



CPD 5/23

Dated 18 Aug 2023

Bar Council CPD Accreditation Code: T3/09082023/PGB/PGB233125/1

1 CPD Point

*The Continuing Professional Development Subcommittee presents a Seminar on*

# **Dusting Off A Construction Claim in 100 Working Days**

***Register online here***

**Date:** 8 Sept 2023 (Fri)

**Time:** 3:00 p.m. to 4:30 p.m.

(Registration will begin at 2:30 p.m.)

**Venue:** Penang Bar Auditorium

No. 4 Green Hall, 10200 Penang

## **Registration Fees (RM)**

Members of the Bar - RM 50

Pupils-In-Chambers - RM 20

Non-Members - RM 80

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## **Summary:**

Traditionally, both technical and legal disputes arising out of construction disputes were resolved through formal court proceedings or arbitration. However, with the introduction of the Construction Industry Payment and Adjudication Act 2012 ("CIPAA"), construction parties have a quicker and cheaper alternative to dispute resolution.

## **The talk covers insights on CIPAA and address the following areas:**

- What is CIPAA?
- Does CIPAA apply to every construction contract?
- Can you be exempted from CIPAA?
- Can you contract out of CIPAA?
- Insight to the adjudication process
- Can you raise defences not contained in a Payment Response?
- What are the powers of an Adjudicator?
- What are your rights as the winner?
- What are your rights as the unsuccessful party?
- In what circumstances can you challenge an Adjudication Decision?
- What are the grounds to stay the execution of an Adjudication Decision?
- Can you as a third party be made to pay the Adjudicated Amount?
- Can you as the winner suspend or reduce the rate of progress of performance of your work?
- Can you refer your dispute to both arbitration and adjudication concurrently? What happens if one is concluded before the other?
- Can you make a claim for loss and expenses under CIPAA?

- Can you make a claim for Liquidated Damages under CIPAA?
- Are conditional payment provisions in construction contracts still enforceable?
- What happens when the terms of payment are absent in the construction contract?

### **SPEAKER**



**Darshendev Singh** is a Partner with Lee Hishammuddin Allen & Gledhill. His primary area of practice is commercial dispute resolution with a focus on complex disputes relating to construction, engineering, oil & gas, and infrastructure projects. Besides regularly sitting as an arbitrator and an adjudicator, Darshendev also represents clients in international and domestic arbitration, litigation, mediation and adjudication.

Over the years, Darshendev has amongst others been described as a lawyer who *“provides critical yet practical insight with his sharp intellect and surgical precision of the facts. He is reliable, efficient, and experienced”*, *“is exceptional and stands out from competitors because of his knowledge in the field, his meticulous nature in disputes and his dedication to do his best for his clients”*, and *“is very solution-oriented and always provides practical solutions to clients. He is intelligent, aggressive, sharp, meticulous and has great advocacy skills, which are something clients look for in a litigator.”*: The Legal 500 and Benchmark Litigation Asia-Pacific.

Darshendev, who was the former chairperson of the Chartered Institute of Arbitrators (Malaysia) Young Members Group, is a frequent speaker on the international circuit and contributes to global publications on the arbitration and construction law landscape.

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All payments must be made in advance of the event. Registration must be accompanied with proof of payment to guarantee your place. Registration is on a first-come, first-served basis.

Registration will close at **5:00 p.m., 4 Sept 2023 (Mon)**. No further registration will be accepted once the deadline has passed, or if the seminar is full. Cancellations must be made in writing. There will be no refunds for cancellations made after 1 Sept 2023 (Fri) but substitutions are allowed.

The organiser reserves the right to modify, cancel or postpone the event, should circumstances arise that make such action necessary.

If you have any enquiries, please e-mail us at [secretariat@penangbar.org](mailto:secretariat@penangbar.org).

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Issued by:  
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 Chairman  
 Continuing Professional Development Subcommittee