

Caribbean and Bermudian Brief

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Collas Crill Caribbean and Bermudian Brief – key offshore updates in one place

Welcome to the Collas Crill Caribbean and Bermudian Brief – a concise round-up of significant recent decisions and legal developments affecting offshore and cross-border litigation.

This edition covers:

Privy Council (from the Court of Appeal of the Cayman Islands)

[*Aquapoint LP \(in Official Liquidation\) v Xiaohu Fan* \[2025\] UKPC 56](#)

Exempted Limited Partnership (ELP), just and equitable winding up, quasi-partnership not necessary for intervention of equity, ability of equity to override robust contractual clauses, availability of alternative remedies, derivative action

[*IGCF SPV 21 Limited \(Respondent\) v Al Jomaih Power Limited and Anor \(Appellants\) \(Cayman Islands\)* \[2025\] UKPC 54](#)

Did the Cayman Islands Court of Appeal err in holding that: (1) it was not bound to apply the rule in *Henry v Geoprosco* [1976] 1 QB 726; and (2) the Respondent has not submitted to the jurisdiction of the Pakistan courts?

Privy Council (from the Court of Appeal of Bermuda)

[*Credit Suisse Life \(Bermuda\) Ltd v Ivanishvili* \[2025\] UKPC 53](#)

Fraudulent misrepresentation, requirement of awareness, measure of damages in respect of mismanaged discretionary investments, the double-actionability rule, doctrine of renvoi

United Kingdom Supreme Court

[*Mitchell and another \(Joint liquidators of MBI International & Partners Inc \(in liquidation\)\) v Sheikh Mohamed Bin Issa Al Jaber; Mitchell and another \(joint liquidators of MBI International & Partners Inc \(in liquidation\)\) v Sheikh Mohamed Bin Issa Al Jaber \(No 2\)* \[2025\] UKSC 43](#)

Fiduciary duties, companies in liquidation, equitable compensation

Supreme Court of Bermuda

[Alpine Partners \(BVI\) L.P. and CMB Tech Bermuda Limited \[2025\] SC \(Bda\) 118 com](#)

Application for expedited trial, merger appraisal, s.106 Companies Act 1981, application of Overriding Objective to trial directions

Cayman Islands (Court of Appeal)

[Re HQP Corporation Ltd \(in Official Liquidation\); Re Direct Lending Income Feeder Fund Ltd \(in Official Liquidation\) \[2025\] CICA \(Civ\) 19](#)

Whether misrepresentation claims by shareholders are barred from proof in liquidation (Houldsworth rule); whether such claims, if provable, rank pari passu with or subordinate to other creditors; whether contractual waterfalls in Articles of Association affect priority of misrepresentation claims

Cayman Islands (Grand Court)

[Re ATP Life Science Ventures LP \[2025\] CIGC \(FSD\) 106](#)

Exempted limited partnership, winding up on just and equitable basis, application of CWR O.3, r.12(1)(a) or (b) to winding up of exempted limited partnership (ELP), whether court can order petition to proceed against partnership or against general partner, with partnership as subject matter

[Re Asia Television Holdings Ltd \[2025\] CIGC \(FSD\) 104 - judgment date 30 October 2025](#)

Insolvency, appointment of provisional liquidators on petition of company to facilitate restructuring, approach to exercise of power in Companies Act, s. 104(3), whether appointment of provisional liquidators is 'appropriate'

[Raiffeisen Bank International AG v Scully Royalty Ltd & Oths \[2025\] CIGC \(FSD\) 97](#)

Policing of world-wide freezing orders, asset disclosure, ex parte on short notice, s.37 English Senior Courts Act 1981, s.11 Grand Court Act (2015 Revision), practical utility, proportionality, disclosure of all substantial assets irrespective of the level of any cap set on freezing orders to allow policing of the order and avoid risk of assets being dissipated and judgment remaining unsatisfied

Eastern Caribbean Supreme Court, Territory of the Virgin Islands, Court of Appeal

[TAX v FDQ BVIHCMMAP2024/0029](#)

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BVI Arbitration Act, interim injunction to restrain arbitration; whether it is just and convenient to grant interim injunctive relief to restrain the respondents from pursuing second arbitration proceedings while an appeal is pending, whether to revoke order of the justice of appeal declaring that a single judge of the Court does not have jurisdiction to grant the interim injunction sought, Court of Appeal's supervisory jurisdiction over arbitration, relevant factors governing grant of injunction pending appeals, anti-suit arbitration injunction

To download the full update click [here](#).

Our multi-jurisdictional team brings a wealth of experience to resolve complex, sensitive disputes across the full range of cross-border and offshore matters in the commercial, fraud, insolvency and restructuring, and merger appraisal spheres.

For more information on these services see [here](#) and [here](#).

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