



Nita Mistry

Senior Associate

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OVERVIEW

Nita Mistry is a senior associate at the firm's London office where she is a member of the Construction and Infrastructure group.

Nita has experience of commercial international arbitration, court litigation in addition to other forms of dispute resolution, including expert determination, adjudication and mediation. She has worked on construction disputes advising employers, contractors and funders on construction and engineering aspects of major road, rail, infrastructure and energy projects in the UK and overseas including arbitrations and High Court litigation disputes advising international and national companies. Nita has advised on bespoke EPC contracts in the energy sector including a significant contract relating to the development of an LNG Facility.

PROFESSIONAL BACKGROUND

Prior to joining the firm, Nita was an associate in the London Office of an international law firm where she focused her practice on disputes in the construction, transport, energy, mining, and infrastructure sectors.

ACHIEVEMENTS

- Certified Legal Project Manager, LawVision, 2019

EDUCATION

- Legal Practice Course, BPP Law School, 2011
- Graduate Diploma in Law, BPP Law School, 2010
- B.A., University of Leeds, 2004

ADMISSIONS

- Solicitor of the Senior Courts of England and Wales

LANGUAGES

- German
- Gujarati

THOUGHT LEADERSHIP POWERED BY HUB

- 17 March 2021, Wrongful Termination and Failed Wasted Costs Claim (*BlogPost*)
- 18 September 2019, Infrastructure Disputes: What the Future Holds For Us (*BlogPost*)
- 29 July 2019, What's in a Name? Recent Case Determines Using a Trading Name Does Not Invalidate a Notice of Adjudication (*BlogPost*)
- 3 October 2016, Payment Applications – Strict Approach Regarding What Constitutes a Valid Payment Application and Pay Less Notice (*BlogPost*)
- 22 August 2016, Interim Payments – No Automatic Entitlement to Interim Payments Beyond the Last Date in the Agreed Payment Schedule (*BlogPost*)

OTHER PUBLICATIONS

- *FIDIC Update: Termination and the Employer's Obligations under the Red Book*, K&L Gates LLP Construction Law Blog, February 2016
- *Update on Legal Advice Privilege*, K&L Gates LLP Construction Law Blog, October 2015

AREAS OF FOCUS

- Construction and Infrastructure
- Complex Commercial Litigation and Disputes
- International Arbitration

REPRESENTATIVE EXPERIENCE

- Advising a Middle Eastern power company on a dispute in relation to the interpretation of a power and water purchase agreement.
- Advising a Nigerian based oil and gas company on a dispute in relation to the withdrawal by a major energy company from Nigeria and its relinquishment and withdrawal from two Production Sharing Contracts in connection with Oil Prospecting Licenses.
- Advising a commodities focused hedge fund in relation to a potential dispute relating to mining licenses in East-Africa and in particular, advice relating to breach of warranty and misrepresentation.

- Advising a world leading infrastructure management and investment company on the termination of a construction contract and all matters in relation to a bond call as a result of the contractor's insolvency.
- Advising a German utilities company on whether certain instructions constitute a variation under a construction contract and the impact this has on the contract price.
- Acting for the contractor in defence of a dispute relating to payment notices and the entitlement to compensation for works undertaken.
- Acting for a UK Investment Management Company in defence of a dispute arising from a JCT Intermediate Building Contract concerning the entitlement to extensions of time.
- Acting for a European based airport operator in an expert determination against a retail contractor in respect of a dispute arising from the payment of the retail fee.
- Acting for a contractor in a dispute against the owner of a UK airport arising from a NEC Option A contract concerning the entitlement to compensation of works undertaken.
- Acting for the Trustee of a global financial services firm on UK and International aspects of the liquidation.
- Advising a UK bank on claims relating to the mis-selling of interest rate hedging products to businesses.
- Acting for a major international bank in a high value English High Court dispute under the 1992 ISDA Master Agreement in relation to the close out of a substantial derivatives book.
- Acting for a foreign bank in proceedings before the Privy Council concerning trespass over land in Trinidad and Tobago.
- Acting for a Guernsey based oil and gas technology fund in relation to a US\$18 million claim in the English High Court. The dispute related to the termination of an Investment Management Agreement.
- Acting for a UK energy company in proceedings in the High Court in London in relation to a fatality at a UK refinery.
- Six interrelated ICC arbitration and English High Court Proceedings on behalf of an international hotel group in relation to the termination of a hotel project. Seat of arbitration Paris and subject to English Law.
- ICC arbitration on behalf of a Middle Eastern project company defending claims made by the EPC contractor in relation to the construction of a gas fired power plant in Qatar. Seat of arbitration Doha, subject to Qatari law.
- ICC arbitration on behalf of a multinational engineering company in respect of a contract for the design of two suspension bridges in Qatar. Qatari Civil Court proceedings relating to a contract for the design of two suspension bridges in Qatar.
- Commercial Court proceedings relating to the requirement for approval to drill a well, including injunction application.
- ICC arbitration regarding the operation of pre-emption rights under a joint operating agreement.

- LCIA arbitration on behalf of a Dutch contractor in relation to vessel refurbishment and upgrade of a FPSO.
- Advising the employer on a dispute arising with the contractor on a major rail project in the UK under a NEC Option 3 contract in relation to the contractor's entitlement to compensation for works.
- London Maritime Arbitrators' Association arbitration on behalf of the employer in relation to the construction of a mega yacht in Germany under a bespoke contract.
- ICC arbitration on behalf of a Turkish contractor in relation to a road project in Oman under a bespoke contract.
- Acting for a joint venture in proceedings brought in the Technology and Construction Court arising from a pipeline project in the UK.
- ICC arbitration on behalf of a Yemeni contractor in relation to a pipeline project in Yemen under bespoke Conditions of Contract. Seat of arbitration Vienna and subject to Austrian law.
- ICC arbitration on behalf of a German infrastructure company in relation to the supply of alleged defective electrical products by an Indian manufacturing company. Seat of arbitration Delhi and subject to English law.
- LCIA arbitration in respect of a contract for the supply of goods and services for an LNG Plant.
- Advising a local council in relation to disputes arising from the demolition and construction of a residential and commercial development in London under a JCT Design and Build contract 2011 with amendments.
- Advising the owner in relation to disputes arising against the contractor in relation to the construction of a superyacht.
- ICC arbitration on behalf of a multi-national advisory and design consultancy in respect design services to be carried out across 11 metro stations in the Middle East.
- HKIAC Arbitration in relation to disputes arising from the construction of a hospital in Hong Kong.
- Advising a large Turkish contractor in relation to the formation of a substantial Joint Venture with an Indian contractor to carry out construction and design works for a rail project in India.
- Ad hoc arbitration under the 2013 UNCITRAL Rules representing a consortium of five major international oil companies in relation to a \$10bn LNG Facility in Africa.
- Advising the employer on a dispute arising with the contractor on a major rail project in the UK under a NEC Option 3 contract in relation to the contractor's entitlement to compensation for works.