this. Was the "statement of reasons" of the SDT "sent to the Appellant" for the purposes of §3.3A of CPR PD52D? It is not be necessary to investigate the history of that provision because Mr Standing for the SRA is prepared to proceed on the basis of accepting its applicability to the present case. PD52D §3.3A provides as follows:

> ***Where a statement of reasons for a decision is given later than the notice of that decision, the period for filing the appellant's notice is calculated from the date on which the statement is sent to the appellant.***

14. The answer in the present case is that the SDT's "statement of reasons" was "sent to the Appellant" on 22 June 2017. There is a letter of that date from Emma Tully, the PA to the clerking team at the SDT. That letter enclosed a copy of the SDT's written judgment. The address used in that letter is an address (which I do not need to set out in full) c/o the Appellant's mother at Manadal Village in India. A letter communicating the outcome of the hearing and enclosing the SDT's order had been sent previously by the SRA itself to the Appellant at the same address on 10 May 2017. That address had been tracked down as the Appellant's whereabouts by enquiry agents called Strategic Intelligence and Risk Services based in Cobham Surrey, as they explained in a report dated 14 December 2016. That report was before the SDT. Also before the SDT was the evidence of the Appellant himself having been encountered in person at that same address, on 29 March 2017. On that occasion, documents were personally served on him by a process server. A photograph was taken of him holding the served documents and looking at them. He confirms that that photo does show him, at that address, at that time. He maintains that he was only looking at an unopened envelope. He says it remained an unopened envelope, which he retained, up until April 2024 when he opened it.

15. The Appellant says that what was required was formal service of the written judgment pursuant to the Hague Service Convention 1965. The Hague Convention is applicable to "civil and commercial" matters, and not to "administrative" matters. That has been held not to apply to disciplinary proceedings before a regulatory tribunal: see GMC v Brauwers [2010] EWHC 106 (Admin) at §15. The governing rule, in any event, expressly uses the language of "sent" to the appellant. The Appellant this morning confirmed that his position is that Brauwers was wrongly decided. That means other cases in the bundle which involved similar communications with a regulated individual in the context of

disciplinary proceedings while an individual was abroad would therefore also have involved an unlawful failure of due process. (I interpose that Mr Standing had cited Sancheti v SRA [2017] EWHC 86 (Admin) at §§42-44 and GMC v Adeogba [2016] EWCA Civ 162. I am quite satisfied that the approach in Brauwers and those cases is legally correct.

16. On this topic, the Appellant's case in support of his application to extend time for his appeal has become this: that he never received the SDT judgment. His case is that the judgment needed to be served on him "in person" by using a process server in India. He maintains that it has never been "served" on him. At one point this morning he said to me that during 2024 he had emailed a request for the judgment to the SDT; that he had asked them by email for the judgment; and that they had emailed the judgment to him. That was one of several things which he said to me which he subsequently sought to "retract". He said that what he had said to me was "not true". He then gave me a different explanation relating to the judgment. It included what he said may have been access to the published judgment, from a local library at the beginning of 2024, by using the Internet. As I have explained, the logical consequence of that assertion is this. If the Internet were the only means by which judgment had ever been promulgated, the Appellant would be saying he did not – after all – need an extension of time in this case; and that he did not need to be applying for an extension of time when he filed his appeal.

17. The Appellant says "the only documents" that he ever received were the contents of the envelope handed to him by the process server on 29 March 2017. As to those documents, what had happened was this. The SDT, recognising the circumstances which had been brought to its attention by the SRA, has issued a formal "Memorandum of Hearing following non-compliance with previous directions". That was a formal document issued by the senior deputy clerk of the SDT, Geraldine Newbould. It set out, in detail, the sequence of events. It was written in the context of a substantive hearing which was due to take place, at which the SDT would deal with the Appellant's case. It was written in circumstances where he had not responded, at any stage, to the case put against him by the SRA. It recorded that previous documents had been left at the address in India with the Appellant's mother on 2 March 2017. It made directions encouraging the Appellant to make contacts provide an email address, and to provide a response, and to participate. It enclosed accompanying documents. It recorded in the body of the Memorandum the intention that the SRA had communicated, namely to arrange "personal service" of the Memorandum itself and its accompanying documents to the appellant. That Memorandum and accompanying documents were the documents handed over to the Appellant in person in the envelope on 29 March 2017, as he accepts.

18. The Appellant maintains that he never knew about documents that had been delivered by process servers at the same address in India, as evidenced by witness statements and exhibits, which were handed to his mother there on 2 March 2017 (including the Rule 5 Statement against him and other documents) and then on 1 May 2017 (including a Certificate of Readiness, timetable, costs schedule and index to the bundle for the SDT hearing). He accepts that these were received by his mother at the address in India, at a time when he was living at that address with her. He says she never gave the documents to him or told him about them.

19. The Appellant says the single envelope that he did ever receive was unopened by him. Yet it was retained by him. It was brought to the UK with him, from 10 June 2022 onwards. He says that single envelope did not contain the judgment. It is quite right that

the envelope handed over to him in person on 29 March 2017 did not contain the judgment. It did, however, contain documents notifying the Appellant of the upcoming SDT hearing. It contained documents making reference to the case against him, and the opportunity that he had to respond, which he was being urged to take.

20. So far as the "sending" of the order and judgment are concerned, I have already explained the SDT's order striking off the Appellant was "sent to him" by letter on 10 May 2017 and the judgment was "sent to him" on 22 June 2017. As I have explained, his case now is that he never received or was in possession of those documents. That is new. In the Grounds of Appeal originally filed with this Court in October 2024, in support of the appeal and the application for an extension of time, the Appellant clearly stated as follows (emphasis in the original):

> ***10. Disputed Service of SRA Documents in India. The SRA claims that all documents related to the tribunal proceedings were served to the Claimant in India via his mother. However, the Claimant denies this, asserting that he only received the Tribunal Judgment and no other documents. The Claimant maintains that his mother did not inform him of any communication from the SRA. He believes that the SRA may have used local agents in India rather than UK-based process servers, leading to confusion and an improper service of documents.***
>
> ***11. Impact of Schizophrenia on Claimant's Ability to Act. After receiving the Tribunal Judgment, the Claimant did not immediately open or address it due to his ongoing battle with schizophrenia. Only upon his recovery and return to the UK did he review the judgment, realizing the SRA's allegations against him. His mental health condition, lack of internet access during his stay in India, and prolonged treatment made it impossible for him to appeal the judgment within the prescribed time.***

That was a clear and explicit description of the Appellant having received an envelope which contained "the Tribunal Judgment". It matches the fact that there was an envelope that was posted and sent which did contain the Tribunal judgment.

21. That previous version of events is a description which is wholly inconsistent with the position that the Appellant has subsequently adopted. The Court has been given no convincing explanation at all as to why, in his admittedly healthy state of mind, the Appellant would have put forward to this Court in his Grounds of Appeal a clear description of receipt of "the Tribunal Judgment" in an envelope, if the truth were that he never received the judgment. It was in subsequently recognising the relevance to the extension of time of the timing of the sending of the statement of reasons that the Appellant has adopted his wholly different version of events.

22. The Appellant has also today described communications between him and the SDT, about his seeking a possible "reinstatement" to the roll of solicitors. But this was not a description of events which stacked up. It began with his clear description of only opening "the envelope", containing the Memorandum, in the UK in April 2024. He said he then found within that envelope documents about the SDT proceedings. But those documents predated any SDT hearing. They were not indicating any outcome of the SDT proceedings. That is how it began. Later, when describing to me his communications with the SDT and possible reinstatement to the roll, the Appellant told me that he had been communicating with the SDT about reinstatement in January 2024. Originally, the Appellant had described his email request to the SDT for a copy of the judgment, and what he said was a response from the SDT in mid-2024, providing him with the judgment. As I have explained, he later told me that that was wrong; and he wanted to "retract" it.

23. Part of the difficulty with the explanations being given to this Court today was this. If there were January 2024 communications with the SDT about possible reinstatement, these had obviously arisen from a position in which the Appellant knew perfectly well that he had been struck off the role as a solicitor. Otherwise there would have been no sense and no point in making such a "reinstatement" approach to the SDT. But that would put his knowledge of the outcome of the case much earlier than he was asserting. It was in those circumstances that, ultimately, the Appellant put forward a further explanation. He now said that he "probably" found out about the SDT's judgment by accessing the Internet. He said he would have been accessing the Internet in January 2024, from his local library, in conjunction with looking for jobs. That is a version of events which does not appear in any of the many pages of Grounds of Appeal, skeleton arguments and signed witness statements, put forward by the Appellant in support of his application for extension of time.

24. My conclusion is that I am wholly unable to rely on what the Appellant tells me about receiving and becoming aware of the SDT judgment. That, moreover, has repercussions for the extent to which I can rely on other things that are also put forward in support of the appeal and application for an extension of time. If it mattered that the SDT judgment was not only "sent to" the Appellant in accordance with §3.3A, but that it was also received and in his hands, I am entirely satisfied that this is what took place. It took place through the mechanism of the letter that was written enclosing the judgment. I am further satisfied that the notice of the outcome had been communicated by the SRA. All of that is, moreover, in circumstances where the SDT's judgment was published and placed in the public domain and accessible from any Internet linked computer anywhere in the world. For all these reasons, I find that the statement of reasons were "sent" as claimed by the SRA and time for the appeal therefore began in June 2017.

25. The Appellant makes a further point about the SDT's judgment. He says that it would be "unenforceable in India". Whatever the rights and wrongs of that, it is irrelevant. The SDT took a decision in the UK to strike off the Appellant here. He is seeking to overturn it here in the UK, in order to be able once again to practise as a solicitor here. All of that has nothing to do with whether or not he would be able to practise as a solicitor in India, as a consequence of the SDT's decision and any cross-border arrangements between regulatory authorities. I have not needed to get into any question of extraterritorial reach of the SDT judgment, given the irrelevance of that point.

Nature of the Delay

26. The next question which I need to address is whether the delay is serious or significant. In my judgment it is delay which is plainly very serious and very significant. It has reliably been calculated by the SRA as 7 years 2 months and 26 days.

Reasons for the Default

27. The next question is why did the default occur. The Appellant's answer to that question comes to this. It is in two parts. I start with the second of them. The Appellant says there was a final stage after February 2024 at which point his mental health condition had became sufficiently stable for him to be able to understand and communicate sufficiently, so that he could now put forward an application for an extension of time and file an appeal. During that period (February 2024 to 10 October 2024) his explanation of the delay is that he was, with all due diligence, seeking the assistance of legal representatives;

but he was unable to afford their fees to act on his behalf. The consequence was that the only legal assistance he derived was some preliminary advice from a barrister. He told me that he began engaging with potential legal representatives in May 2024. I accept the correctness of that contention. It is supported by email documents which showed that there were communications with potential legal representatives at that time. That is the second part of the Appellant's answer.

28. I turn to the first part. The Appellant's answer as to why the default occurred, so far as concerns the entirety of the period July 2017 through to February 2024, was very clear. His position is this. He says that from 1 August 2015 he was experiencing delusions, as a consequence of schizophrenia, which were so severe that he was "unable to understand things" and "unable to communicate". His position is that this description of an inability to "understand" or "communicate", due to delusional problems arising from schizophrenia, continued from 1 August 2015 right through to July 2017 and through to February 2024. That is the first part of the Appellant's answer.

29. It is in this context that the Appellant has described what is said by him to have been an "acute schizophrenic episode" in November 2015. Also in this context there are letters before the Court – in particular around April 2018 – which he says he wrote. Those letters are, I accept, consistent with his description of experiencing delusions. The Appellant has also put before the Court a document which is undated and states that it "certifies" the following: that the Appellant was admitted to a mental health Rehabilitation Centre at Hyderabad on 1 March 2021, and that he remained under the care of the Rehabilitation Centre there until 28 February 2022. That document, describing admission to the Rehabilitation Centre, does not however address the question of the Appellant being in so serious a mental health position as being unable to "understand" and unable to "communicate"; and if so when that was assessed to be the case. It is not explained why the Rehabilitation Centre would have discharged the appellant from its care on 28 February 2022, if his mental health position was so severe that he could not "understand" or "communicate". The Appellant accepts that at that point, in February 2022, he returned back home to the village to his mother's house. That is where he was then living until booking a flight to the UK which flight took place on 10 June 2022, after which he lived here, in Southall.

30. There is one NHS document before the Court which refers to the "year" which the Appellant spent in a Rehabilitation Centre in India as being "in 2015". That was a letter written on 16 January 2025 by Dr Iqbal of Bolton Mental Health Services Assessment Team. That is not, however, supported by any evidence. The Appellant recognises that the only evidence of being at a Rehabilitation Centre in India relates to the period between March 2021 and February 2022. He does not say that he was at a mental health centre or facility in India at any earlier stage. There is evidence of an "informal admission" to a mental health facility in the UK. That was at a time when the Appellant was assessed as having "capacity". It was for the period of a month, in February 2013. The documents which relate to that informal admission describe "an acute and transient psychotic disorder", at which point there was a diagnosis of schizophrenia.

31. The difficulty which the Appellant has – which in my judgment is insurmountable – is that there are very clear gaps in the evidence relating to his mental health condition. There are gaps in terms of relevant periods of time. But there are also gaps in terms of the severity of the condition and whether it went as far as to deny him the ability to "understand" and "communicate"; even to the point of his "understanding" that he was a

solicitor; that there were SDT proceedings and documents; that he could participate and then subsequently – and most relevantly for present purposes – that he could lodge an appeal. On that, there is no supporting evidence at all.

32. Pausing there, I do recognise the following. There is some documentary evidence which supports the fact that the Appellant was undergoing mental ill-health when he travelled to India from the United Kingdom in November 2015. There are two pieces of evidence which would support that as having been the case. Each of those pieces of evidence was obtained by the SRA. Each of them was brought to the attention of, and known by, the SDT at the hearing on 9 May 2017. It is important, therefore, to emphasise that I am not dismissive of the suggestion that there was a situation of mental ill-health indicated at the time that the Appellant left the UK in November 2015. The first piece of evidence is an email dated 21 February 2016 from the Appellant's ex-wife. This was against the backcloth of the SRA having made concerted attempts, by multiple means, to make contact with the Appellant with no success. It is unclear what it was that brought the SRA's position to the ex-wife's attention. But on 21 February 2016 she emailed the SRA to say this:

> ***I would like to inform you that he has suddenly left the country in mid-November and returned to India. He suffers from a severe mental health condition and I believe he has no plans of returning. As he refuses to see a psychiatrist and get assessed there was no paperwork to prove his lack of capacity. I request you kindly take further steps to ensure the clients are protected and look after the interests of Mr Bandla as the illness or its consequences are beyond his control.***

The second piece of evidence is within the enquiry agents' report dated 14 December 2016. That report recorded the extensive efforts needed for the enquiry agents (Strategic Intelligence and Risk Services) to have been able to track the Appellant down to the address at the Manadal Village in India. The report culminates in recording that address, which was subsequently used for all the correspondence, and for service by process service on the three relevant dates (ie. 2 March 2017, 29 March 2017 and 1 May 2017). Within the body of that report the writers describe having made contact with the Appellant's ex-wife who had confirmed that he was in India and who had said that:

> ***the reason for him suddenly leaving was due to him suffering a major nervous breakdown and he could not handle the pressure on him in the UK.***

The enquiry agents' report goes on to say that the ex-wife confirmed the Appellant was not returning to the UK at any time. Those are the two documents which support there having been mental health issues for the Appellant in November 2015.

33. Since one of the principal points made by the Appellant, in submitting that he has a strong underlying appeal, is that SDT and its Chair failed to recognise that there was the prospect of the Appellant having mental health difficulties, I should record the following at this point. Within the body of the SDT's judgment there are two passages which expressly refer to this documentary evidence. What that shows is that the SDT and its Chair were well aware of such evidence as was available to the SDT. At §40 of the judgment the SDT refers to the email of 21 February 2016; and the two sources are described at §48 where the SDT makes reference to the Appellant possibly having health issues. I should also record that the Appellant at one point in his submissions recognised that he really "should have sent an email" at least to say that he was having mental health difficulties, but that he did not do so. Although he criticises the SRA and the SDT for not doing more to take into account his mental health condition, he was in my judgment really unable to

identify what it is that they ought to have done. In the end, he told me that if a process server had arrived at his home in the village in India and served documents on him, that would somehow have given rise to knowledge of his mental health condition. He went on to suggest at one point that it was incumbent on the SRA to send someone to the village in India to verbally put to him in person the case against him, which he says would then have resulted in the SRA having greater knowledge of his then mental health condition. All of that, in my judgment, is entirely unrealistic and unjustified.

34. I return to the gaps in the evidence. The first and most obvious area in which there are gaps starts from the claimed date of 1 August 2015. That is the date from which the Appellant maintains he was unable to "understand" or "communicate". There is no medical evidence at all across the period from 1 August 2015 to 23 November 2015 when the Appellant left the UK. That is notwithstanding a history of interactions with clinicians, and documentation relating to mental health, and in particular the one-month voluntary admission back in 2013. There is no evidence at all to support any suggestion that the Appellant was suffering a mental health condition 1 August 2015, as he claims. Nor that he took any step in relation to any mental health condition. There is nothing in the extensive medical records. This was in circumstances that the Appellant knew from past experience about the availability of mental health services. The difficulties with these unexplained gaps in evidence, from that period, need to be put alongside the following. First, documentation shows that on 26 October 2015 the Appellant was uploading detailed information to the SRA as part of his application for renewal of his practising certificate. That must have been in the context of his seeking to continue to have a practising certificate. It included the information relating to the claimed insurance cover for the firm, which turned out to be non-existent insurance cover. Secondly, the Appellant – who maintains as part of his appeal that he was defrauded by an agent in relation to that insurance cover – says that he paid an insurance premium for the supposed insurance policy. That was in October 2015. It was after what would have been a switch to a new insurer. Thirdly, there is the email response which he sent on 5 November 2015 to the SRA, to which I have already referred. It responded to a question about the authorised person to deal with two categories of compliance. And the Appellant confirmed to the SRA by that email, that that person was him. All of this is, in my judgment, flatly inconsistent with the idea that the Appellant was in such a position of mental ill-health from 1 August 2015 that he was not capable of "understanding" and not capable of "communicating". The evidence simply does not go that far. Indeed the evidence does not go that far at any time, including where there is documentary evidence supportive of experiencing mental ill-health.

35. The next obvious gap in the evidence relates to the period after 23 November 2015, He was now back in India, and (he says, by early 2016) was back at his mother's house in Manadal Village. He told me today that he had in fact visited a clinician in 2016 who had prescribed him some drugs, after which he returned home. That assertion is entirely new, when put alongside all the detailed descriptions that have been put before the Court by the Appellant, in all his documents. It does not, in any event, extend to supporting the suggestion that he was unable to "understand" and unable to "communicate". Also, the Appellant told me very clearly today that there was no ongoing supervision by any clinician in and after 2016.

36. This brings me to an email which the Appellant sent to my clerk yesterday morning (12 May 2025) at 10:30. He attached a brief handwritten letter, itself dated 12 May 2025,

which is stamped "civil surgeon specialist area hospital". Obviously, that evidence came extremely late in the day. Very regrettably, and unknown to me, it was not even then provided to the SRA as the respondent to this proposed appeal. That default was notwithstanding that my clerk had responded on 9 May 2025 to an earlier unilateral communication from the Appellant. She had made clear to him that all communications with the Court and attached documents needed to be provided to the SRA as the other party to these proceedings. The Appellant at one point today suggested that he assumed that any email picking up on an earlier chain, which had previously involved cc'ing other addressees, would necessarily also copy them in. I am unable to accept that explanation. Any user of email – and certainly someone who for several years from 2007 practised in this country as a solicitor – would know that this is not the way email works. The handwritten letter is very brief but it says that the Appellant had been suffering from paranoid schizophrenia "since 2016 onwards". I then says that the Appellant had been taking medical treatment ("management") "under my supervision" and that this had been "maintained well" with "good compliance" taking place "during that period". Quite apart from the problems as to its late provision – and the unanswered questions as to what it is which precipitated the supply of this very late document and what it is that was communicated by the Appellant to seek to obtain it – there is this. The description is of ongoing medical management, under supervision, being well maintained. That contradicts, in fact, what the Appellant says was taking place in India from "2016 onwards". Even putting that to one side, the new letter does not come close to evidencing that from "2016 onwards" the Appellant was suffering from a mental health condition so severe that he was unable to "understand" and unable to "communicate". The gap in evidence from "2016 onwards" continues through 2017/2018 and through to the period of time in the Rehabilitation Unit in March 2021.

37. Even putting all of that to one side, there is then another obvious and serious gap in the medical evidence which is put forward. The Appellant was discharged from the Rehabilitation Unit in February 2022. He went back home to his mother's house for four months. Then he arranged a flight back to the United Kingdom in June 2022. He began living again in this country. At that stage, he was working in a food factory. He had that job from July 2022 to June 2024. There is no evidence at all to support the suggestion that there was an ongoing condition involving an inability to "understand" or "communicate". On the contrary, there are before the Court detailed medical records relating to the period after June 2022, giving the recorded views of the clinicians. They include that on 12 October 2022 the Appellant's mental health condition was "very well controlled"; that on 17 October 2022 it was "stable"; that on 29 March 2023 he was "mentally stable"; and that again on 26 July 2023 he was "mentally stable". There is no document which supports anything other than control and mental stability during that period. So, even if I leave aside the position prior to February 2022, it is in my judgment very clear that the appellant cannot sustain his assertion that he was and remained in no condition to "understand" or "communicate", so as to be unable to do anything to seek to advance an appeal.

38. Applying the guidance of Underhill LJ from J v K, it is very clear that the sort of evidence needed, covering the relevant periods of time, so as to explain or excuse the failure to institute an appeal, is absent in this case.

All the Circumstances

39. I have asked myself the question whether an extension of time is appropriate in all the circumstances. It is not. I have had regard to the overriding objective; and the interests of justice. I have also had regard to the strong public interest in finality, in the context of regulatory proceedings, which operate ultimately for public protection and public confidence. I have asked myself – as the relevant Article 6 question in the context of appeals and extensions of time – whether the refusal of an extension of time by this Court today would constitute either a "removal" or an "impairment" of the "essence" of the right of appeal. But I am entirely satisfied that it would do neither of those things. I have also had regard to the headline points that the Appellant made about the strength of his appeal.

Strength of the Appeal

40. The Appellant's headline points started with a series of criticisms of the SRA for the "lack of contact" which he says had denied him "due process" and which he says denied him of an opportunity to respond to the case against him. His point is that this lack of due process, so far as the SRA was concerned, should in turn have been the basis for the SDT not to have proceeded with the case; or not to have proceeded to an adverse decision. On this topic, I have already described many of the relevant circumstances. The argument that there was a lack of due process on the part of the SRA is, in my judgment, thin to the point of invisibility. I have referred to the SRA's multiple attempts, through multiple avenues, to make contact with the Appellant. In truth, he is quite unable to point to anything that a reasonable regulator could otherwise have done. The circumstances were that he had gone away unannounced to the village in India. That was where, in due course, the enquiry agents tracked him down, prior to the SDT hearing. The various SRA reports – forensic investigation and intervention – set out in detail, supported by documentary evidence, the diligent attempts that were undertaken. They set out the responsible actions which were taken by the SRA in intervening to protect any clients of the firm. That was all in circumstances where a solicitors office had been left behind, including sets of files which appeared to be client files. Multiple emails were sent by the SRA. They all received auto responses, to say that they were going to be considered. The Appellant said to me today that the website had not been operating, and that this will have been why emails could not have got through. That is contradicted by the evidence before the SDT and the Court, which clearly shows that the website remained up and running at the time of the email attempts to communicate with the Appellant. The Appellant has accepted – initially when describing the position at his mother's house but then subsequently by reference to a nearby village – that he did have access to email. His case, of course, is that he was in no condition as to mental health to "understand" still less to "communicate". But I have dealt with that issue. There were SRA communications, sent via appropriate channels, which would have given the Appellant opportunities to respond, had he accessed the emails; or had he provided any address; or had he retained a mobile phone number; or had he taken any other steps to be accessible. But he did not.

41. The next line of arguments were all about suggested unfairness on the part of the SDT. It is said by the Appellant that there is a strong basis of appeal to this court on the ground of serious procedural irregularity on the part of the SDT. Some of the points that have made are ones with which I have already in substance dealt. They were points about mental health, about the sufficiency of enquiry, about whether material facts were understood, and about whether relevant factors were taken into account. All in the context

of the SDT's decision to proceed, in the Appellant's absence, and its subsequent decision on the substance. That is, in finding the relevant breaches; in finding dishonesty; and in deciding on the appropriate sanction as striking off. I have already dealt with the Hague Convention and its inapplicability.

42. A discrete point was made by the Appellant. It was based on the applicable rules: the Solicitors (Disciplinary Proceedings) Rules 2007 (SI 2007 No. 3588). I was able to drill down to locate the point being made by the Appellant. It relates to rule 6(5) of the 2007 Rules, read with rule 10. It came to this. The Appellant says there was a statutory duty (rule 6(5)) on a clerk to the SDT to serve the rule 5 application, the rule 5 statement and supporting documents on him, in accordance with rule 10. He expressly accepts that the list of those documents which was provided by the process server on 2 March 2017 would comply with that requirement. They were handed over, as is supported by the witness statement of the process server, at the address in India. There, they were handed to the Appellant's mother. The Appellant's point is that those documents needed to be handed to him "in person" in order to comply with rule 10 and therefore with rule 6(5). In support of that he relies on rule 6.2 of the civil procedure rules referred to within the body of rule 10. But the answer to all of that is this. It was plainly sufficient, to comply with those rules, that the relevant documents were taken to and left at the relevant address. It is clear on the evidence that that is what happened. Not only were they sent by means of a delivery to the "last known place of abode" of the person (rule 10(1)(b)); but they were taken there; and they were left there; they were handed to the Appellant's mother there; and they were acknowledged there. The evidence is that the Appellant's mother said to the process server that she would pass the documents on to the Appellant. All of this is entirely sufficient. I can leave aside whether it would have been necessary. I can also leave aside whether, in any event, a procedural default of this kind is one intended by the regulations to have the legal consequence of removing the jurisdiction of the SDT. I would be very surprised if that were the position but the point does not arise.

43. Then there are the line of arguments by which the Appellant says the SDT acted unfairly because they should not have proceeded in the Appellant's absence. The relevant rule is rule 16(2). It provides as follows:

> ***If the Tribunal is satisfied that notice of the hearing was served on the respondent in accordance with these Rules, the Tribunal shall have power to hear and determine an application notwithstanding that the respondent fails to attend in person or is not represented at the hearing.***

The SDT was satisfied as to that statutory precondition.

44. In my judgment, the Appellant's suggestion that there was on the part of the SDT an unlawfulness or an unfairness, or some violation of human rights, or some absence of reasonable adjustments, is extremely weak. The SDT set out in its published judgment the evidenced facts as to service by the process servers all of which had been supported by witness statement and exhibits. The SDT referred specifically to the personal service of the Memorandum on the Appellant (29 March 2017). The SDT referred to the subsequent service of documents on 1 May 2017 with the Appellant's mother. The SDT was careful in ensuring that it understood the nature of the evidence. It said that it had carefully considered all of that evidence. It was satisfied of the requisite service. It also recorded that the Appellant's mother had given assurances that she would pass the documents on to him. The SDT referred again to the personal service on the Appellant on 29 March 2017, which had taken place in the mother's presence. Pausing there, the

significance of that of course includes the fact that reference was being made in those personally-served documents to the earlier documents with which she had recently been provided. The SDT considered whether to proceed and was "mindful" that it should exercise the "utmost caution". It concluded that the Appellant had voluntarily absented himself from the hearing; and that an adjournment was unlikely to result in his attendance on a future date. The SDT referred to the public interest and decided that any possible prejudice was outweighed by the public interest. It proceeded, and then dealt with the matter based on the evidence. And, as I have already explained, in the body of the judgment the SDT made clear that it had the materials in the form of the two documents which indicated what the SDT described as the Appellant possibly having health issues, meaning mental health issues. I am unable to accept that there is anything approaching a strong case, as the Appellant claims, based on any procedural impropriety on the part of the SDT.

45. The Appellant did not include, within his headline points advanced orally as to the underlying merits, any point relating to the insurance or the events that led to an insurance policy number being put on his October 2015 renewal application. As to that aspect, I have considered everything that has been put forward by the Appellant in writing. There are a number of striking features about his version of events. The starting point is that what he says happened would have been an answer which he could, and should, have been putting forward at the time. Certainly, far earlier than he has. It could have then been considered while it was fresh, or at least fresher than it now is, all these years later.

46. One striking feature is this. In his early appeal documents, the Appellant said he was unable to recall any details relating to the insurance broker; or the individual he claims told him that there was in place an insurance policy and who he says instructed him to enter false details as to a policy number (one used two years earlier). In his later appeal documents, by contrast, the Appellant is able to name the agency and even to give a name to the individual. That material indicates, in my judgment, that the Appellant has sought to fortify the position so as to try and bolster his appeal. There is no explanation as to why he should suddenly now be able to recall names where he previously said he was unable to recall anything. Next, the Appellant says he reported the matter to the police in April or May 2024. But there is no evidence in support of that assertion. Next, he told me today that he had paid a premium but he could not remember what the source of that payment was. It could, he said, have been a credit card. A number of financial institutions were named. That is striking too. In his earlier appeal documents he told a vivid story of having paid the premium from a Barclays Bank account. He also said he had taken steps to try and obtain the relevant bank statements. He said he had been told by Barclays that the statements cannot now be produced. These are all illustrative features. They undermine the Appellant's position, so far as the underlying merits are concerned. So far as his abandonment of his firm is concerned, there is of course the clear evidence that he did leave an office, that he did travel to India, and that he never communicated at any stage with his regulator the SRA; nor took any steps regarding the firm or its clients.

47. The Appellant's contention that, having proceeded with the matter, the SDT was somehow wrong or unjust to reach the adverse conclusions that it did, or wrong or unjustified or disproportionate to impose the sanction that it did are, in my judgment, all extremely thin. It really comes to this. The Appellant – with no evidential support – has sought to turn an evidenced case in which he is said to have misled his regulator about the firm's insurance into an unevidenced case in which he asserts that he was himself the

victim of a fraud by the broker. And there has never been an explanation of what sense it would have meant for the broker – the same agent who had successfully sourced insurance cover for the firm in the two previous years – now to be misleadingly stating that there was a non-existent policy; still less instructing the use of a false and previous policy number.

Conclusion

48. In the light of all of what I have said, I have no hesitation in refusing the Appellant's application for an extension of time for this proposed appeal. But there are two further features of the case which I wish to address.

Misleading CVs

49. The materials before the Court include two CVs which the Appellant is said to have supplied to two law firms: Smith Benedict & Co and Bendall and Sons. The circumstances and materials are addressed in a witness statement of Francis Whitehead, filed in these proceedings. The Appellant accepts that he had an association with a firm called West Wing solicitors in 2024. He has urged on the Court today that this was not a relationship akin to any employment. The two CVs, exhibited to the Whitehead witness statement, each describe the Appellant as having been at West Wing solicitors from 2016 to 2023, as a conveyancer. There is then a detailed description of what it is said that he did as a conveyancer at that firm during that period. I am conscious that there is underway a line of SRA enquiry in relation to that matter. My observations are not in any way intended for that forum. I make them only so far as relevant to my function of considering the application for permission to appeal that has been put forward, and questions of truthfulness and reliability of what is put forward by the Appellant. All of this, moreover, is in a context where the underlying appeal is against an adverse finding involving dishonesty, and where the Appellant is professing his honesty to this Court. The materials before the Court include the Appellant's own formal response to questions about those two CVs. They record a claim which he has made, when asked whether the CVs were misleading. What he says in his formal response is that the dates were "altered unknowingly". That is said by him to be "due to old MS Word or due to other reason", claiming that he had no intention "to give wrong information". The Appellant maintained orally today that there was, in those two CVs, an incorrect date. He said this was the consequence of a problem derived from MS Word or what he called a "systems error". I found it quite impossible to understand that as an explanation of the contents of those documents. That was, in my judgment, a relevant reinforcing feature when considering what to make of the veracity and reliability of what has been put by the Appellant before this Court.

Citing Fake Authority

50. The final topic is one I foreshadowed when referring to Case-Law near the start of this judgment. It relates to the citation of authority to the Court. I have described the many documents put before the Court by the Appellant, in support of his application for an extension of time and his appeal. He has even provided a witness statement which describes the "utility" of "cited cases" as "illuminating the manner in which legal principles have been applied by courts", and as "serving as persuasive tools". He describes himself as endeavouring to identify and present cases bearing the closest resemblance to this appeal. A large number of cases are cited in his documents.

51. Within the SRA's skeleton argument (dated 6 May 2025), and addressed in detail in an Annex to that skeleton argument, there is a description of the inability of the SRA and its solicitors in locating cases that have been cited in the Appellant's grounds of appeal and also in his own skeleton argument (21 April 2025). During his oral submissions the Appellant told me that he had written a synopsis of a judgment in a case which he was citing; and that he had done so having read the judgment himself. I put to him, as an illustration, the first of the many supposed cases which he had cited, but which the SRA having undertaken legal research say does not exist. This is just the first of some 27 such authorities listed in the SRA's Annex. In fairness to the Appellant, I ought to record that two of the 27 are, I think, wrongly criticised. What the Appellant called Osborne was Osborn and was [2013] UKSC 61. Ghosh in 2000 was a Privy Council case; not as the Appellant cited it a House of Lords case. I return to the first of many examples of a non-existent case, being cited in support of this appeal. This is from the Grounds of Appeal:

> ***R (on the application of Smith) v Parole Board** [2005] EWCA Civ 188. This case involved an appellant who suffered from a mental disorder and sought to challenge a decision made by the Parole Board out of time. The Court of Appeal ruled that tribunals and courts must consider the mental health of the appellant and how it impaired their ability to act within time . The court emphasized that justice requires a flexible approach, especially when mental illness is a factor.*

52. The SRA's Annex records that the SRA was unable to locate this case; that the citation was incorrect and was for a case with different parties; that cases with this name do exist; but that they do not appear to stand for the proposition given. (I interpose that I have myself looked at [2003] EWCA Civ 1269 and at [2005] UKHL 1.) The Appellant's response was as follows. He told me that he did not write this summary himself. He told me he had not read this judgment himself. He denied using AI or any source identifiable as AI. He claimed to have simply used a Google search for "case law in support of mental health problems". He accepts that this case, and many other cases which he cited to this Court, do not in fact exist. He told me that he never "double-verified" them. He later accepted that he never checked them at all.

53. I asked the Appellant why, in the light of this citation of non-existent authorities, the Court should not of its own motion strike out the grounds of appeal in this case, as being an abuse of the process of the Court. His answer was as follows. He claimed that the substance of the points which were being put forward in the grounds of appeal were sound, even if the authority which was being cited for those points did not exist. He was saying, on that basis, that the citation of non-existent (fake) authorities would not be a sufficient basis to concern the Court, at least to the extent of taking that course. I was wholly unpersuaded by that answer. In my judgment, the Court needs to take decisive action to protect the integrity of its processes against any citation of fake authority. There have been multiple examples of fake authorities cited by the Appellant to the Court, in these proceedings. They are non-existent cases. Here, moreover, they have been put forward by someone who was previously a practising solicitor. The citations were included, and maintained, in formal documents before the Court. They were never withdrawn. They were never explained. That, notwithstanding that they were pointed out by the SRA, well ahead of this hearing. This, in my judgment, constitutes a set of circumstances in which I should exercise – and so I will exercise – the power of the Court to strike out the grounds of appeal in this case as an abuse of process.

Order

54. Having given judgment, I will now have conduct of drafting the Order, in which I will dismiss the application for an extension of time for the reasons given in this judgment; and I will in any event strike out the grounds of appeal as an abuse of the process of the court. That leaves any consequential matters which are raised, with which I will then deal.

Costs

55. In light of the judgment, the SRA has made an application for costs on an indemnity basis, summary assessed at £24,727.20, to be paid within 21 days. It relies on what I have said about the Appellant's conduct and circumstances of this case, taking it out of the norm and justifying such an order. The Appellant has resisted costs, and also resists costs on an indemnity basis. That resistance amounts to a repeat of his submissions relating to his past mental health. I am entirely satisfied that costs on an indemnity basis are justified in this case. I make clear that that is based on what the Appellant has done in this case since February 2024, when on his own case all of his mental health problems were fully behind him. It is based on the way he has approached this appeal. It is based on what he has put before the Court. Specifically, it is based on marking the Court's strong disapproval in relation to my finding of an abuse of the process of the court by the Appellant, in having put forward the citation of fake authorities. In all the circumstances, the indemnity costs order is fully justified and I will make the order in the terms sought.

Permission to Appeal

56. The Appellant has applied for permission to appeal to the Court of Appeal. I have not needed to explore any question of jurisdiction (in circumstances where I have refused an extension of time), and will assume that there is an avenue of appeal. In my judgment, there is no realistic prospect of the Court of Appeal overturning the decision I have made; or any of the orders that I have made. Nor, in my judgment, is there any point of such importance as to justify permission to appeal notwithstanding the lack of legal viability. I will therefore refuse the application for permission to appeal.