



INTERNATIONAL ARBITRATION
CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE
ADJUDICATION
INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS
GENERAL COMMERCIAL

Zulfikar Khayum

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PRACTICE

Described in the most recent editions of the legal directories as *“an excellent junior”* who is *“extremely hard-working, very bright”* and *“the best senior junior in construction we have ever instructed”*, Zulfikar is ranked as a leading junior in the fields of construction and international arbitration. He is recognised for having a *“super work ethic, very clever with an excellent memory and an attention to detail far beyond mere mortals”* and as someone whose *“submissions and cross-examination is first-rate”*. He has been identified as a *“future leader”* in the field of construction by Who’s Who Legal for the last two years.

Zulfikar practices across all areas of the construction, engineering, energy and IT sectors in both the domestic and international context.

His practice combines substantial UK infrastructure projects (with a number under PFI) along with major projects in Asia-Pacific, the Middle East and Africa. His recent experiences includes projects relating to major hospitals, airports, city centre transport, oil refineries and energy plants.

He has a particular focus on large, technically complex, international disputes.

He has been instructed in as counsel in a range of dispute resolution procedures including litigation, arbitration, adjudication and mediation. He has experience in advising and drafting pleadings in relation to all aspects of his practice. As part of his role he has been asked to advise on tactical as well as legal issues and is experienced in pre-action matters. He is regularly instructed as both junior and sole counsel, and has appeared in a number of trials in both court and arbitration, as well as at various interim hearings.

In addition to purely legal and tactical issues, he has been involved in cases dealing with a wide range of highly technical issues in the construction and engineering sector. His experience extends to cases requiring the involvement of multiple experts in a number of different disciplines and in particular experts dealing with architectural, engineering, fire safety, delay and quantum issues.

INTERNATIONAL ARBITRATION

Recognised as a leading junior in Chambers and Partners UK Bar Guide and The Legal 500 for International Arbitration Zulfikar has an extensive international arbitration practice and has been involved in a large number of cases across the world. His experience has seen him act and advise in arbitrations conducted under a number of arbitral rules and various governing laws in several jurisdictions including issues relating to appeals in domestic courts. This includes the following:

- Instructed by a Middle Eastern government entity in an arbitration against a multi-national joint venture in an ultra-high value ICC dispute (claims of over \$1 billion) in relation to the design and construction of a flagship \$2 billion plus medical care and research centre. He has been instructed to appear at multiple hearings to date with further hearings scheduled. The dispute is governed by foreign law and seated in London.
- Instructed as junior counsel in respect of a substantial and complex façade defects claim in respect of an architecturally-significant building in the Middle East. The case raises complex technical issues concerning the suitability of the glass façade. The dispute is governed by UAE law and seated in the UAE.
- Instructed a sole counsel by an employer in relation to an EPC contract concerning the construction of a 324 MW solar farm in Central America. The dispute was substantially governed by New York Law, procedurally governed by Spanish Law and seated in London. Zulfikar was instructed to appear at the 2-week final hearing. The dispute raised issues of delay, defects and allegations of bad faith/
- Instructed by an employer in relation to an EPC contract concerning the construction of an oil refinery in North Africa.
- Instructed as sole counsel in relation to disputes arising out of the construction of leisure facilities including a hotel. The dispute is governed by UAE Law and seated in the UAE.
- Instructed to appear as sole counsel by an engineering company in an ICC arbitration in relation to the provision of design, engineering and project management services with regard to the construction of a power plant in Germany. Instructed to appear at a one week hearing in London dealing with all matters.
- Instructed as junior counsel in a dispute relating to the construction of airport facilities in the Middle East. The dispute was governed by foreign law. Instructed from the outset and appeared at an ICC arbitration hearing in the Middle East.
- Instructed as sole counsel in relation to a dispute concerning various work packages in the context of a project relating to the expansion and refurbishment of an oil refinery in North Africa. Instructed to appear at a final LCIA arbitration hearing in London.
- Instructed as junior counsel by an EPC contractor in relation to the upgrading and expansion of various items of mining equipment at a mine in Mozambique. The dispute was governed by foreign law and Zulfikar was instructed to appear at an ICC arbitration hearing in London.
- Instructed as junior counsel by an investment fund in respect of a matter relating to the sale and purchase of solar panel production lines to an SPV. Instructed to appear at a two-week hearing in Hong Kong. The dispute was governed by Hong Kong law.

- Instructed as junior counsel by the Hong Kong government in an HK\$800M arbitral claim made by a JV consortium in respect of a road construction project which was to be heard in three tranches. Involved in all aspects of the case and appeared at the first tranche five-week hearing. Following closing submissions, the matter was settled. The dispute was governed by Hong Kong law and the seat of the arbitration was Hong Kong.
- Instructed as junior counsel in an SCMA dispute governed by Singapore Law concerning the wholesale conversion of a semi-submersible oil rig in a Rotterdam shipyard. The dispute concerned issues of variations, loss and expense and delay. Involved in providing advice, drafting pleadings, drafting disclosure requests and settling witness statements in London, Rotterdam and Singapore. Was involved in multiple substantive hearings over a three year period in Singapore.
- Instructed as junior counsel in a four week ad-hoc arbitration concerning the construction of a private residence in the Bahamas governed by Bahamian Law. The seat was Nassau.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Zulfikar has consistently been considered as a leading junior in construction in the Chambers UK Bar Guide and The Legal 500, both in the UK and Middle East guides. His experience of a wide range of claims and disputes arising in the construction and engineering context. Disputes have ranged from single domestic dwellings to large commercial developments including energy related projects such as power plants and waste processing facilities.

He is regularly instructed in respect of High Court matters and to appear in the High Court. Examples of his recent work include:

- Instructed in a dispute concerning the supply of engine parts to an engine manufacturer. Zulfikar was instructed at the outset to provide advice, draft pleadings appear at the firsts CMC and advise and settle various applications before the matter was settled between the parties.
- Instructed as junior counsel to defend an application brought pursuant to Section 68 of the Arbitration Act 1996.
- Case concerning the proper interpretation of a contractual termination provision in relation to an energy from waste plant.
- Instructed as counsel in a substantial PFI dispute relating to highways management.
- Instructed as junior counsel in a claim made against a contractor in relation to the design and construction of a waste processing facility.
- Instructed as sole counsel representing a specialist flooring subcontractor in relation to a claim for breach of warranty.
- Instructed as sole counsel in a two day trial in the County Court on a preliminary issue concerning the identity of the parties to a contract and its terms.
- Instructed as junior counsel in a commercial fraud case listed to be heard in the Chancery Division. The claim was compromised following the service of written opening submissions.

- Instructed as junior counsel representing a firm of architects in relation to unpaid invoices and issues of contractual interpretation and fraudulent misrepresentation. Instructed to appear at trial and to make sole appearances in the High Court in respect of a number of interim applications

ADJUDICATION

Zulfikar is familiar with adjudication and the relevant statutory instruments. He co-authored an article for a Canadian law journal dealing with adjudication and some of the proposed changes in the draft Construction Contracts Bill, now implemented as Part 8 of the Local Democracy, Economic Development and Construction Act 2009.

He has acted and advised in respect of adjudications conducted under various rules and has experience at all stages of the process, including: pre-action tactical advice relating to adjudication commencement; advising and settling notices of adjudication, referral notices and other documents; advising on issues of jurisdiction; advising on resisting adjudication awards in the TCC; and appearing in the High Court to resist and enforce adjudicators awards.

INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS

Zulfikar has experience of bespoke contracts in the IT industry and has advised on issues of contractual interpretation arising from an IT master services agreement and statement of works. In addition he was instructed by the UK government in a large dispute regarding the supply, design, integration and operation of a major nationwide IT infrastructure project.

GENERAL COMMERCIAL

Zulfikar has drafted pleadings and advised on claims regarding breach of contract, professional negligence (including director's liability) and restitution. He also has experience of equitable claims and remedies including those arising from trusts and proprietary estoppel and other claims arising out breach of fiduciary duties in cases of commercial fraud.

NOTABLE CASES

Obrascon Huarte Lain SA (t/a OHL Internacional) & Anor v Qatar Foundation for Education, Science & Community Development [2020] EWHC 1643 (Comm)

Obrascon Huarte Lain SA (t/a OHL Internacional) & Anor v Qatar Foundation for Education, Science & Community Development [2019] EWHC 2539 (Comm)

Interserve Construction Ltd v Hitachi Zosen Inova AG [2017] EWHC 2633 (TCC)

Fitzroy Robinson v Mentmore Towers et al [2009] EWHC 1552 (TCC), [2009] EWHC 3070 (TCC), [2009] EWHC 3365 (TCC)

QUALIFICATIONS AND AWARDS

2006-2007

BCL, Pembroke College, University of Oxford

2005-2006	BVC, Inns of Court School of Law
2002-2005	LLB (Hons) (1 st Class), University College London
2005	Awarded the Lord Justice Holker Award from Gray's Inn Admitted to the Dean's List of Honours for the UCL Faculty of Laws
2004	Awarded the Simon Wallace Memorial Prize for Contract and Tort (UCL)

ADDITIONAL INFORMATION

Zulfikar is a member of the SCL, TECBAR and COMBAR.

RECENT RECOMMENDATIONS

*"He is a grandmaster tactician ensnaring the opposition with most innocuous moves, a ferocious cross-examiner who will tear the witness to shreds if required, and a walking encyclopaedia on construction law."
"He has a brilliant commercial brain and contributes expertly to the strategic side of disputes."
"His ability to pick up on technical details is strong, and he grasps the underlying engineering issues."
Construction, Chambers & Partners UK Bar 2023*

*"He works religiously hard, his attention to detail is excellent and his cross-examination style is good. His ability to pick up on technical details is strong, and he grasps the underlying engineering issues."
"He's a ferocious cross-examiner who will tear the witness to shreds if required. He is also a walking encyclopedia on construction law."
"He is technically excellent and right across the detail when he needs to be."
International Arbitration, Chambers & Partners UK Bar 2023*

*"He is calm, insightful, and a good team player. Zulfikar is the consummate all-rounder. His brain is a database of construction law, he immerses himself in the evidence, and he is a seasoned warrior in the trenches."
Construction, The Legal 500 2023*

*"Forensic brilliance and mastery of technical detail. He has exceptional work ethic. Zulf outclasses most silks."
Middle East: Construction, The Legal 500 2023*

*"Zulf is a pleasure to work with. He is calm, insightful, a good team player and extremely hard working. He hits way above his weight on both written and oral advocacy."
International Arbitration: Counsel, The Legal 500 2023*

*"Astonishingly good at grinding through case material and extraordinarily good at cross-examination on technical matters."
Construction, Chambers & Partners UK Bar 2022*

"He is very hard-working and presents well in hearings."

"Zulfikar is a strong and very effective cross-examiner, matched with a keen intellect and assiduous attention to details."

International Arbitration, Chambers & Partners UK Bar 2022

"Intelligent, hardworking and very quick on his feet. Also very enthusiastic and passionate about his work."

International Arbitration, The Legal 500 2022

"Zulf is absolutely reliable and works like no one I have ever dealt with. Zulf leaves no stone unturned and where the devil is in the detail in construction cases, he hunts that devil down."

Construction (UK), The Legal 500 2022

"Very easy to work with, he is very intelligent and gets across the point quickly."

Construction (Middle East), The Legal 500 2022

"Extremely hard-working, very bright, and his attention to detail on technical documents is amazing."

International Arbitration, Chambers & Partners UK Bar 2021

"Super work ethic, very clever with an excellent memory and an attention to detail far beyond mere mortals; the best senior junior in construction we have ever instructed."

International Arbitration, The Legal 500 2021

"Zulf is an excellent junior. He is hardworking, and has a keen eye for detail. His submissions and cross-examination is first rate."

Construction (UK), The Legal 500 2021

"He fits in the team seamlessly – absolutely nothing gets past him"

Construction (Middle East), The Legal 500 2021

"Bright, diligent and detail-focused." "He's a good choice for both domestic and international work."

Construction, Chambers & Partners UK Bar and Global 2020

"A really outstanding junior, easy to work with."

Construction, The Legal 500 2020

"Particularly skilled at highly detailed cross-examination of quantum and other experts."

International Arbitration, The Legal 500 2020

"He fits in the team seamlessly – absolutely nothing gets past him."

Construction, The Legal 500 Europe, Middle East and Africa (EMEA) 2020

The above are a selection of recent client endorsements from the leading legal directories, both UK and internationally. For a complete list of endorsements, please contact the practice management team at Atkin Chambers.