



CONSTRUCTION, ENGINEERING AND  
INFRASTRUCTURE

ENERGY AND NATURAL RESOURCES

ADJUDICATION

INTERNATIONAL ARBITRATION

COMMERCIAL LITIGATION

## Sheriar Khan

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## PRACTICE

**Sheriar specialises in Atkin's core practice areas of construction & engineering, infrastructure, energy, international arbitration and technology. He provides advice, drafting and representation and has experience at all stages of litigation, arbitration and adjudication.**

Sheriar's recent instructions include acting as junior counsel for a defendant in c.£28m High Court proceedings concerning alleged defects in a care home; as junior counsel for the claimant in High Court proceedings concerning allegations of professional negligence against a project manager and supervisor; and as sole counsel for the claimant in the TCC seeking enforcement of an adjudicator's decision.

Before coming to the Bar, Sheriar worked as a Judicial Assistant to Mr Justice Waksman (current Judge in Charge) and Mrs Justice O'Farrell (previous Judge in Charge) in the Technology and Construction Court (TCC).

Prior to that, he undertook a year-long traineeship with Freshfields Bruckhaus Deringer in Frankfurt and worked on several international commercial arbitrations. Sheriar holds degrees from the London School of Economics (LSE) and the University of Cambridge.

## CONSTRUCTION, ENGINEERING AND INFRASTRUCTURE

Sheriar has worked on a wide range of technically complex construction and engineering disputes and is familiar with bespoke and standard form construction contracts including JCT and NEC forms. Recent experience includes:

- Acting as junior counsel in c.£28m High Court proceedings concerning alleged defects in a care home.
- Acting as junior counsel in c. £2m High Court proceedings concerning allegations of professional negligence against a project manager and supervisor.
- Acting as junior counsel in High Court proceedings concerning a claim by homeowners against a major developer in connection with the defective construction of a property which suffers from a range of defects, including a lack of fire protection.
- Acting as junior counsel on behalf of a design and build contractor in High Court proceedings concerning a final account dispute, which raises issues in relation to payment, alleged defects, delay, practical completion and a disputed termination.
- Drafting pleadings in High Court Proceedings in respect of a dispute involving the design and construction of a new football pitch.
- Drafting submissions on costs in High Court proceedings concerning alleged design and workmanship defects in the construction of a warehouse.
- Drafting numerous advices in relation to the Building Safety Act 2022, particularly in relation to the new Higher-Risk Building regime.
- Acting as sole counsel on behalf of homeowners in the County Court in respect of a claim by a contractor for sums deducted during the contract works under a Pay Less Notice.
- Acting as sole counsel on behalf of homeowners in the County Court in respect of a claim for incomplete and defective work.
- Drafting Particulars of Claim on behalf of an employer in a fire safety defects claim arising out of defectively designed and constructed cladding works by a sub-contractor (during pupillage).
- Drafting advice on limitation in a claim by a main contractor against its sub-contractor for allegedly defective refurbishment works (during pupillage).
- Drafting Particulars of Claim alleging negligent design of a pipeline system by hydraulic engineers (during pupillage).
- Drafting advice for an employer on compensation event issues in an amended NEC contract (during pupillage).
- Drafting a Defence in a cladding claim against an architect arising out of fire safety defects (during pupillage).
- Drafting advice on fire safety issues and limitation in a prospective claim against a developer (during pupillage).

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- Drafting advice on the contractual interpretation of clauses under an amended JCT Standard Build Contract (during pupillage).
- Drafting advice on time at large issues under a JCT Standard Build Contract (during pupillage).
- Assisting in drafting an advice with regard to principles of legal causation in a claim concerning the defective design of a warehouse (during pupillage).
- Drafting advice in relation to a call on a performance bond under a shipbuilding contract (during pupillage).
- Drafting advice on the contractual interpretation of insurance clauses under an amended JCT Intermediate Building Contract (during pupillage).
- Drafting advice relating to the interpretation of exclusion clauses in a construction contract (during pupillage).

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## ENERGY AND NATURAL RESOURCES

Sheriar's energy and natural resources experience includes:

- Drafting advice on termination issues under a bespoke framework services agreement for the supply, installation and commission of an emission controls plant (during pupillage).
- Drafting a Statement of Defence in an English law governed LCIA arbitration in relation to a dispute arising out of the sale of petroleum products (during pupillage).

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## ADJUDICATION

Acting as sole counsel in multiple adjudications and in enforcement proceedings, for example:

- Successfully representing a claimant as sole counsel in High Court proceedings to enforce an adjudicator's decision.
- Successfully defending a smash and grab adjudication valued at c. £330,000 referred by a sub-contractor under an NEC Contract.
- Acting for a main contractor in an adjudication worth over £1.1 million arising under an NEC contract regarding the provision of electronic communications services.
- Acting for the employer in a smash and grab and true value adjudication worth £540,000.
- Acting for the employer on two simultaneous adjudications in respect of two separate projects.
- Advising on prospects of success for a responding party in an adjudication.
- Advising on prospects of success in relation to an adjudication concerning a residential property dispute, raising issues of defective design.
- Assisted a senior junior with advising on issues relating to the statutory payment provisions.
- Drafting advice on the merits of challenges to enforcement of an adjudication decision (during pupillage).

Acting as junior counsel on an adjudication involving a claim for declarations arising out of a bespoke and complex construction contract.

Acting as junior counsel in High Court proceedings for a defendant resisting enforcement of an adjudicator's decision under Part 7 Proceedings and bringing proceedings for the claimant in respect of Part 8 Proceedings.

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## INTERNATIONAL ARBITRATION

- Drafting a Request for Arbitration in an ICC Arbitration in respect of a claim for breach of contract arising out of the termination of a framework agreement (during pupillage).
- Drafting a Statement of Defence on behalf of a firm of architects in relation to a claim for alleged breaches of contract in respect of design and inspection matters (during pupillage).
- Drafting a Statement of Defence in an English law governed LCIA arbitration in relation to a dispute arising out of the sale of petroleum products (during pupillage).
- Assisting counsel in an English law governed commercial international arbitration on behalf of an aerospace company against a supplier worth over c. £350m (including drafting pleadings and assisting counsel at the three-week merits hearing in London).\*
- Assisting counsel in an LCIA arbitration concerning claims for fraud and breaches of representation under a share purchase agreement (including assisting counsel at the five-day merits hearing in Vienna).\*
- Assisting the president of an arbitral tribunal in an ICC arbitration seated in London (including on deciding contested document production requests).\*
- Drafting a Request for Arbitration in an ICC arbitration seeking c. £3m in accordance with a liquidated damages clause.\*

*\*Cases worked on before joining Chambers.*

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## COMMERCIAL LITIGATION

In addition to the matters listed in the "International Arbitration" section, Sheriar has gained experience in a range of commercial disputes including:

- Successfully acting for Transport for London against an individual in an application to set aside default judgment.
- Successfully acting for Transport for London in obtaining strike out and summary judgment of a claim.
- Drafting advice on privilege in substantial High Court proceedings arising out of a fire to a development block;
- Advising on prospects of success at a permission to appeal hearing.
- Drafting a skeleton argument for a preliminary issue hearing on the interpretation of a limitation of liability clause in a Master Services Agreement (during pupillage);

- Drafting advice on limitation in respect of an insurance claim (during pupillage);
- Drafting skeleton arguments for various interim applications, including for pre-action disclosure, permission to amend a statement of case, security for costs and summary judgement and/or strike out (during pupillage).

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## QUALIFICATIONS AND AWARDS

2018 – 2019:	BPTC, City Law School
2018:	Sir Dingle Foot Scholarship awarded by Gray's Inn
2018:	City Law School Scholarship for Academic Excellence
2017 – 2018:	LLM Master of Law, University of Cambridge
2014 – 2017:	LLB Bachelor of Law (1 <sup>st</sup> Class Honours), London School of Economics and Political Science (LSE)

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## ADDITIONAL INFORMATION

Sheriar speaks conversational French.