



# ENERGY, CONSTRUCTION AND **ENGINEERING LAW**

LEGAL ADVISORY, LITIGATION, ARBITRATION, CONSULTANCY AND  
ALTERNATIVE DISPUTE RESOLUTION

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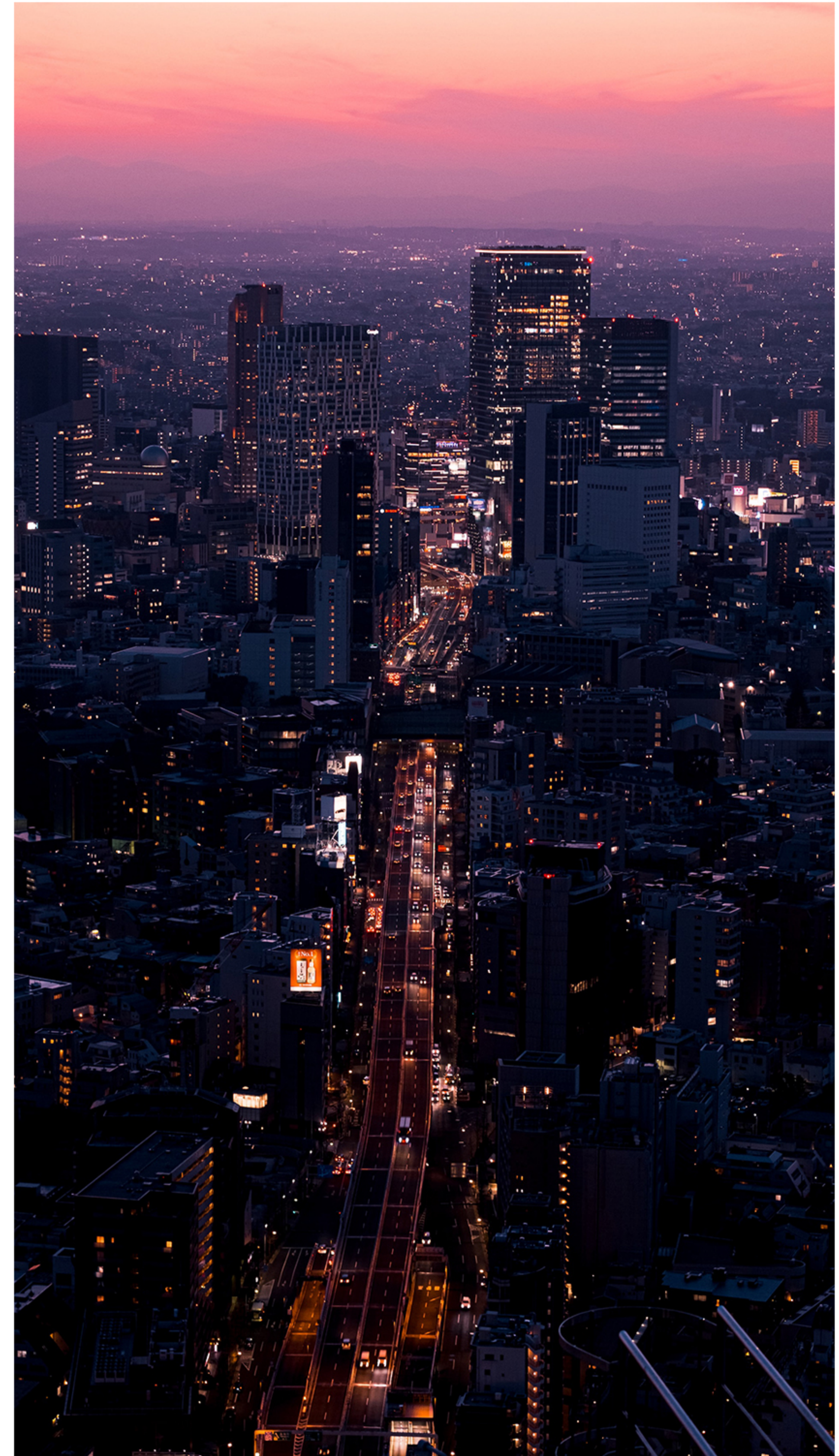
# ABOUT US

MK Consultus LLP (MKC) are committed to providing legal services of the highest international standards. We believe in absolute commitment to the representation of our client's interests and take pride in our ability to effectively evaluate issues confronting our clients and to communicate precisely on their behalf in any setting.

Our multi-skilled legal expertise along with our strategic alliances with global organizations provide a one-stop solution for our clients on any matter in any jurisdiction. Whether bringing or defending proceedings – both in and out of court – or any form of the alternative dispute resolution process, we are always prepared.

Our goal is to be the firm of choice for clients who value professionalism and commitment in addressing important legal challenges, dispute avoidance, management, and resolution of their commercial transactions. Thorough research and preparation, honest, pragmatic advice, and fluent advocacy based on an in-depth knowledge of the law are the hallmarks of our services.

Our Partners are also the founding Chair and Vice Chair of the CIArb Pakistan Branch.





# AREAS OF EXPERTISE

MKC focuses on strategic market sectors where we can apply our unique expertise. We aim to utilize the knowledge of our team of sector leaders, supported by our local and international partnering organizations, to provide a truly international service delivered to our clients.



CONSTRUCTION &  
ENGINEERING LAW



ENERGY & POWER



OIL & GAS



ADMIRALTY &  
SHIPPING



CLIMATE CHANGE &  
ENVIRONMENTAL



CORPORATE &  
COMMERCIAL



CLAIMS & DISPUTE  
RESOLUTION



BANKING &  
FINANCE



RETAIL



PROPERTY &  
REAL ESTATE



Healthcare &  
Pharmaceuticals



Funding Institutions



Telecommunication  
& Media



Information Technology &  
Intellectual Property



Hospitality & Leisure



# MKC SERVICES

Energy, Construction, and Engineering disputes are concerned with multiple issues that involve the owner, developer, contractor, subcontractor, and suppliers, each depending on the contractual matrix which is complex and requires an in-depth understanding of the contract documents, legal context, and factual matrix. Our thorough understanding of these ingredients establishes a robust and effective commercial strategy.



**Advisory**



**Claims & Dispute Management**



**Alternative Dispute Resolution**



**Arbitration**



**Litigation**



**Training & Development Courses**



**Legislative Drafting**



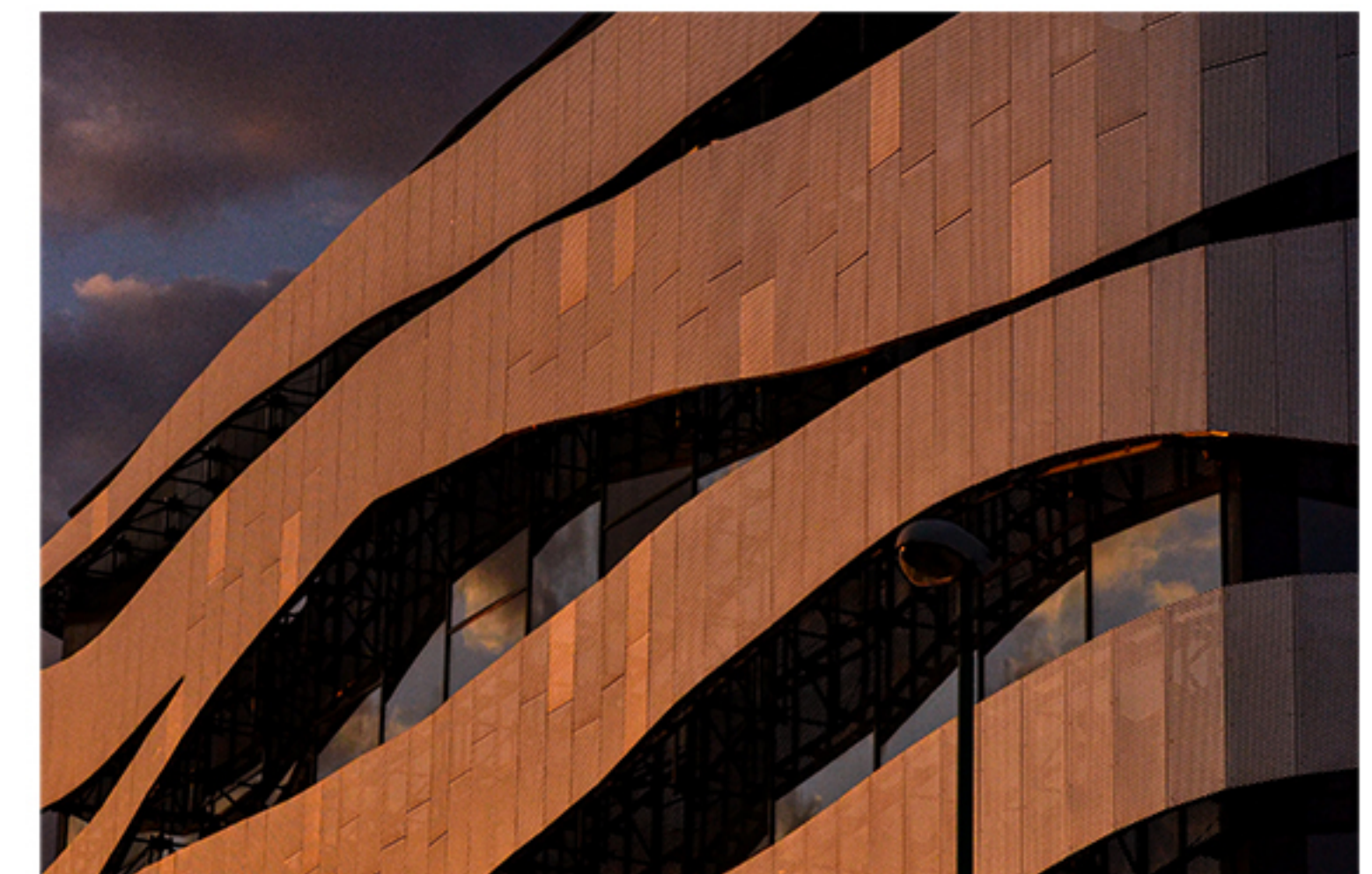
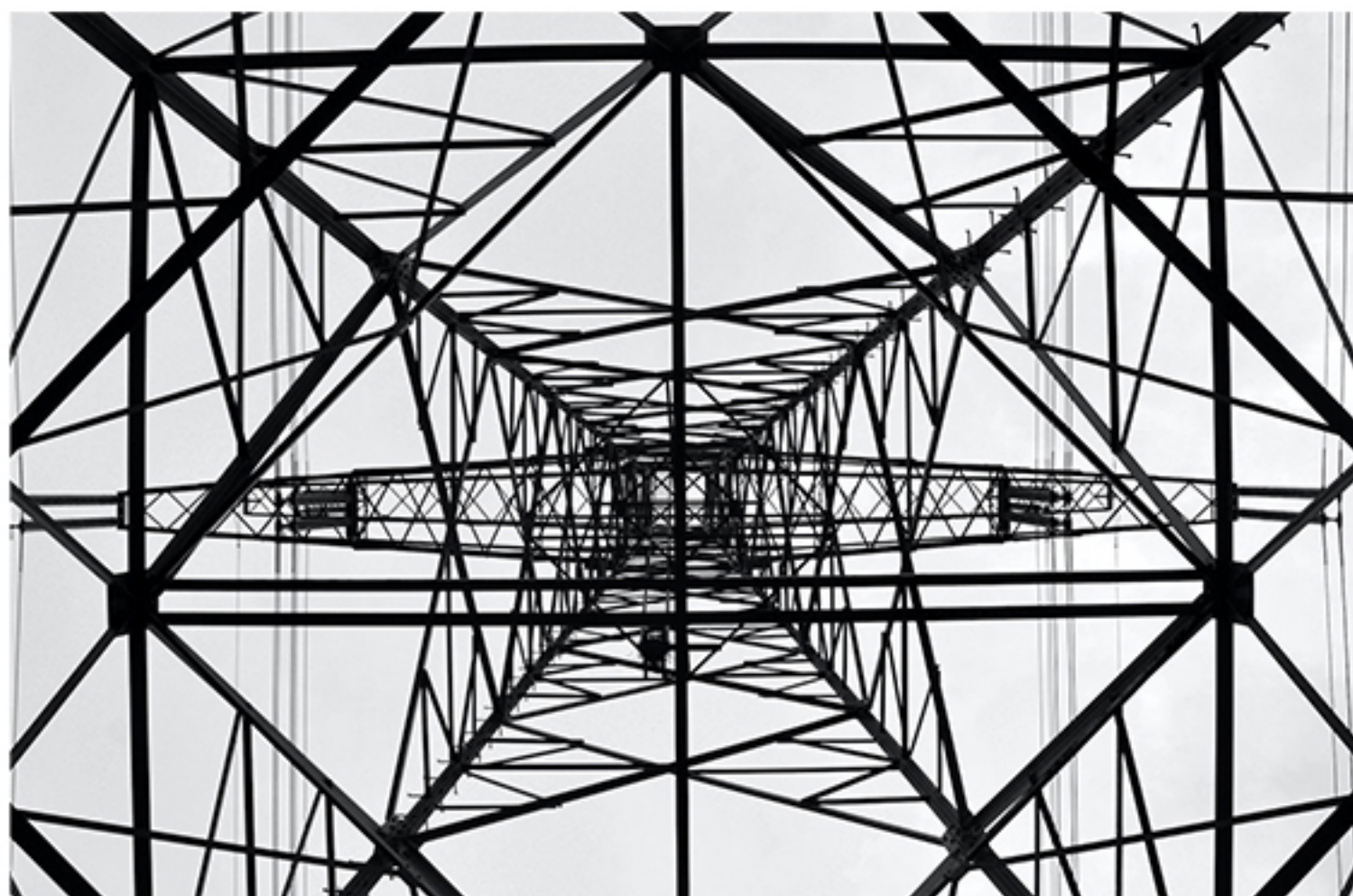


# 1. ADVISORY

MKC supports clients during the whole project lifecycle, from project feasibility, and initial tender assessments of risk through to assistance at formal dispute resolution, including the provision of experts and third-party neutrals. Our team has a sharp commercial focus, ensuring that we deliver results that add value beyond client expectations.

We advise on:

- Contentious and Non-contentious Matters
- Commercial Models and Strategies
- Feasibility Studies
- Procurement and Supply Chain solutions
- Programme Audits and Analysis
- Risk and Value Management
- Business Continuity and Supply Chain Resilience
- Supplier Contracts, Special Purpose Vehicles, O&M Contracts, EPC Contracts, Lease Agreements, Subcontracts, and Power and Water Contracts
- Pre and Post-Contract Management Advisory
- Contract Administration, Final Accounts and Contract Closeout.
- Bonds and Collateral Warranties
- Expert Witness and Asset Tracing

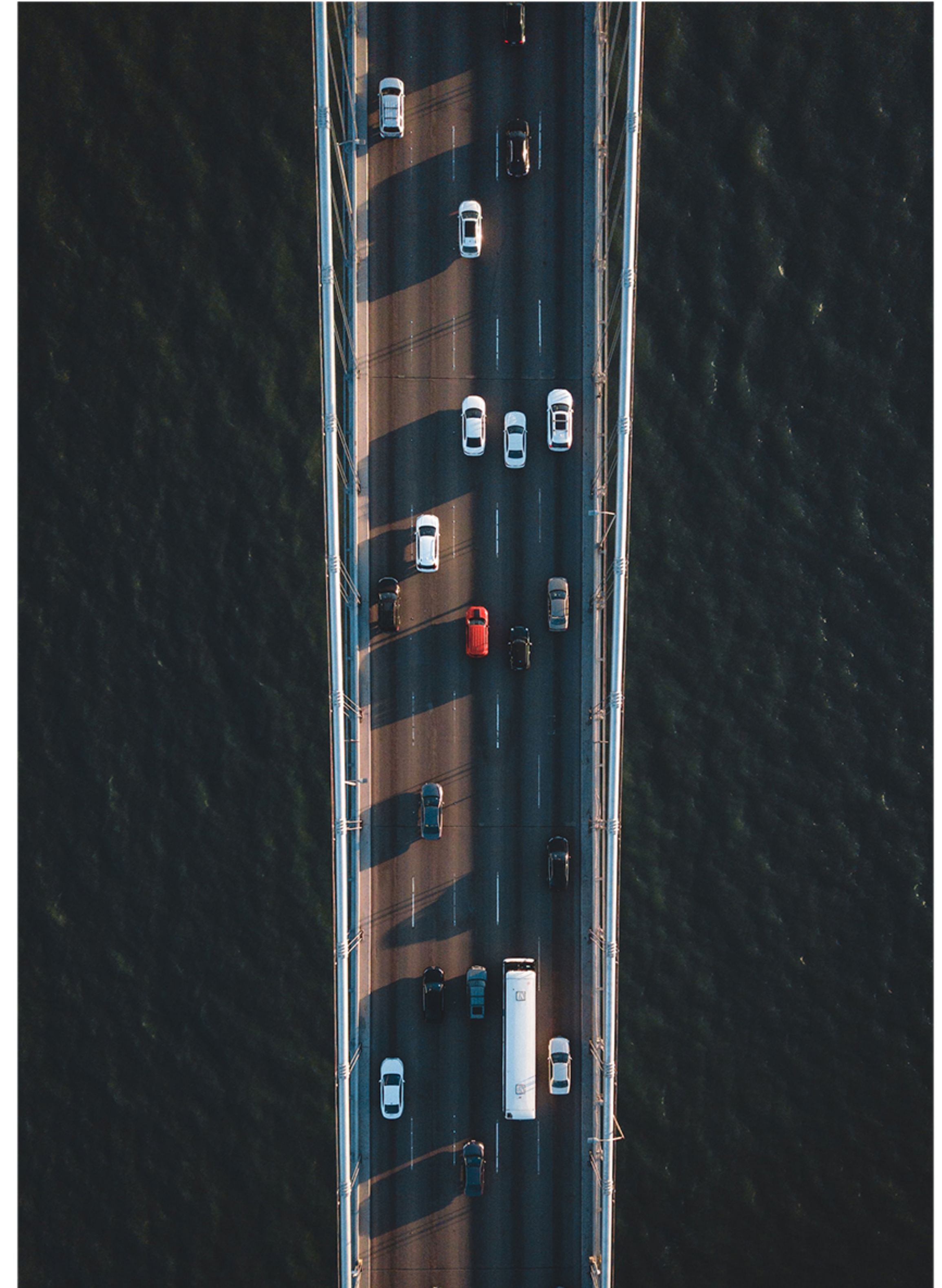




## ADVISORY SERVICES:

### 1.1 CONTRACTS AND PROCUREMENT

- Private and Public Procurement and PPRA (Including Tendering for Private Parties, Authorities, and Bidders)
- Contract Drafting and Review (FIDIC, ICC, PEC, NEC, JCT, ACA, and bespoke contracts).
- Procurement Consultancy
- Custom outcome-focused services
- Risk Assessment, Management, and Mitigation.
- Procurement and Commercial Models (focusing on whole-life value and partnership).
- Financial cost recovery.
- Process audits and improve client controls.
- Review of delay events and interrogation of programmes.
- Commercial closure and certainty.
- Developing a realistic and reliable baseline programme.
- Technical opinion in specialist fields such as infrastructure, ports, energy, PFI, M&E, building surveying, and health and safety.
- Training and development, skills transfer, and capability mapping throughout the project lifecycle.
- Supply chain management optimizing targets, performance benchmarking, adoption of category management, and strategic sourcing.
- Project planning support, project progress reports, and resequencing and monitoring activity delay.
- Expert advice based on standard or bespoke contract mechanisms.







## 1.2 PROFESSIONAL **LEGAL ADVICE**

- **Legal Advice**
  - Complex construction contracts.
  - Procurement processes, and bids, avoiding disputes and issues, by collaborating with contractors, employers consultants, and contracting organizations.
  - Dispute settlement process.
  - Commercially construction law.
- **Public Private Partnership**
  - Public-private partnerships disputes.
  - Project inception, project management, and risk management.
- **Third Party Funding**
  - Private Finance Initiatives (PFIs).
- **Performance, Bonds and Guarantees**
  - Contracts Review, due diligence.
- **Mergers and Acquisitions**
  - Due diligence, tax, competition, real estate, intellectual property and employment law etc support.



## 2. CLAIMS AND DISPUTE MANAGEMENT

Our extensive expertise includes applying a range of qualitative and quantitative risk management techniques to review and analyze potential conflicts and ensure appropriate actions and processes to avoid them.



We provide clients with a comprehensive and practical understanding of contract documents and their operative terms to avoid being exposed to contractual risk. On-going project claims are inevitable from time to time. By combining best practice methodology and specialist knowledge, we can apply our specialist technical and contractual know-how to unravel complex issues and cost-effectively manage these.

Our UK team has provided expert opinion evidence to clients in litigation, arbitration, adjudication, conciliation, and mediation. Services encompass prospective and forensic delay analysis, document preparation, and expert testimony in the pursuit and/or defence of contractual claims for delay, disruption, variations, and general damages.



## Claims and Dispute Management Services:

### 2.1 CONFLICT AVOIDANCE AND DISPUTE AVOIDANCE

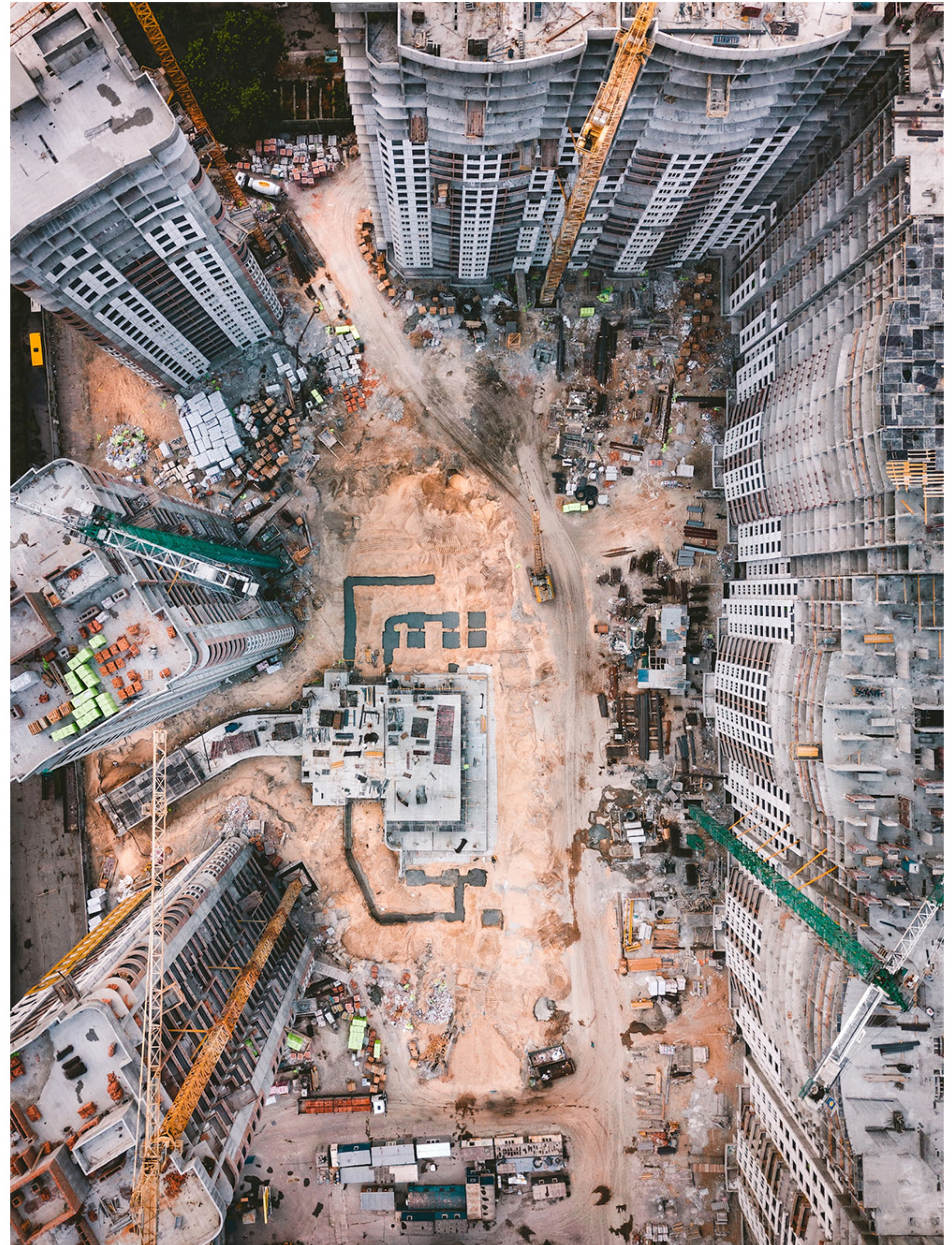
- Global and standard form of contract provisions.
- Dispute Avoidance Panel (DAP)
- Dispute Review Board (DRB)
- Dispute Resolution Advisor (DRA)
- Dispute Adjudication Board (DAB)

MKC is one of the early signatories of the Conflict Avoidance Pledge with the aim of mitigating the financial costs of disputes in the construction and infrastructure industry.



### 2.2 DISPUTE RESOLUTION

- Efficient management and resolution of complex claims.
- Quantum expert opinion with testimony experience.
- Forensic delay expert opinion with testimony experience.
- Support for Compensation event and variations.
- Loss and expense and extension of time claims.



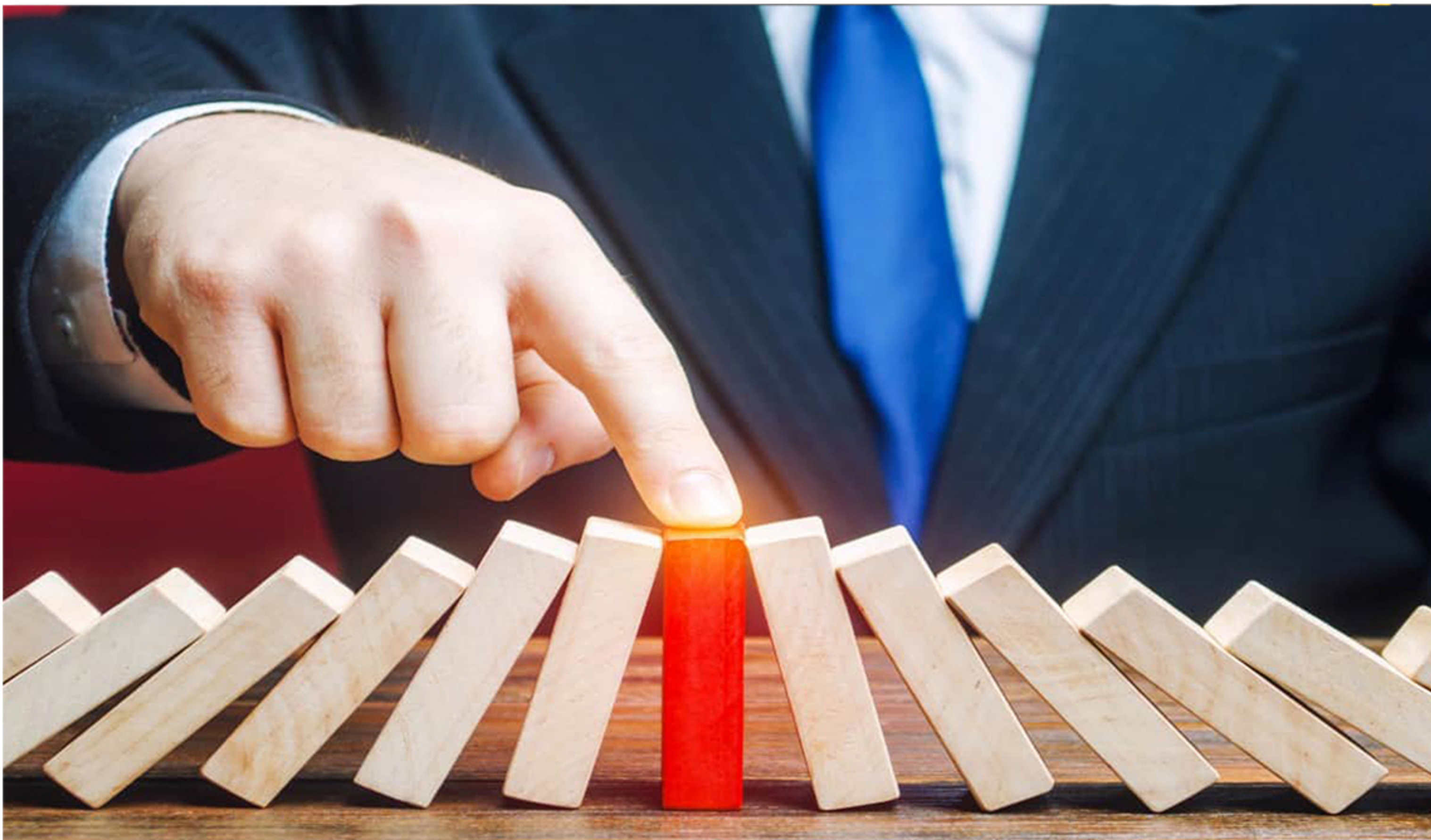


### 3. ALTERNATIVE DISPUTE RESOLUTION

Voluntary and contractual alternative dispute resolution (ADR) methods are effective tools for both parties in a dispute to address the issues at hand. The aim behind our ADR services is to help you get your business operational and back on track, at minimum cost and as soon as possible.

MKC employs a multi-pronged approach, simultaneously facilitating our clients with both alternative and online (remote) dispute resolution, advisory, and consultancy services while bypassing the need for a stay of proceedings.

Our team has provided expert opinion to clients in arbitration, negotiation, adjudication, conciliation, and mediation; and appeared as expert witnesses and independent reviewers. Our ADR services encompass prospective and forensic delay analysis, document preparation, and expert testimony in the pursuit and/or defence of contractual claims for delay, disruption, variations, and general damages. Our teams are available to act as Counsel and conduct the ADR Process.



#### ADR Services:

- Arbitration
- Conciliation
- Early Neutral Evaluation
- Expert Determination
- MED-ARB
- Mediation
- Mini-Trial
- Negotiation
- Neutral Expert Fact-Finding
- Ombudsman
- Online Dispute Resolution
- Private Judging
- Summary Jury Trial



## 4. ARBITRATION

MKC supports its clients in their arbitration proceedings with specific insight, knowledge, and subject matter expertise in domestic and international arbitration whether ad hoc or institutional. Our legal team provides customers with an easy-to-understand and professional experience. Our focus is on the client's end goal along with contractual and procedural intricacies found in energy, construction, energy, oil & gas, and infrastructure-related matters.

Our team has experience in arbitration proceedings in LCIA, ICC, ICSID, SIAC, AAA, PEC, TCC, and CIArb rules.

### **Arbitration Services:**

#### **Arbitration Lawyer**

- Arbitration strategy to achieve the best possible outcome.
- Principles and legal requirements of the Arbitration.
- Representation in the Courts before, during, and after the arbitral process.
- Rights, duties, and responsibilities of a party to an Arbitration.
- The methods of initiating and processing an Arbitration.
- Legal advice on the merits of the dispute.
- Analysis and advising on the evidence.
- Drafting statements of case.
- Enforcement of Foreign Arbitral Awards.
- Resisting or challenging an Arbitral Awards.
- Advising on appeal of an Arbitrator's Award.

#### **Arbitrator**

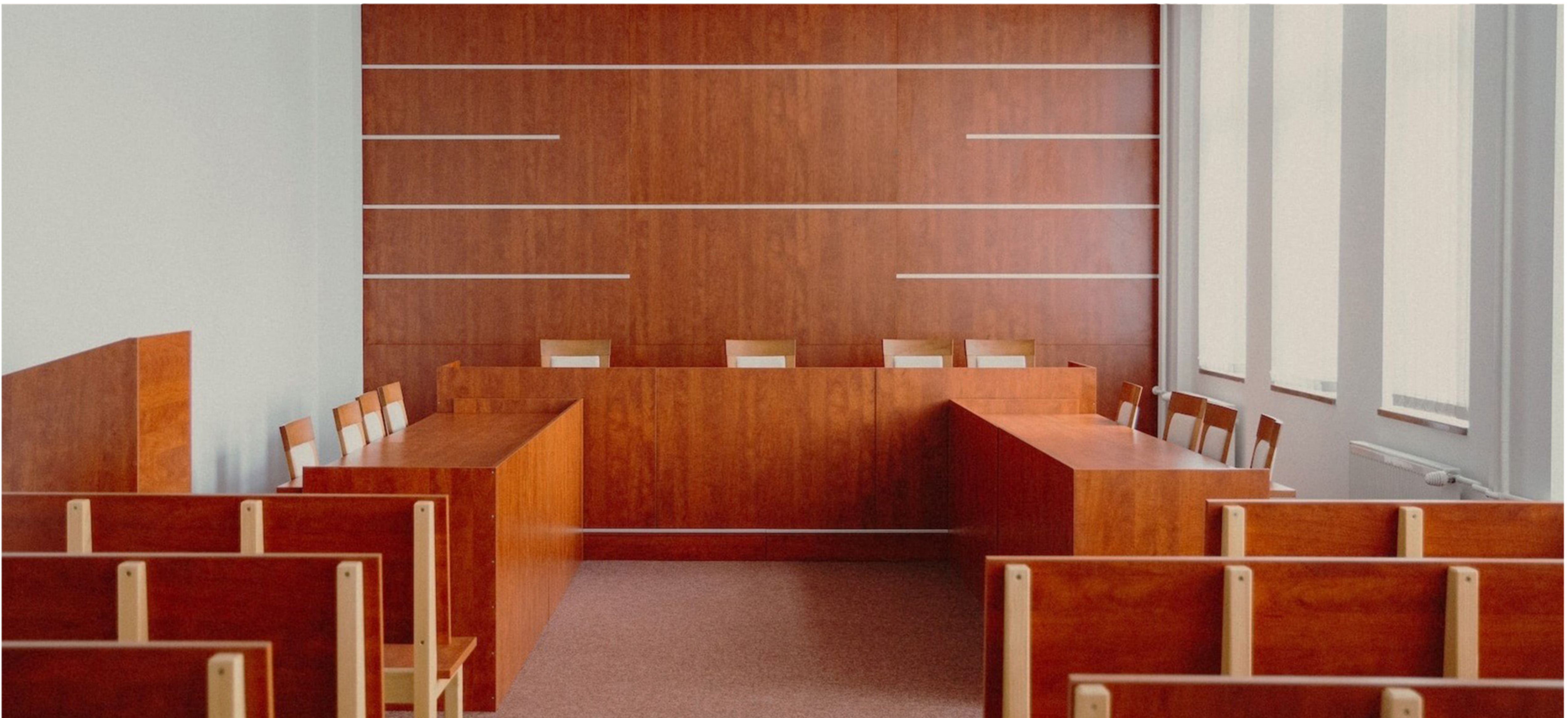
- Contractual nature of the appointment of Arbitrator.
- Arbitrator's powers and jurisdiction.





## **ARBITRATION LAWS WE DEAL WITH:**

- Arbitration Act, 1940
- Recognition and Enforcement (Arbitration Agreements and Foreign Arbitral Awards) Act, 2011.
- United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards, 1958.
- ICC International Court of Arbitration, Rules of Arbitration, 2021.
- UNCITRAL Model Law on International Commercial Arbitration, 1958 and 2006 amendments.
- UNCITRAL Arbitration Rules, 1976 and amendments.
- UNCITRAL Rules on Transparency for Treaty-based Investor-State Arbitration, 2013.
- UNCITRAL Expedited Arbitration Rules, 2021.
- Miscellaneous regional arbitration laws.





## 5. LITIGATION

Court litigation is the most prevalent way of dispute resolution in Pakistan. In certain cases, a lawsuit can become the only alternative accessible to a client. For these situations, MK Consultus can assist with the administration and coordination of the needed legal team. Our considerable expertise allows us to provide support in matters requiring careful coordination of case preparation, advocacy, and legal support.



### Litigation Services:

- Large-scale Energy, Construction, and Engineering Claims
- Arbitration and Mediation
- Administrative and Public Law
- Bank and Finance
- Corporate and Commercial
- Intellectual Property
- Possession
- Partition
- Specific performance
- Cancellation of documents
- Eviction Petitions
- Permanent Injunctions
- Temporary Injunctions
- Declaration
- Succession and Inheritance
- Trials
- Appeals
- Miscellaneous work



## 6. TRAINING AND DEVELOPMENT COURSES

We believe that continually working to improve your knowledge base and sharpening your skillset is an integral part of a successful business. MKC has gained considerable global support in our efforts to train and connect our clients with individuals and organizations to benefit their business development plans.

Our training, seminars, and workshops are tailored to suit the precise needs of the client and industry, typically ranging from short sessions of 1 to 2 hours to several structured sessions spread over a period of several weeks.

MKC regularly partners with well-known organizations both local and international, to provide training and seminars, including CIARB Pakistan and our teams are part of the Internationally recognized CIARB Approved Faculty List.

### Training Courses:

- Conflict Avoidance Tools
- Project Risk Management
- Standard Forms of Contracts
- Specialized one-day course on either FIDIC, NEC, JCT, or ICC forms of Contracts
- Dispute Resolution (including Alternative Dispute Resolution)
- Tendering & Procurement Master Class
- Contract Management and Administration
- Introduction to Arbitration
- Introduction to Mediation
- Project Management in Construction
- Construction Contract Principles
- Energy Arbitration
- Expert Witness





# PUBLICATION: PAKISTAN CONSTRUCTION **DISPUTES** REPORT (PCDR)

PCDR will pave the way to identify the key causes of disputes in Pakistan's construction industry and help with appropriate strategies to mitigate and avoid them. The findings have been compared with global reports to determine how other jurisdictions apply appropriate commercial strategies to overcome these issues. The survey data is collected by region, dispute causes, industry sector, organization type, resolution method, and more.

Disputes and their causes are unique and presenting them in a consolidated group can only present a partial picture. We are confident that the results of this report represent the construction market in Pakistan.

The report will be published free of charge and an industry-wide focus group will be formed to work on its recommendations. We have collaborated with public and private sector clients, contractors, consultants, prominent institutes and universities, associations, and professional bodies for the completion of this report.

The strategies and recommendation made by MKC support conflict avoidance and resolutions, as well as assisting clients in the assessment of risk and avoidance of disputes.

The interactive dashboard and report are available for download at [www.pcdr.pk](http://www.pcdr.pk).

## Pakistan Construction Disputes Report 2022

May 2022

**PCDR**  
PAKISTAN CONSTRUCTION  
DISPUTES REPORT

Report by

**MK**  
CONSULTUS

Supported by



**CB** Currie & Brown





## DASHBOARD

Summary

Detailed Analysis

## Region

Search

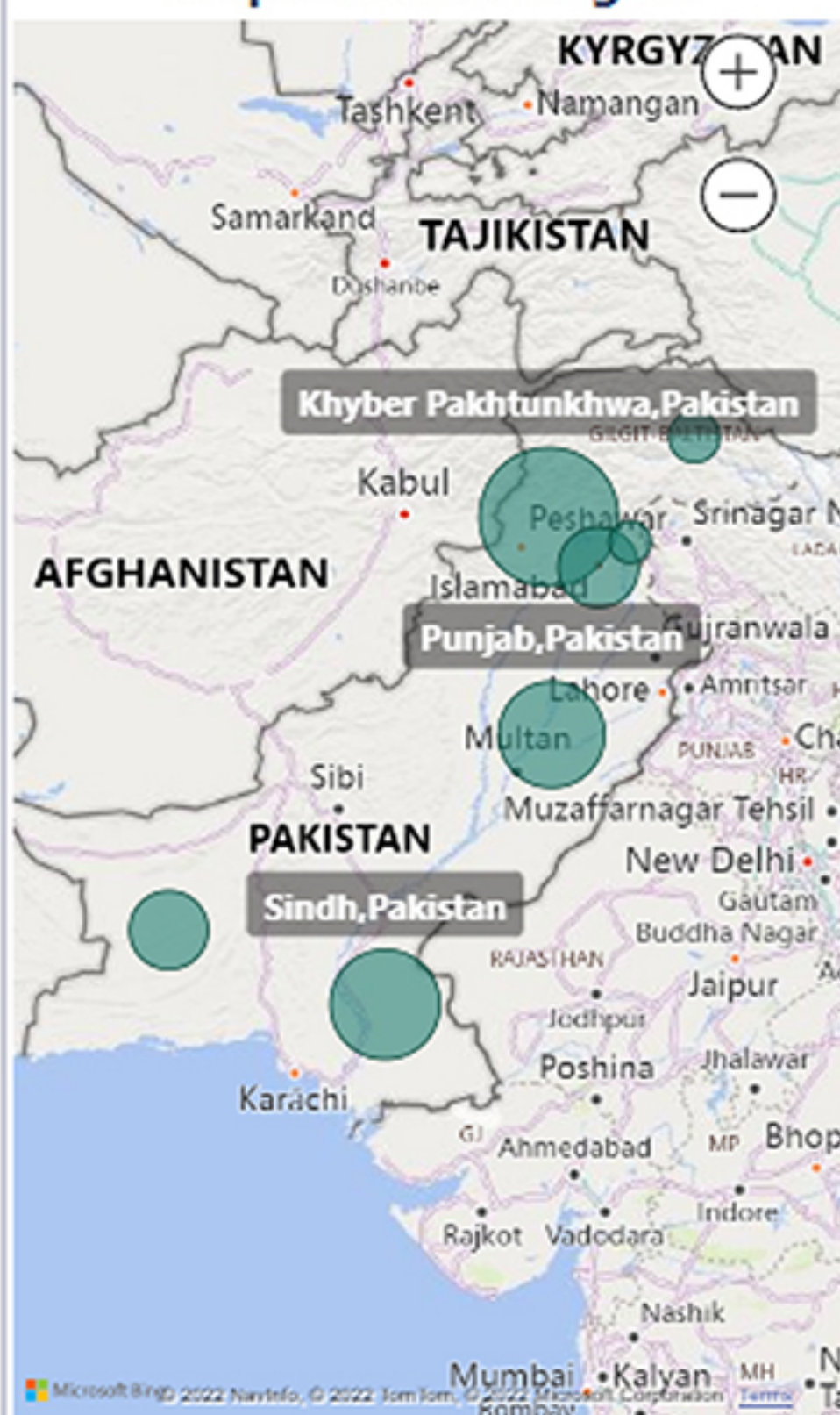
- ☐ Azad Jammu and Kashmir
- ☐ Balochistan
- ☐ Gilgit-Baltistan
- ☐ Islamabad Capital Territory
- ☐ Khyber Pakhtunkhwa
- ☐ Punjab
- ☐ Sindh

## Sector

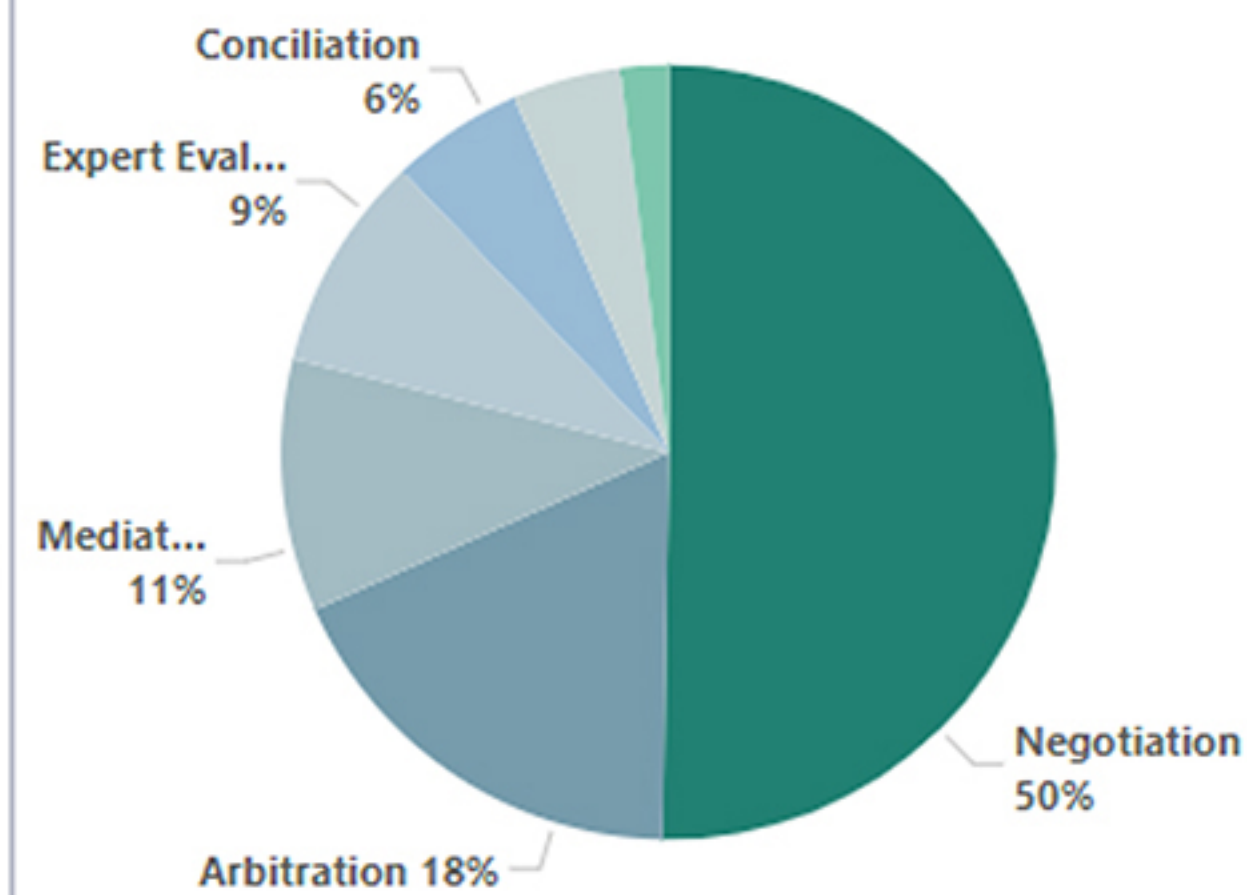
Search

- ☐ Building
- ☐ Energy & Utilities
- ☐ Industrial
- ☐ Infrastructure [Road/Rail/Ports/Marine]
- ☐ Oil & Gas
- ☐ Others

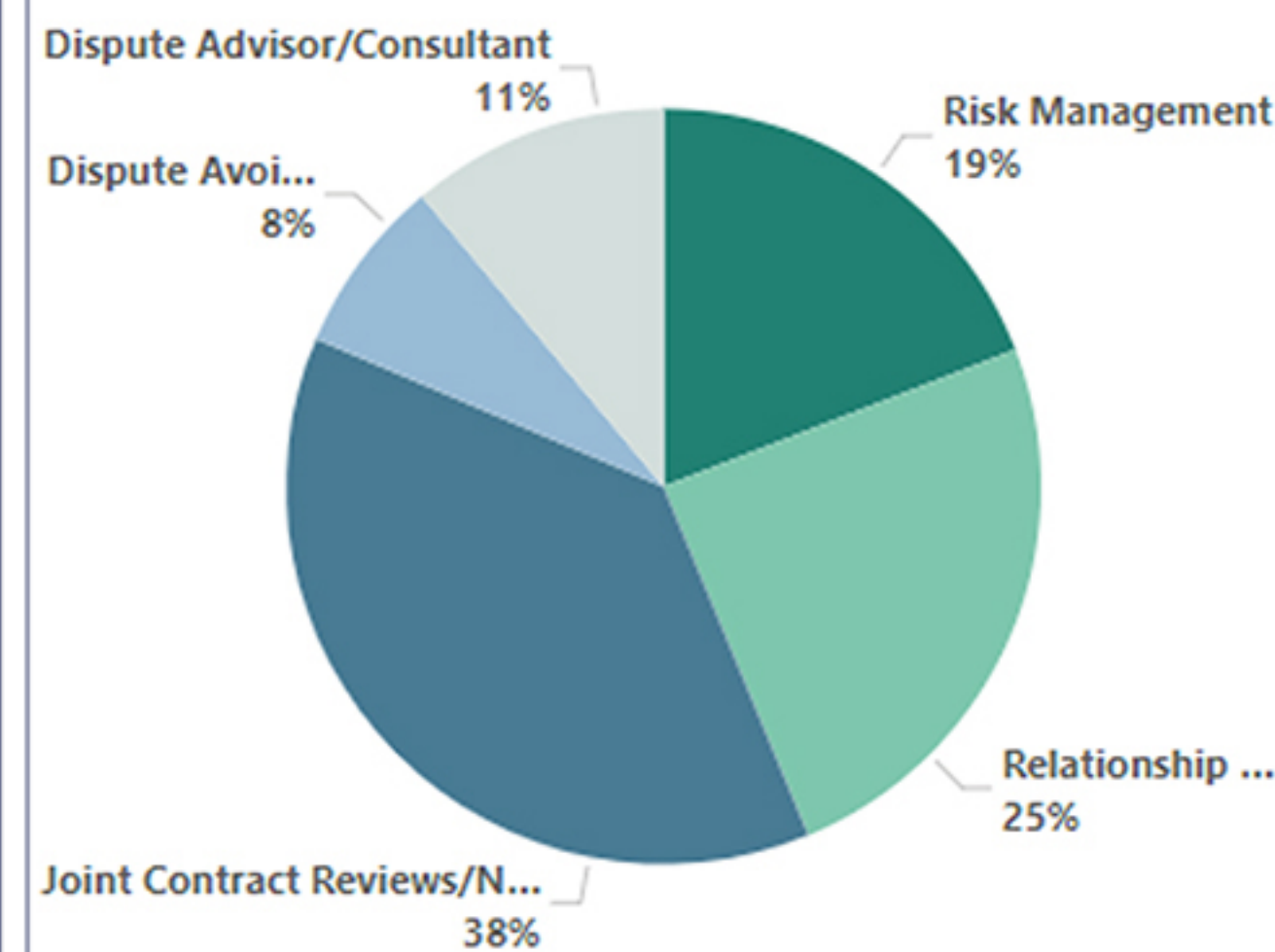
## Responses Per Region



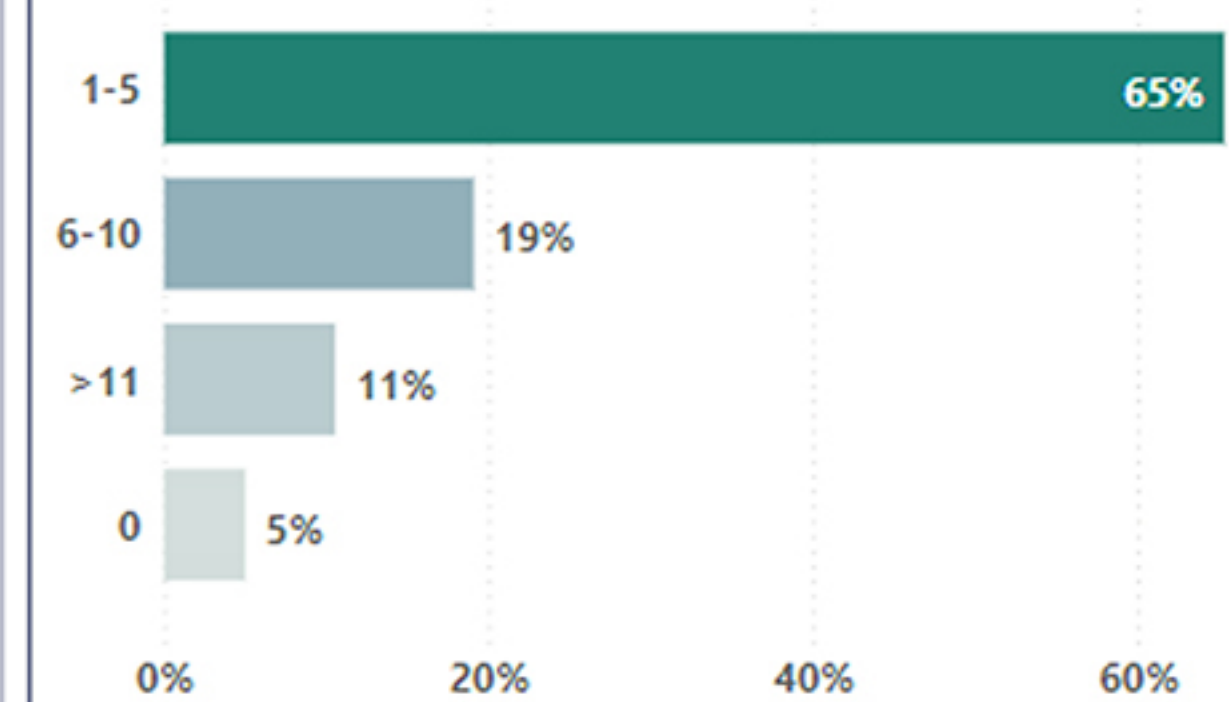
## Dispute Resolution Method



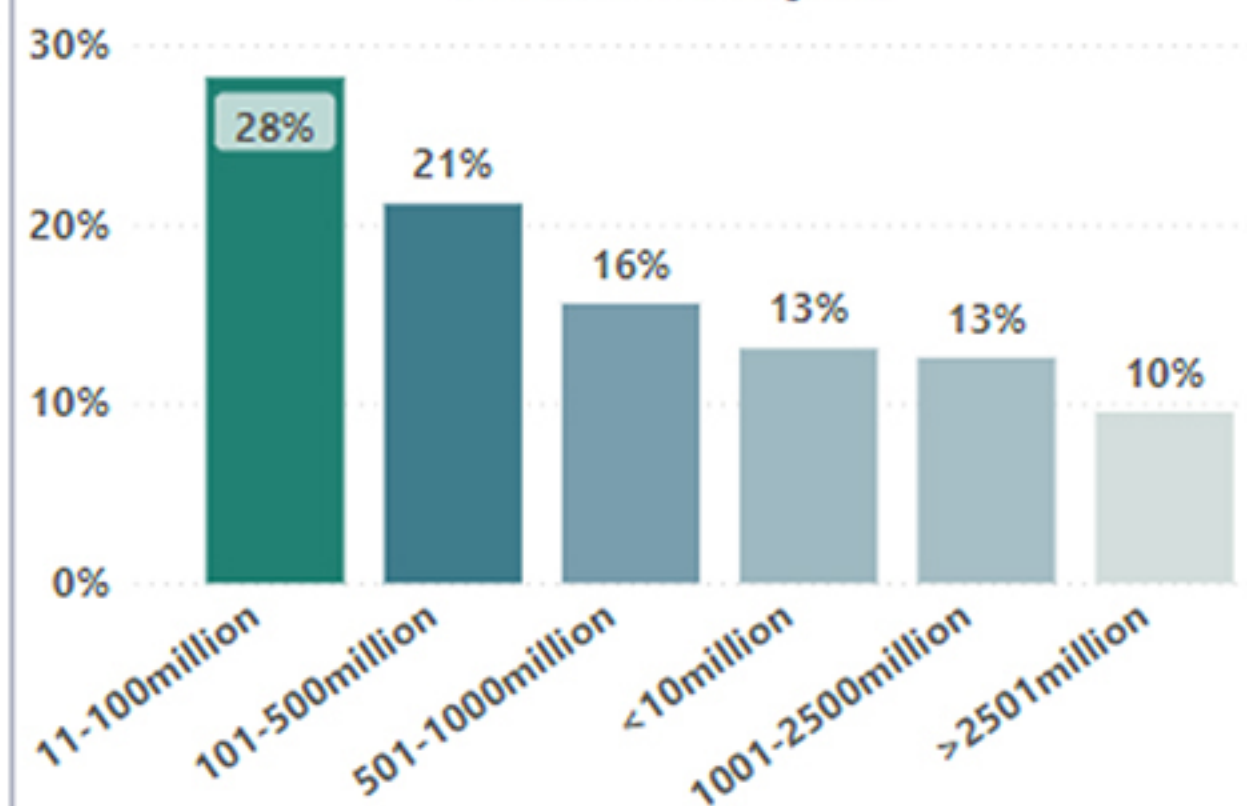
## Dispute Avoidance Method



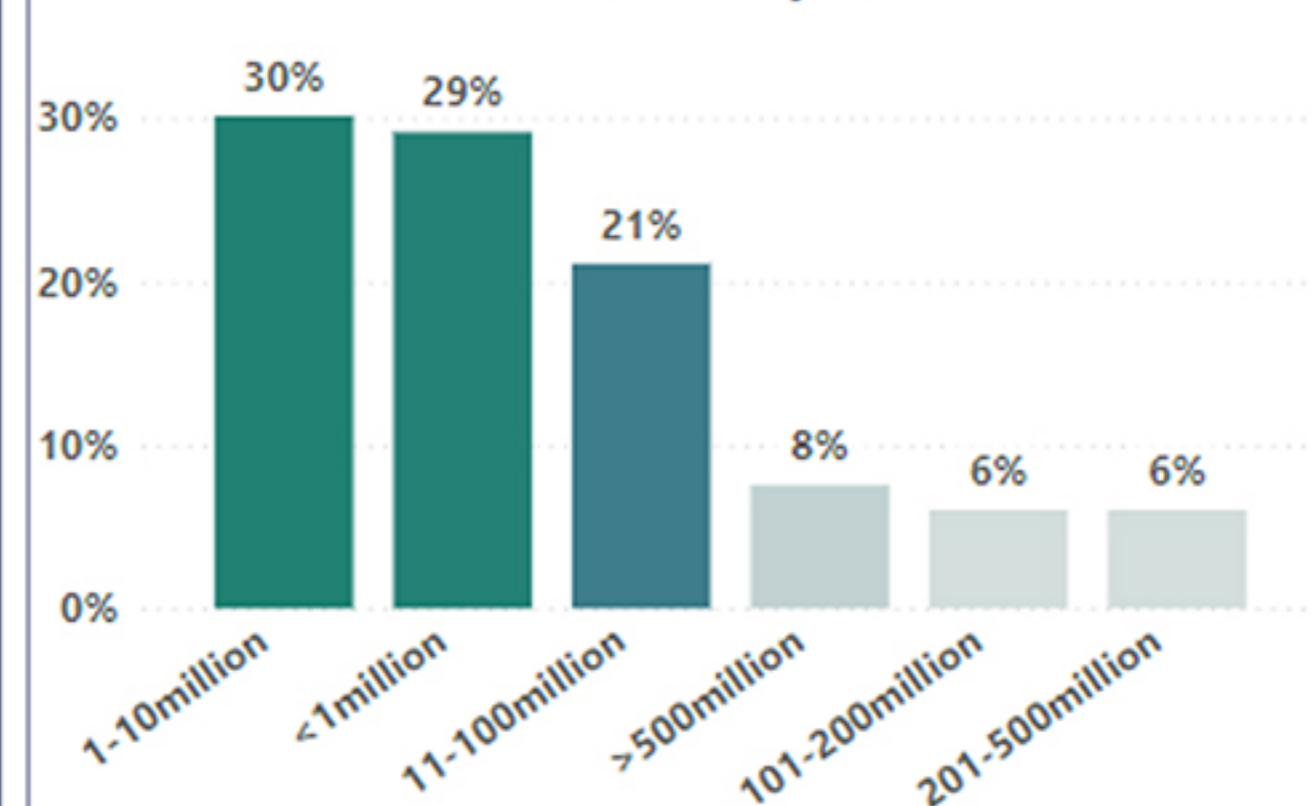
## Disputes Per Project



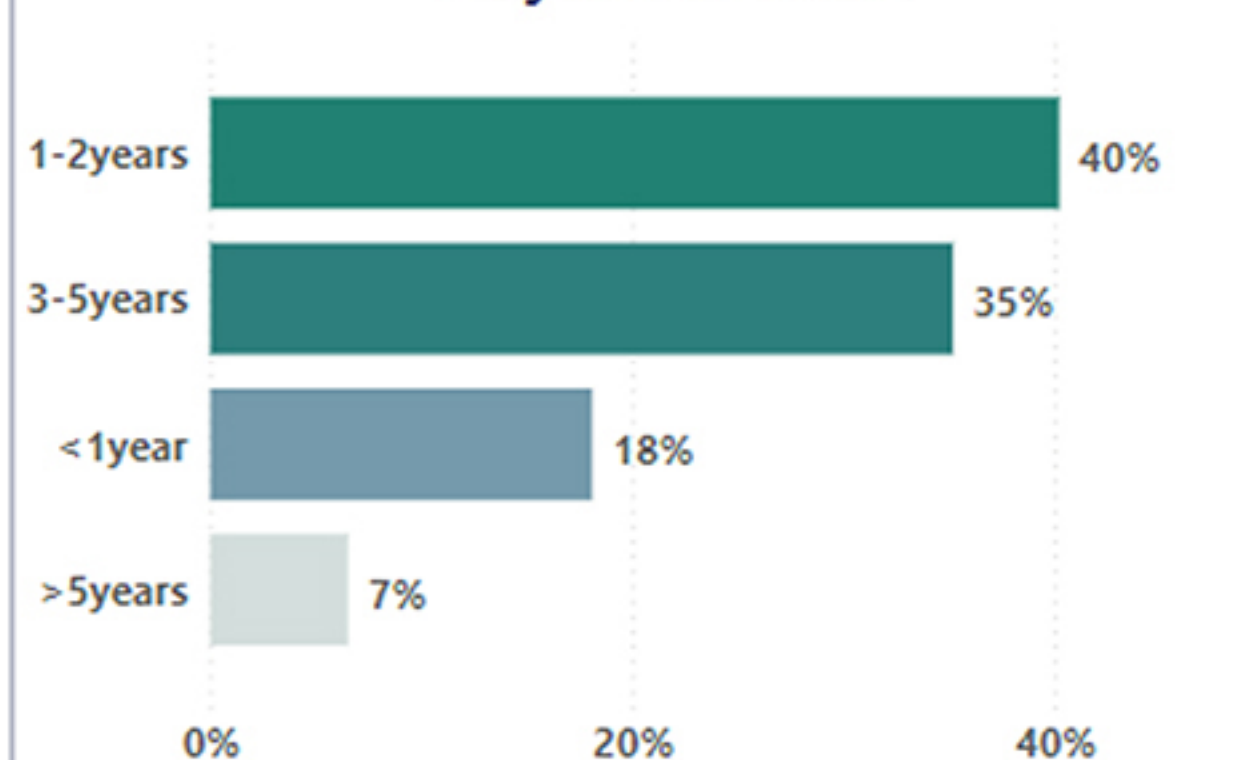
## Value Of Project



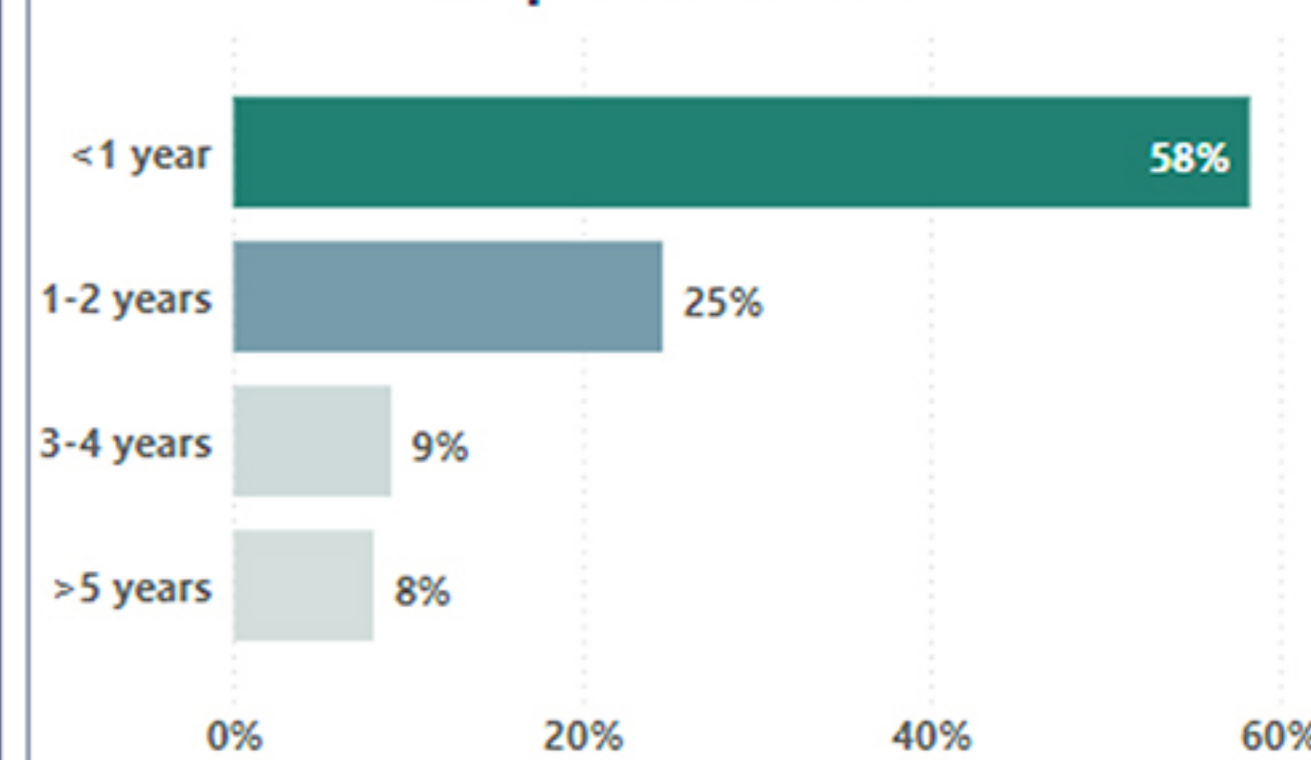
## Value Of Dispute



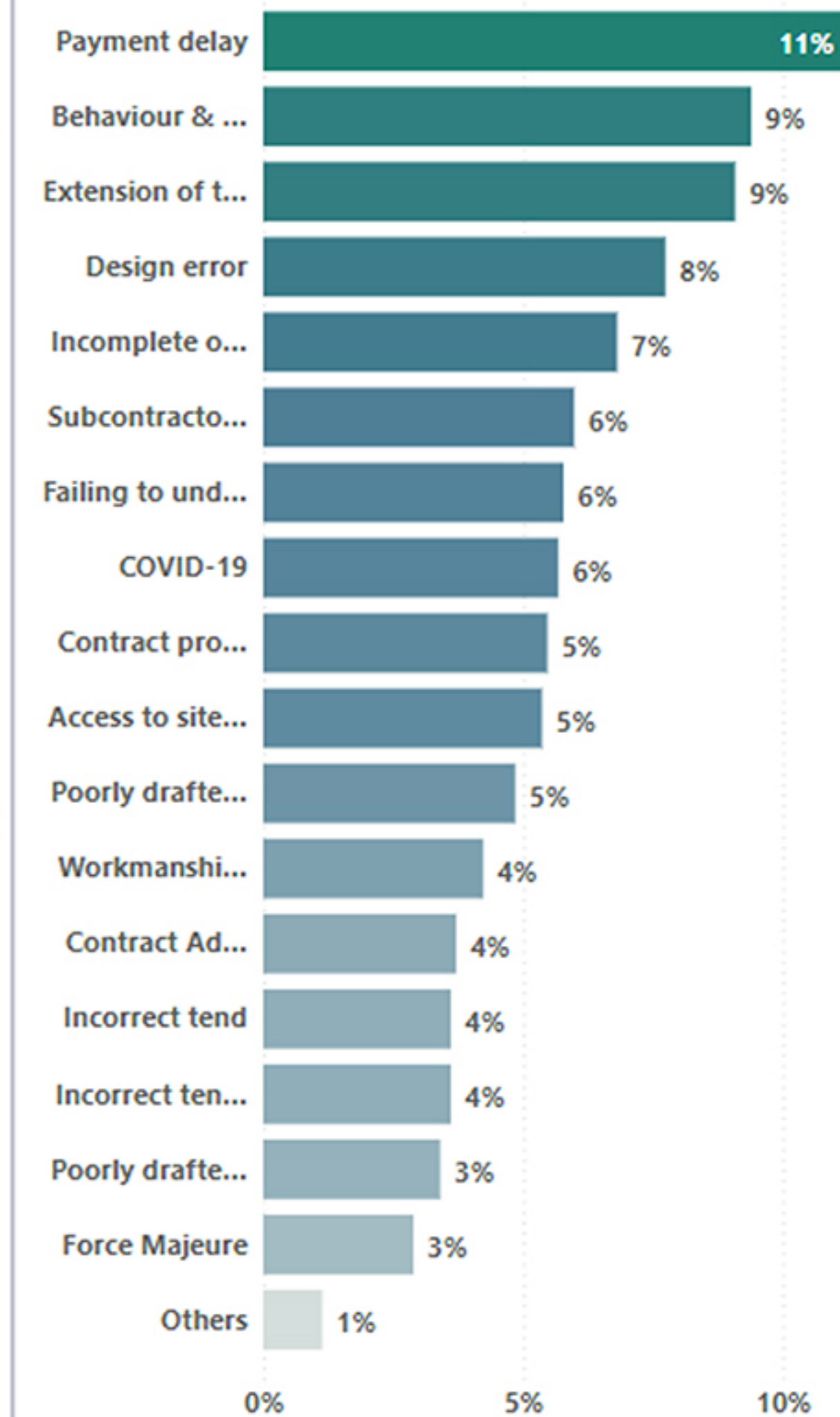
## Project Duration



## Dispute Duration



## Main Dispute Causes







# **MK CONSULTUS LLP**

## **ENERGY, CONSTRUCTION AND ENGINEERING LAW**

**LEGAL ADVISORY, LITIGATION, CONSULTANCY AND  
ALTERNATIVE DISPUTE RESOLUTION**

Limited Liability Partnership  
SECP Registration No. 0177299

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