



INTERNATIONAL ARBITRATION
CONSTRUCTION, ENGINEERING AND
INFRASTRUCTURE
ENERGY, NATURAL RESOURCES AND UTILITIES
COMMERCIAL & CROSS-BORDER LITIGATION

Samar Abbas Kazmi

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PRACTICE

Samar Abbas Kazmi specialises in commercial, construction and technology disputes. Samar has a broad domestic practice as well as being particularly well-respected internationally where he has developed an excellent international arbitration practice.

He has been involved in disputes concerning parties in the Middle East, Asia-Pacific and the Caribbean, and has particular expertise in technically complex matters concerning large developments and infrastructure projects, energy and cross-border litigation. As an advocate, he has experience of handling disputes arising from joint ventures, long-term commercial relationships and infrastructure projects.

Samar is an Honorary Associate Professor at the Bartlett School of Construction & Project Management, University College London, where he teaches contract administration and law.

He is one of only three juniors spotlighted in Chambers Asia-Pacific (International Arbitration - The Bar) in which he is described as *"a formidable junior, a must-watch-out-for and soon-to-be star in this region"*. In Chambers UK Bar he is described as *"a very talented and promising junior for international arbitration"* and The Legal 500 notes that Samar is *"a superb advocate, commercially minded and prodigiously hard-working. He brings commercial insight to any case and is a pleasure to work with."*

INTERNATIONAL ARBITRATION

International arbitration constitutes a sizeable proportion of Samar's practice, along with litigation concerning arbitration. He has experience of both ad-hoc and institutional arbitrations, in particular those conducted by ICC, LCIA, HKIAC, SIAC, LMAA, JCAA and JAMS. A significant portion of his arbitration practice touches upon construction and infrastructure disputes, and he writes frequently on

the subject. He also has experience of providing independent advice for funders as part of their due diligence as well as of providing expert opinions on English law in relation to arbitration proceedings.

Examples of recent work include:

- Acting for a state-owned petroleum company in ICC arbitration concerning a major infrastructure project. Amounts in dispute approx. US\$500 million.
- Acting for a contractor in HKIAC arbitration concerning a substantial project in East Asia. Amounts in dispute approx. US\$200m.
- Acting for a contractor in ICC arbitration concerning a significant infrastructure project in the Middle East. Amounts in dispute approx. US\$200 million.
- Acting for the contractor in SIAC arbitration with a sub-contractor relating to an iconic construction project in Dubai. Issues of Emirati and Singapore law, as well as complex engineering and scientific evidence. Amounts in dispute over UK\$100 million.
- Acting for an oil exploration company in LCIA arbitration concerning the transfer of exploration rights.
- Acting for a Chinese chemical manufacturing company in resisting New York Convention enforcement of a Swiss-seated ICC Award.
- Acting for a shipping company in ongoing LMAA proceedings concerning a charterparty dispute.
- Advising a utilities company in relation to UNCITRAL proceedings arising under a power purchase agreement.
- Advising an oil exploration company in relation to a potential ad-hoc arbitration against a state-owned enterprise.
- Obtaining a worldwide freezing order in support of Singapore-seated arbitration.
- Advising an LPG trading company in relation to a potential termination dispute with its customer.
- Advising a Middle Eastern consortium in relation to proposed LCIA arbitration arising out of a joint venture dispute in South Asia. Amounts in dispute approx. US\$35 million.
- Representing a Japanese information technology company and several of its subsidiaries in JCAA arbitration against South Asian distributors.
- Acting (with Clifford Chance Asia) for an American manufacturing conglomerate in a dispute with an Indian joint venture party in ad-hoc arbitration administered by SIAC, raising novel issues of the proper law of the arbitration agreement and the seat of the arbitration.
- Acting in ICC arbitration between a Caribbean government and a South American aluminium company relating to the establishment of an aluminium smelter.
- Acting in LCIA arbitration arising out of a manufacturing joint venture in India.
- Advising in several applications for anti-suit injunctions.
- Acting in an action to enforce an ICC Award.

CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Samar has experience of a wide range of construction and engineering disputes, ranging from residential buildings to commercial premises and infrastructure projects. He is familiar with the major standard forms of construction contract and, alongside his international arbitration practice, has experience of adjudication, domestic arbitration and TCC litigation. He is also an Honorary Associate Professor at the Bartlett School of Construction & Project Management, University College London, where he teaches contract administration and law.

In addition to experience which has been listed above under “International Arbitration”, examples of construction & engineering work include:

- Acting for Project Co. in disputes with the construction and FM contractors arising from pipework and heating failures in a hospital. Issues included engineering defects; facilities management failures; consideration of metallurgical evidence; attribution of liability.
- Acting for Project Co. in disputes with the construction and FM contractors arising from fire-stopping and structural defects in a number of schools built under a PFI contract.
- Acting for an NHS Trust in a dispute with Project Co. arising from a PFI contract. Issues included fire compartmentation; whole Hospital Unavailability; construction of and validity of notice of unavailability; interpretation and application of safety condition; access.
- Acting for Project Co. in disputes with the new build contractor and refurbishment works contractor arising from a regeneration scheme involving hundreds of new homes. Issues included service diversion works, delays, and attribution of liability between Project Co and the subcontractors.
- Acting for a local authority in a series of disputes with its contractors concerning defective and delayed building works. Issues include site security and cladding.
- Acting in adjudication proceedings between a facade subcontractor and main contractor concerning a landmark development in central London.
- Acting in multiple related disputes arising out of a partnering agreement relating to a local authority’s housing stock.
- Advising a sub-contractor on the validity of a withholding notice purportedly given under s.111 of the Housing Grants, Construction and Regeneration Act 1996.
- In the Matter of Caribbean Scene Ltd (in administration) (TCC) (Ramsey J): appearing as sole counsel for defendant contractor in its application for a final charging order against the Claimants before the TCC, where the court considered it appropriate to depart from the fixed charge regime.

ENERGY, NATURAL RESOURCES AND UTILITIES

Samar advises and represents governments, energy companies and international engineering contractors in disputes concerning natural resources and power generation. He has experience of both upstream and downstream disputes, as well as of disputes arising out of onshore and offshore

projects in Asia, the Caribbean, Europe, the Middle East and South America. Examples of his work include:

- ICC Arbitration – representing a state-owned petroleum company in arbitration concerning an oil refinery.
- HKIAC Arbitration – representing a joint venture in arbitration concerning a substantial renewable energy project in East Asia.
- ICC arbitration – representing a government in a claim brought by a South American company relating to an aluminium smelter.
- LCIA arbitration – representing an oil exploration company in dispute over transfer of exploration rights.
- UNCITRAL arbitration – advising a Middle Eastern utilities company in relation to proceedings arising under a power purchase agreement.
- Advising an oil exploration company in relation to a potential ad-hoc arbitration against a state-owned enterprise.
- Advising an LPG trading company in relation to a potential termination dispute with its customer.
- Acting in a dispute concerning onshore wind projects.

COMMERCIAL & CROSS-BORDER LITIGATION

Samar has a broad commercial practice, with a particular focus on cross-border disputes and private international law. His work encompasses civil fraud, energy (including oil & gas disputes), insurance contracts and professional negligence. In addition to his substantial international arbitration practice, he appears regularly in the High Court (Commercial Court and the Chancery Division) both by himself and as junior counsel. As a sole advocate, he appears most frequently in jurisdictional and enforcement disputes (including those as to the validity of arbitration agreements), and applications for interim relief such as freezing and search orders. He has particular familiarity with the telecommunications, IT and pharmaceuticals sectors and in issues involving complex quantitative analysis.

Examples of work include:

- **PJSC Rosgosstrakh v Starr Syndicate Ltd & Others** (Commercial Court): acting for 20 reinsurers operating in the London market in resisting enforcement of a set of Russian judgments obtained by a Russian insurance company in relation to an aviation reinsurance policy.
- **Sheikh Tahnoon Al Nehayan v Ioannis Kent** (Commercial Court): acting for a member of a Middle Eastern royal family in a dispute with a developer concerning luxury hotel investments in Europe: multi-week trial concerning fiduciary obligations and implication of contractual duty of good faith in a joint venture.
- **Taylor v Van Dutch Marine Holding Ltd** (Chancery Division): acting for a creditor in a series of proceedings against debtor companies and their directors involving issues of jurisdiction, enforcement and contempt of court.

- **3M v The States of Guernsey** (Commercial Court): successfully defending the US-based 3M Company and its UK subsidiary, 3M United Kingdom PLC, in a c£28m product liability claim brought by the States of Guernsey; multi-week trial involving e-bundles.
- **Skyscanner v Competition and Markets Authority**: successfully intervening against CMA's decision to accept commitments to remove certain discounting restrictions for online travel agents; first case of its kind successfully argued before CAT with major implications for major hotel and travel groups.
- Acting in ongoing Commercial Court proceedings concerning enforcement of an Iranian judgment.
- Acting for a foreign investor in UK real estate in ongoing Commercial Court proceedings involving a number of offshore entities and allegations of complex and multi-jurisdictional fraud.
- Acting in ongoing Commercial Court proceedings concerning enforcement of a foreign arbitral award.
- Obtaining a worldwide freezing and disclosure orders in proceedings concerning crypto-assets.
- Obtaining summary judgment in Commercial Court proceedings on behalf of an NHS Trust in a claim brought by an IT services provider.
- Advising an institutional investor in an ongoing dispute with its professional advisers.
- Acting for a financial advisor in a substantial Commercial Court dispute involving allegations of complex fraud; successfully resisting a worldwide freezing order.
- Acting for a financial services professional in Chancery Division proceedings involving allegations of embezzlement; acting in applications involving freezing orders and tracing orders.
- Acting (as a sole advocate) for an American professional services firm in a multi-jurisdictional battle for the recovery of unpaid professional fees.
- Advising a Japanese information technology company and several of its subsidiaries against South Asian distributors.
- Advising a Middle Eastern consortium in relation to a joint venture dispute in Pakistan.
- Advising on international enforcement proceedings against an offshore trust company.
- Advising an investment advisory firm on payment of fees for services rendered.
- Appearing for a telecommunications company in a strike out application.
- Working on the Commission of Enquiry before Sir Anthony Colman into the collapse of Colonial Life Insurance Company (Trinidad) Ltd, CLICO Investment Bank Ltd, British American Insurance Company (Trinidad) Ltd and other entities in the CL Financial Group and the Hindu Credit Union Co-operative Society Ltd.

MEMBERSHIPS

LCIA Young International Arbitration Group

ICC Young Arbitrators Forum

International Bar Association

ICCA

TECBAR

COMBAR

Society of Construction Law

QUALIFICATIONS AND AWARDS

Yale University, BA, Economics & Political Science (Distinction, Pi Sigma Alpha)

BPP Law School, GDL (Distinction)

City University, BPTC (VC)

ADDITIONAL INFORMATION

In addition to his previous work as a management consultant, Samar has worked on a judicial reform project funded by the Asian Development Bank and was an active participant in the judicial independence movement in Pakistan. He has written on the subject in numerous newspaper, magazine and journal articles in the UK, USA and Pakistan.

PUBLICATIONS

Arbitration chapter of Wilmot-Smith on Construction Contracts, 3rd Edition (OUP, 2014) and 4th Edition (OUP, May 2021).

“Agreements to Arbitrate Disputes in Construction Contracts” (with Paul Darling KC). The Guide to Construction Arbitration, 3rd Edition (Global Arbitration Review 2019).

“English Anti-Suit Injunctions in Support of Arbitration” (with David Hopkins). Dispute Resolution International (Vol 13, October 2019).

“Good Faith Duties in Construction Contracts: An Overview” (with Adrian Hughes KC). Singapore Journal of Construction Law (Vol 2, 2018).

“Issue Estoppel in enforcement of New York Convention Awards” (upcoming, May 2021).

Editor of the UK chapter of Projects and Construction Law Review, 5th Edition.

“Banking and Bills of Exchange”. Atkin’s Court Reforms. (Vol 6(1), 2018).

Co-author of Shackleton on the Law and Practice of Meetings 14th Edition (2017).

RECENT RECOMMENDATIONS

"It is a pleasure working with Samar. He works extremely hard, and has great knowledge of the area in question, and is able to apply his legal knowledge to the practical situation. Approachable, responsive, with no airs."

Construction, Energy & Infrastructure, The Legal 500 Asia-Pacific 2021

"I'm impressed by his ability to take in a lot of information and explain the salient points and our position."

"Samar Abbas Kazmi has a strong practice in Asia, he's well liked by clients and he's technically strong."

"He's just dependable, he knows what to do and he gets on with it."

Construction, Chamber & Partners UK Bar 2023

"He's one of the hardest-working barristers out there. He's a machine, he's very smart and he has a strong practice in Asia. He's also well liked by clients and is technically strong."

"He's absolutely top-notch."

International Arbitration, Chambers & Partners UK Bar 2023

"Samar Abbas Kazmi is extremely quick, and he is commercially astute. He tries to look beyond the instructions and approaches the matter in a pragmatic way."

International Arbitration, Chambers Asia Pacific 2023

"Samar is an excellent all-rounder. He is bright and works extremely hard."

Construction, The Legal 500 2023

"A total star, very good with clients, he is bright and works extremely hard."

Energy, The Legal 500 2023

"Total star – very very good with clients."

International Arbitration: Counsel, The Legal 500 2023

"Unrivalled in terms of stamina and energy."

Construction, Energy and Infrastructure, The Legal 500 Asia Pacific 2022

"Samar will produce an exceptional piece of work overnight."

Construction, Chambers & Partners UK 2022

Samar is willing to put in the hard yards to get the best results for the clients. He works all hours to great effect and is a thoroughly dedicated and talented team player."

International Arbitration, Chambers & Partners UK 2022

"Samar has a first-class brain, a commercial mindset and an unparalleled work ethic. Clients love him, as do judges and tribunals."

Construction, The Legal 500 2022

“Bright, likeable and a persuasive advocate, Samar has great tenacity and skill, and his drafting is excellent.”

Energy, The Legal 500 2022

“Has a first-class brain, a commercial mindset and an unparalleled work ethic. Clients love him, as do judges and tribunals.”

International Arbitration, The Legal 500 2022

“Effective, efficient, and well-prepared, like a well-oiled machine.”

International Arbitration, The Legal 500 Asia-Pacific 2021

“A formidable junior, a must-watch-out-for and soon-to-be star in this region... “incredibly strong work product,” including written submissions of “breathtaking quality.””

International Arbitration, Chambers & Partners Asia-Pacific 2021

“A very talented and promising junior for international arbitration”

International Arbitration, Chambers & Partners UK 2021

“...has an excellent grasp of what his instructing solicitors require. He is a good listener and excellent drafter”

Construction, Chambers & Partners UK 2021

“A superb advocate, commercially minded and prodigiously hard-working.”

The Legal 500 2021