

Gurbinder Grewal

Partner



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Overview

Gurbinder focuses on resolving contentious construction and infrastructure disputes through arbitration, adjudication, litigation or ADR. He typically acts for employers and main contractors in a wide range of sectors and disputes relating to payment, claims for variations, extensions of time, defects and professional negligence.

Gurbinder is also experienced in acting as "project counsel" on live construction and engineering projects either domestically or internationally, assisting clients in managing claims and avoiding disputes.

Legal 500 UK 2017 notes that Gurbinder is "an adjudication specialist", "has an encyclopedic knowledge of construction law" and "never loses focus of the client's commercial objectives". *Chambers UK 2017* reports that "He is intelligent and helpful. He has very good communication skills and great people skills. He is very strong tactically and at looking for commercial angles."

Experience

- **UK national main contractor:** Advising on a £38 million dispute under the NEC3 Option C form of contract for unassessed compensation events and delays to construction works at a major UK airport.
- **Confidential client:** Acting for a main contractor in a US\$72 million ICC arbitration relating to design and construction defects, delay and the termination of a series of qualified EPC contracts for the design and construction of a bespoke marine vessel for the purposes of an energy project in Africa.
- **Confidential client:** Acting for a JV contractor in relation to an €80 million dispute arising out of a €700 million EPC contract based on the FIDIC Silver Book. The dispute arose out of major construction and infrastructure works at an airport in the Russian Federation.
- **Ensign Highways Limited:** Advising with regards to the award of service points by Portsmouth City Council under a long-term PFI contract relating to the transport network in Portsmouth. This included preparing for a preliminary issues hearing on the application of good faith in PFI contracts, which was subsequently reported at *Portsmouth City Council v. Ensign Highways Ltd [2015] EWHC 1969 (TCC)*.
- **UK national main contractor:** Providing ongoing advice on strategy in respect of claims from the employer

in relation to the design and construction of a 5* hotel in the UK. The development is in Grade II listed buildings originally constructed in the 1800s and involves difficult issues relating to planning, conservation, liability for existing structures and design changes. Having seen the project past completion with only two narrow adjudications, the strategy now moves on to resolving the final account.

- **UK national main contractor:** Providing advice with regard to a dispute arising out of a £120 million social housing PFI project based in the North West. Working closely with the project team to ensure the dispute is resolved in a manner which limits its effect on the PFI project and relationships with the other parties (which have several years to run).
- **Confidential client:** Advising a well-known media group in avoiding disputes arising out of its £3 billion upgrade program for fiber optic broadband in the UK.
- **London Overground:** Defence of claims made by various contractors arising out of a series of NEC3 construction contracts for the London Overground station refurbishment program.
- **UK national main contractor:** Advising a contractor in relation to defending a number of potential claims from subcontractors in relation to the construction of the new civic offices in Northampton. Formal proceedings are to be avoided so the client can prioritize project completion. The team has been acting in a "project counsel" role in an effort to ensure that the contractor is prepared (if necessary) to deal with any claims that are advanced by its subcontractors.
- **UK national main contractor:** Acting for a main contractor in a £32 million final account dispute with a subcontractor relating to the repair and maintenance of the water network in North London subsequently reported in *HS Works Ltd v. Enterprise Managed Services Ltd* [2009]. This case established for the first time that a party could set off one valid adjudicator's decision against another.
- **Confidential client:** Advising a national main building and civil engineering contractor on a £3 million dispute relating to M&E works at an airport carried out under an NEC3 form of subcontract. The dispute related to an adjudication brought by a subcontractor for a £2 million claim. The adjudication involved a £1 million counterclaim and the adjudicator decided a sum of £600,000 was due to the main contractor from the subcontractor.
- **BuildAbility:** Acting for the main contractor in disputes (resolved by a series of adjudications, TCC proceedings and subsequent mediation) with its concrete frame subcontractor arising out of the construction of The Cube, a landmark £100 million mixed-use development in Birmingham. The proceedings were reported in *BuildAbility Limited v. O'Donnell Developments Limited* [2009] EWHC 3196.
- **Confidential client:** Advising a main contractor in relation to a £10 million dispute relating to design defects in a major sports stadium and concert venue.
- **Marc Gilbard 2009 Settlement Trust (trustees of) v. OD Developments and Projects Ltd [2015] EWHC 70 (TCC):** Acting successfully in bringing a Part 8 claim seeking a declaration in respect of the conclusivity of a Final Certificate and the correct interpretation of clause 1.9.3 of the JCT Standard Building Contract, Without Quantities, Revision 2 (2009).
- **UK national main contractor:** Advising in relation to a potential professional negligence claim against an architect and structural engineer in relation to delays to completion of a mixed-use development site in Dorchester on the south coast of England. The dispute involves numerous items of design changes necessitated by the consultant's breach of reasonable skill and care.
- **Confidential client:** Successfully defending a £multi-million adjudication brought by a contractor in relation to major construction works at a major UK arena. The dispute was defended with the employer paying a tenth of the sums claimed from it.
- **Confidential client:** Advising on a £10 million claim for defective piling and foundations on a residential site in the West Midlands, resulting in multi-party High Court proceedings ultimately resolved by negotiation.

Recognition

In the Media

- "Who picks up the bill for the riots?", *Building Magazine*, August 11, 2011
- "What Contractors need to know", *BuildLaw*, New Zealand, September 2012

Insights

Articles written by Gurbinder appear regularly in journals and industry publications such as *Construction News* and *Construction Law*. For example:

- How to tackle disputes: Conflict avoidance and ADR, *Construction News*, 20 March 2018
- Clearly worded contracts prove their weight in gold again, *Construction News*, 7 December 2018
- "Written contracts: Pen and paper at the ready", *Building*, July 31, 2017
- "A Leading Authority?", *Construction Law*, October, 2012
- "*Water lily & Company Ltd v. (1) Mackay and (2) DMW Developments Ltd* - Clarification of the Law on Concurrent Delays in English Law Construction Contracts," *Dentons Client Alert*, August 7, 2012
- "Adjudicator's Decisions and Natural Justice", *Construction Law*, April, 2012
- "Document Retention", *Construction Law*, February, 2011

Activities and Affiliations

Presentations

- Gurbinder regularly delivers workshops and training sessions to clients in all sectors on construction law issues and dispute avoidance.

Memberships

- Member of the Society of Construction Law

Prior and Present Employment

- Partner, Dentons (2015 to date)
- Senior Associate, Dentons (2011 - 2015)
- Lawyer and Associate, Gateley (formerly HBJ Gateley Wareing) (2006 - 2011)
- Trainee Lawyer and Lawyer, Bell Lax Lawyers (2002 - 2006)

Areas of focus

Industry sectors

- Construction

- Construction in the United States

Education

- Inns of Court School of Law, 2002, LPC
- Middlesex University, 2001, LLB, Law (Hons)

Admissions and qualifications

- Solicitor, Senior Courts of England and Wales, 2004