



<b><u>Surname, First name</u></b>	<b><u>Nadkarni</u></b> , Nitin
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<b>Nationality/ Date of Birth</b>	Malaysian / 20 November 1962

## Educational/Professional Memberships

### Educational/Professional Qualifications

- LLB Hons, London School of Economics and Political Science
- Barrister-at-Law, Middle Temple
- Advocate & Solicitor, High Court of Malaya

### Professional Affiliations

- Council Member, Asian International Arbitration Centre (AIAC) Advisory Council
- Chairman, Arbitration Committee of the Malaysian Bar Council (2015-2017, 2019)
- Co-Chairman, Arbitration and Construction Law Sub-Committee of the Malaysian Bar Council (2017-2019)
- Fellow of Chartered Institute of Arbitrators
- Fellow of Malaysian Institute of Arbitrators
- Panel Arbitrator of Singapore International Arbitration Centre, Asian International Arbitration Centre, International Chamber of Commerce, and Bangalore International Mediation, Arbitration & Conciliation Centre
- Accredited Mediator, Malaysian Mediation Centre

## Current Position

Partner, Head of the Energy, Projects & Infrastructure, and International Arbitration Practice Group in Messrs. Lee Hishammuddin Allen & Gledhill

## Professional Experience

Dato' Nitin Nadkarni's main areas of practice covers international and domestic arbitration, commercial litigation and other forms of alternative dispute resolutions. Nitin often advises and acts in Malaysia court proceedings at apex court levels and has a large arbitration practice, with extensive experience in all aspects of the construction, engineering, energy, electricity, oil and gas sectors.

For over 3 decades, Nitin has acted in wide-ranging, complex and multi-jurisdictional arbitrations under a variety of governing laws and institutional arbitral rules, including those of ICC, SIAC, AIAC and LCIA. Nitin's arbitral experience spans across Asia, Europe and the MENA region in both common law and civil law jurisdictions.

Being regarded as an authoritative figure within the Malaysian arbitral landscape and registered on the panel of leading arbitral institutions, he is also frequently appointed to act as arbitrator in both domestic and international arbitrations for a variety of matters.

Recognized as a "leading figure in the field of construction arbitration" and "one of the most sought-after construction disputes experts", Chambers and Partners Asia-Pacific has since 2013 consistently ranked Nitin as a Band 1 lawyer who is "especially active in international arbitration...specialis[ing] in engineering, infrastructure and energy mandates". As an arbitrator, Legal 500 describes Nitin as "prolific". Recently categorised as an Elite Practitioner 2020 for Construction and Dispute Resolution by Asialaw Profiles.

Nitin is often featured in international conferences and seminars, and regularly contributes to global publications on various arbitration-related issues.

## Arbitration Experience (Highlights-Recent)

### **As Counsel in over 150 arbitrations including:**

- Counsel for various independent power producers in commercial arbitrations which have involved issues relating to, among others, operation and maintenance of power stations, generation capacity payments under power purchase agreements (PPAs), and the operation and maintenance of the Malaysian Grid System.
- Counsel for owner in disputes concerning construction and design defects in boiler and auxiliary systems of power plants.
- Counsel for owner in a series of arbitrations (against insurer, engineer, and end user) arising out of an explosion at petroleum shore tank facilities.
- Counsel for owner in disputes arising out of a construction of a methanol petrochemical plant.
- Counsel for EPC contractor in relation to the construction of a Gas Compression System
- Counsel in dispute arising out of construction of water injection facility
- Counsel for contractor in disputes arising out of the construction of petrochemical facilities in Sudan.
- Counsel in a French-seated ICC arbitration for disputes arising out of a suite of civil law-governed agreements in relation to a water desalination plant in North Africa.
- Counsel for the owner in an arbitration arising out of a defective waste water treatment plant.
- Counsel for contractor in a billion-ringggit dispute arising out of a design and build contract in the Middle East.
- Counsel in various arbitrations arising out of the construction of airport facilities, high-rise buildings, cable stay bridge, roads and highways, luxury apartment blocks, marine jetty, shopping complex, military facilities, museum and resource centre.
- Counsel in claim and counterclaim arising out of the failure of reclamation works.
- Co-counsel in a Swiss arbitration in respect of claims exceeding Euro 60 million arising out of the breach of a logistics contract.
- Counsel for hotel owners in a commercial arbitration in Singapore.
- Counsel in series of telecommunications arbitrations in respect of the supply of a WiMax system.

### **Other Relevant Experience:**

- Counsel for owner in lawsuit in respect of a “naphtha cracker” petrochemical facility which exploded on start-up
- Counsel in a lawsuit against former directors of a listed company for fraud and breach of fiduciary duties.
- Counsel in commercial litigation related to a Mobile Offshore Production Unit.

### **Appointments as Arbitrator (sole and co-arbitrator):**

- International arbitration arising out of a failed commercial venture in Vietnam.
- Domestic arbitration arising out of a commercial contract for provision of educational services and facilities.
- Construction dispute in relation to construction of a multipurpose hall.
- Construction dispute arising out of construction of oil & gas facility.
- Dispute arising out of a government construction contract in relation to healthcare facilities.
- Dispute in relation to insurance policy for the construction, completion and commissioning of a shopping complex.
- Dispute arising out of a share acquisition transaction.

## Publications

- Contributor — The Malaysian Civil Procedure 2013, 2015 and 2018 by Sweet & Maxwell Asia
- Contributor — The Legal 500 (Legalease): Construction, Country Comparative Guide (Malaysia)
- Contributor — Arbitration in Malaysia, A Practical Guide (2016, Sweet & Maxwell)
- Contributor — Arbitration World, International Series (2016, Thomson Reuters)
- *Trans-Pacific Partnership Agreement: The Continued March of Private Justice? [2016] Law Review 574*

## Languages

English, Malay