Construction, Engineering & Projects

Contentious, Middle East
“Highly skilled, knowledgeable and very hard working. Extremely high level of support, care and attention to the clients’ issues”

DISPUTE RESOLUTION, THE LEGAL 500 EMEA 2021
Having advised clients in the Middle East for almost two decades, we understand our clients’ unique needs in the construction and engineering industry. With three offices in the Middle East, we are able to service clients efficiently and understand local business culture and best practices in the region.

A multitude of risks may arise such as delays, disruptions, unforeseen additional costs, defects, the solvency of contracting parties, health and safety matters, and politically-related events. These risks can significantly impact the success of a project, cause damage to business relationships and your reputation, cause significant financial loss, and disrupt your ordinary business activities.

Early engagement of our services allows for us to work proactively with you as part of your project team to maximise control and minimise risks as and when they arise and avoid formal disputes as far as possible. Should any of these risks materialise, our team can work with you to provide project advisory services, which can mitigate the risk of matters proceeding to a formal dispute.

If matters cannot be resolved through dialogue and agreement, we will work with you to ensure disputes are resolved in a way that suits your needs; whether that is through dispute avoidance measures (such as mediation), litigation, adjudication, arbitration (national and international), expert determination, or other forms of alternative dispute resolution.

Our award winning Middle East team understand the specific requirements and nuances of each market place in the region. We undertake some of the regions highest value disputes from our offices in Qatar, Bahrain and the U.A.E. and work with trusted local counsel in the Kingdom of Saudi Arabia, Kuwait, Qatar, and Oman.

We pride ourselves on our client service and performance and are delighted to have received recognition for this through industry awards and other accolades such as:

- Ranked Tier 1 in all of our core practices in Bahrain | The Legal 500 EMEA 2021
- Highly Commended for Construction Team of the Year 2021 | The Middle East Legal Awards 2021
- Winner of the Bahrain Law Firm of the Year The Oath Middle East Legal Awards 2018 and 2019
- Winner of the Bahrain Dispute Resolution Law Firm of the year | Chambers Middle East Awards 2019
Notable examples of our recent contentious work

Confidential Consortium
Advising a Chinese/ Saudi/ Bahraini consortium in relation to the design, construction and operation of an IWPP independent water and power plant in the Kingdom of Bahrain including ongoing contract administration, construction phase advisory and claims/ dispute services. The project value is USD 1.5 billion. The team recently won highly commended Construction Team of the Year for the work undertaken on this matter to date which included the use of an innovative dispute resolution strategy.

Major master plan development, Bahrain
We represented our client (claimant) for the pursuit of its claims against its employer (respondent), and defended against counterclaims in two rounds of adjudication and an ICC arbitration seated in Bahrain before a three member tribunal. Whilst arbitral proceedings were underway, albeit prior to the constitution of the arbitral tribunal, the firm was forced to initiate ICC Emergency Arbitrator proceedings and was successful in obtaining a favourable interim decision which ultimately aligned with the ICC’s final award. ICC Final Award was issued in favour of our client. We are currently engaged in on-going enforcement proceedings before Bahrain Courts for execution of the arbitral award as ratified by the High Court.

Wastewater Treatment Plant, Bahrain
We act for our client in respect of a range of matters including a Bahrain Chamber of Disputes (BCDR) arbitration filed by SKD in respect of Bahrain’s development plans of a wastewater treatment for Muharraq, Tubli and other proposed locations in Bahrain on a PPP structure. Following the appointment of the Tribunal, CRS have been granted permission to raise the jurisdictional challenge which is ongoing. The challenge has been raised on the basis that the arbitration has been raised under the wrong arbitration agreement. The arbitration follows a series of claims by SKD in the Bahraini Court of Urgent Matters against our client, the Main Contractor and the Employer. We have assisted in successfully defending all such cases.

Roads project, Qatar
Advising a subcontractor in an ICC arbitration under Qatari Law against another subcontractor relating to the Dukhan Road East Project with a claim value of USD 24 million, excluding counterclaims. Our client is harnessing their positive relationship with the Main Contractor, (Qatari Diyar – Saudi Bin Laden Group), with the view to achieving a settlement.

UNCITRAL Arbitration, Cyprus
The firm acts for a leading Greek construction company in an arbitration relating to the construction of a luxury mixed use development project comprised of villas, towers and commercial buildings in Ayia Napa, Cyprus. We advise and support for the pursuit of consolidated claims relating to, amongst other, extensions of time and associated costs, disruption and variations in scope and design. The proceedings commenced in accordance with UNCITRAL Arbitration Rules and the arbitration will be administered by the Cyprus Arbitration and Mediation Centre, and seated in Nicosia, Cyprus.

Pipeline modernisation project, Bahrain
We represent a major Qatari specialist subcontractor in an ongoing ICC arbitration seated in Qatar before a single member tribunal against a major Qatari industry. The arbitration relates to claims that arose out of the works related to a polysilicon refinery project in Qatar (the first of its kind in Qatar and generally in the Middle East) which is complete and operational. The arbitration is both historic and follows a bifurcated process, involving complex legal and technical analysis under both processes. We have successfully defended the jurisdictional challenge raised by the respondent.

Terna SA, Abu Dhabi
The firm provided extensive claims and contract management advice in relation to a multitude of complex issues including interpretation of various obligations under the contract, and in relation to the construction and engineering of the works. More particularly, the claims related to the scope of work, client’s fitness for purpose obligations, employer’s design, variations, complex unforeseeable ground conditions, employer’s claims for delay damages, delays and disruption caused by the COVID-19 pandemic, release of performance bonds as well as the interpretation of various aspects of the UAE Civil Code.
“Paula is well regarded as an ‘amazing construction lawyer’.”

CHAMBERS GLOBAL 2019
Key Contacts

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