

Seminar on

Review of Construction Law: Section 75 of Contracts Act 1950

25 Jan 2017 (Wednesday) | 2:30 pm to 5:30 pm

Raja Aziz Addruse Auditorium

Straits Trading Building, Unit 2-02A, 2nd Floor
2 Leboh Pasar Besar, 50050 Kuala Lumpur

This half-day seminar will focus on the proposed amendment of section 75 of the Contracts Act 1950. Participants are encouraged to submit their questions in advance by email, or in person before the seminar, which will then be answered during the seminar.

Speakers

- (1) Tejas Karia
- (2) Nitin Nadkarni
- (3) Rajendra Navaratnam
- (4) T Kuhendran
- (5) Thayananthan Baskaran

About the speakers

Tejas Karia is a partner at Shardul Amarchand Mangaldas, Delhi; a qualified lawyer in India; and a (non-practising) solicitor in England and Wales. He has over 16 years of experience and leads the arbitration practice at the firm, handling, in particular, international and domestic commercial arbitrations, and commercial litigations. He has extensive experience in representing public and private corporations in a wide variety of international arbitrations involving complex commercial disputes in various sectors including oil and gas; shareholders' agreements; joint ventures; real estate; and private equity. He has handled both *ad hoc* and institutional arbitrations involving virtually all major arbitration institutions. He has been recognised as a "Leading Lawyer in Dispute Resolution" by *Asialaw Leading Lawyers* consecutively since 2013, and was also recognised by *Chambers and Partners*, and *Legal 500*. In 2016, he was awarded the Rising Star Award by *Legal Era*.

Nitin Nadkarni is a partner at Messrs Lee Hishamuddin Allen & Gledhill. He holds a Bachelor of Law (Hons) degree from the London School of Economics and Political Science, and is a Barrister-at-Law (Middle Temple). He was admitted as an advocate and solicitor of the High Court of Malaya in 1985. He is ranked by *Chambers Asia* as a leading lawyer (Band 1) in construction disputes, with a reputation for absolute thoroughness in his work. Described as a "very competent advocate", he also acts regularly in commercial disputes, including media disputes.

Rajendra Navaratnam obtained his first degree in electrical engineering, and started his career as an engineer in the power industry. He has worked in wide and various capacities in the then-National Electricity Board of Malaysia, ranging from construction and maintenance of high voltage transmission lines and substitutions, to test and instrument functions, culminating in managing international procurement contracts, for about 10 years before he retrained in law and started his legal career with Messrs Azman Davidson and Co in 1988. He became partner in 1993. He practises primarily in the areas of construction law and insurance in both litigation and arbitration.

T Kuhendran is a partner in the Dispute Resolution practice group at Messrs Zul Rafique & Partners. He holds a Bachelor of Laws (Hons) degree from the University of Leicester, United Kingdom. He is a Solicitor of the Supreme Court of England & Wales, and was admitted as an advocate and solicitor of the High Court of Malaya in 1992. He

Registration Fees (Inclusive of 6% GST)

Members of the Bar	RM43
Members Admitted from 1 July 2011	RM21
Law Students and Pupils in Chambers	RM21
Non-Members	RM85

CPD Code: T23/25012017/BC/BC172005/2

Registration for the event will begin at 2:00 pm

is also a Fellow of the Chartered Institute of Arbitrators. He is involved in arbitration and litigation, particularly in construction and engineering-related disputes. Apart from his experience in dispute resolution, he has also advised on different aspects of construction and engineering law. In addition, he has drafted and vetted various construction and engineering-related contracts.

Thayananthan Baskaran's primary area of practice is construction law. He drafts various building and engineering contracts; advises on disputes arising from such contracts; and appears as counsel to resolve these disputes. He was appointed as an adjudicator in the fifteenth statutory adjudication registered in Malaysia, and now regularly sits as an adjudicator. He is on the panel of several international arbitration centres, and has been appointed as arbitrator in a variety of commercial disputes. He also sits as a mediator in Kuala Lumpur and Singapore. He was educated at St John's Institution, Kuala Lumpur; read law at King's College, London; and was called to the Bar by Gray's Inn. He was admitted as an advocate and solicitor of the High Court of Malaya in 2000.

Programme

2:00 pm	Registration
2:30 pm	Opening Address by T Kuhendran, <i>Partner, Messrs Zul Rafique & Partners</i>
2:45 pm	Introduction: Application of Section 75 of the Contracts Act 1950 to Liquidated Damages in Building Contracts, and Proposed Amendments by Thayananthan Baskaran, <i>Partner, Messrs Zul Rafique & Partners</i>
3:00 pm	Liquidated Damages: The Position in Malaysia by Rajendra Navaratnam, <i>Partner, Messrs Azman Davidson & Co</i>
3:20 pm	Liquidated Damages: The Position in England by Nitin Nadkarni, <i>Partner, Messrs Lee Hishamuddin Allen & Gledhill</i>
3:40 pm	Liquidated Damages: The Position in India by Tejas Karia, <i>Partner, Messrs Shardul Amarchand Mangaldas & Co, Delhi</i>
4:00 pm	Tea Break
4:30 pm	Question-and-Answer Session All stakeholders in the construction industry will be invited to ask questions and present their views



Organised by
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