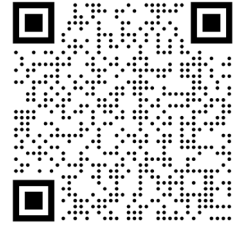


# PARALLEL EVENTS FOR CONSTRUCTION CLAIMS AND CIPAA CONFERENCE MALAYSIA 2023

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## SESSION 1

### WHAT CONSTITUTES A VARIATION CLAIM

**DATE:** 17 July 2023 (Monday)

**TIME:** 11am - 12pm

**SPEAKER:**

- 1. Darshendev Singh**  
Partner, Lee Hishammuddin Allen & Gledhill
- 2. Ts. Farid Salehan**  
Director, JS Held



## SESSION 3

### PRACTICAL COMPLETION OF CONSTRUCTION CONTRACT - COMMON ISSUES AND PRACTICAL SOLUTIONS

**DATE:** 24 July 2023 (Monday)

**TIME:** 11am - 12pm

**SPEAKER:**

- 1. Mak Hon Pan**  
Partner, Karen, Mak & Partners
- 2. Shaun Kumar**  
Chief Solutions Officer, 2C Consulting Sdn Bhd



## SESSION 2

### TERMINATION OF CONSTRUCTION CONTRACT

**DATE:** 18 July 2023 (Tuesday)

**TIME:** 11am - 12pm

**SPEAKER:**

- 1. Wilson Ho**  
Partner, Ho Partnership
- 2. Bryan Ho**  
Partner, Ho Partnership



## SESSION 4

### THE CONCEPT OF 'TIME AT LARGE' IN A CONSTRUCTION CONTRACT

**DATE:** 25 July 2023 (Tuesday)

**TIME:** 3pm - 4pm

**SPEAKER:**

- 1. Kee Meng Fai**  
Partner, Belden Advocates & Solicitors
- 2. Terence Loh**  
Partner, Belden Advocates & Solicitors





# WHAT CONSTITUTES A VARIATION CLAIM

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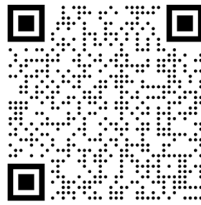


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## PARALLEL EVENTS FOR



**SPEAKER:**  
**Darshendev Singh**

Partner,  
Lee Hishammuddin  
Allen & Gledhill

Darshendev Singh is a Partner with Lee Hishammuddin Allen & Gledhill. His primary area of practice is commercial dispute resolution with a focus on complex disputes relating to construction, engineering, oil & gas, and infrastructure projects. Besides regularly sitting as an arbitrator and an adjudicator, Darshendev also represents clients in international and domestic arbitration, litigation, mediation and adjudication.

The sole Malaysian recipient of the 2019 Asia Pacific Top 10 Arbitrators Award (under the age of 40 category), Darshendev has also been ranked as a Next Generation Partner for both Dispute Resolution and Real Estate and Construction in Malaysia by The Legal 500 in its Asia Pacific Rankings. He was listed in the Private Practice Arbitration Powerlist (Southeast Asian Region) by The Legal 500. He has also been recognised as Future Star (Construction) by Benchmark Litigation Asia-Pacific 2023 and 2021 Rising Star in the Malaysian Legal Industry (under the age of 40 category) by the Asian Legal Business. Darshendev received the Lexology Client Choice Award 2021 for Construction in Malaysia.

Over the years, Darshendev has amongst others been described as a lawyer who “provides critical yet practical insight with his sharp intellect and surgical precision of the facts. He is reliable, efficient, and experienced”, “is exceptional and stands out from competitors because of his knowledge in the field, his meticulous nature in disputes and his dedication to do his best for his clients”, and “is very solution-oriented and always provides practical solutions to clients. He is intelligent, aggressive, sharp, meticulous and has great advocacy skills, which are something clients look for in a litigator.”

Darshendev, who was the former chairperson of the Chartered Institute of Arbitrators (Malaysia) Young Members Group, is a frequent speaker on the international circuit and contributes to global publications on arbitration and construction law landscape.



**SPEAKER:**  
**Ts. Farid Salehan**

Director, JS Held

Ts. Farid is a Director of JS Held Malaysia, an international claim consultant company headquarter in USA. He is a Mechanical Engineer and Professional Technologist, having more than 13 years of experience specialized in Project Control Planning and Forensic Delay Analysis. He holds a Bachelor Degree in Mechanical Engineering from UNIVERSITY PETRONAS and Master of Law in Construction Law and Arbitration from ROBERT GORDON UNIVERSITY. He has been admitted as a Fellow for both Chartered Institute of Arbitrators (FCIArb) and The Malaysian Institute of Arbitrators (FMIARB).

Ts. Farid has been appointed as Delay Expert in numerous appointments. His skills include providing Expert Witness Services in Delay and Disruption, Extension of Time, and Scheduling Analysis. He is well versed in preparing programmes and schedules, preparing quantity estimates for planning and scheduling, programmes review, delay analysis for EOT's, prolongation and disruption claims. He is proficient in software such as Microsoft Project, Primavera P6 and SAP R3.

Ts. Farid has been appointed as Technical Advisor Committee (TAC) by Ministry of Human Resources, Malaysia to develop the Syllabus and Exam Paper for 'Institut Latihan Perindustrian' (ILP) for Certificate in Downstream Maintenances Course. He is an avid amateur cyclist, enjoys cycling with local communities



# TERMINATION OF CONSTRUCTION CONTRACT

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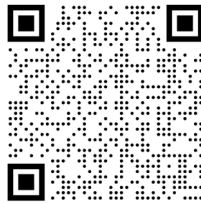


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## PARALLEL EVENTS FOR



**SPEAKER:**  
**Wilson Ho**

Partner,  
Ho Partnership

Wilson is an experienced lawyer where his areas of expertise include litigation, arbitration and advisory with a special focus on complex matters relating to construction, corporate & company and insolvency matters.

His expertise covers both contentious and non-contentious matters where he has represented a broad range of clients at all stages of adjudication, arbitration and court proceedings.

In particular, he has advised and acted for:

- Employers, contractors and sub-contractors on a variety of construction, energy and infrastructure related disputes whether on standard forms or bespoke contracts in both courts and ADR forums such as arbitration, adjudication and mediation, including conducting arbitration (international and domestic) and adjudication matters involving standard forms of contract such as PAM, IEM and JKR contracts.
- Directors and shareholders on corporate disputes or 'boardroom battles' including cases on minority oppression and breach of fiduciary duty.
- Insolvency practitioners such as liquidators, judicial managers and receivers & managers on various insolvency disputes.

Aside from advising and representing clients on resolving disputes, Wilson also provides corporate legal advisory services such as drafting of various corporate related agreements which are important and critical for any business entities including MNCs, SMEs and even business start-ups.

Wilson is empanelled as both Arbitrator and Mediator with the Asian Institute of Alternative Dispute Resolution (AIADR). He is also Panel Adjudicator with the Asian International Arbitration Centre (AIAC) and regularly conducts adjudication proceedings under the Construction Industry Payment and Adjudication Act 2012 (CIPAA 2012), both as Counsel and Adjudicator.

Bryan commenced practice in Ranjit Singh & Yeoh before eventually co-founding Ho Partnership in 2017.

While his practice is focused on construction disputes, he also advises clients on corporate and commercial disputes including fraudulent trading.

Bryan is regularly consulted on bespoke construction contracts as well as standard forms of contract including PAM and PWD contracts. Apart from representing clients at all Court levels, he also acts for them in arbitration, adjudication, and mediation.

Some of the recent matters he has handled include:

- Termination of main contractor in a billion-ringgit mixed development in Kuala Lumpur
- Termination of main contractor in a multi-phase housing development in Kuala Lumpur
- Claims by main contractors for multiple projects in Johor and Singapore involving mechanical and electrical installation works, plumbing and sanitary installation works, and supply of manpower
- Disputes arising from performance guarantees given by financial institutions and individuals
- Disputes involving consultants' fees, including that of architects and engineers

Bryan is also an Adjudicator empanelled with the Asian International Arbitration Centre (AIAC), and a Commissioner for Oaths.



**SPEAKER:**  
**Bryan Ho**

Partner,  
Ho Partnership



# PRACTICAL COMPLETION OF CONSTRUCTION CONTRACT - COMMON ISSUES AND PRACTICAL SOLUTIONS

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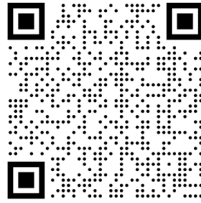


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**PARALLEL  
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**SPEAKER:**  
**Mak Hon Pan**

Partner, Karen, Mak  
& Partners

Mak is a founding Partner of Messrs. Karen, Mak & Partners. He was called to the English Bar in 2010 and the Malaysian Bar in 2011. His primary areas of practice include construction law and arbitration where he advises on both contentious and non-contentious matters and has represented a broad range of clients in all stages of adjudication, arbitration and court proceedings.

Mak is also:

- The Vice President and Fellow of the Malaysian Institute of Arbitrators ("MIARB");
- A Fellow of the Asian Institute of Alternative Dispute Resolution ("AIADR"); and
- A qualified arbitrator and adjudicator empaneled with the Asian International Arbitration Centre (AIAC) and the Asian Institute of Alternative Dispute Resolution.

Outside of practice, Mak writes regularly and has contributed to the Asian International Arbitration Centre 2019 Standard Form of Building Contracts Manual (2021), Construction Adjudication Reports of Malaysia by Sweet & Maxwell and the Master Builders Journal by Master Builders Association Malaysia.



**SPEAKER:**  
**Shaun Kumar**

Chief Solutions Officer,  
2C Consulting Sdn Bhd

Shaun Kumar has had near to 30 years of experience in the construction industry with various roles from a Contractor, Client and a Consultant. He has handled various developments and in particular infrastructure, hotels, resorts, hospitals and airport developments as a Superintending Officer. His role has covered leadership roles right through from concept stages to handing over. His past experience includes stints with large conglomerates and multinational corporations. Through his career he has developed a skill in dispute resolution and claims management and has been empaneled by the Asian International Arbitration Centre as a licensed Adjudicator and Mediator. In addition he is as well a certified Expert Witness and Forensic Delay Analyst.

# THE CONCEPT OF 'TIME AT LARGE' IN A CONSTRUCTION CONTRACT

**DATE:** 25 July 2023 (Tuesday)

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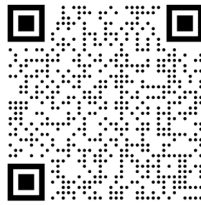


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**SPEAKER:**  
**Kee Meng Fai**

Partner, Belden  
Advocates & Solicitors

Meng Fai initially practised in Belden but later moved to Singapore where he practised with Rajah & Tann Singapore LLP from 2012-May 2015. In May 2015, Meng Fai returned to Belden as a Partner of the firm.

Meng Fai's focus is in the area of claims and disputes in the construction, engineering and mining industry. Meng Fai also advises clients on industrial relations, insurance and commercial disputes. Meng Fai has handled domestic and international arbitrations in Singapore and Malaysia and various contractual and statutory compulsory adjudications. Meng Fai is familiar with all domestic standard forms of Contract as well as the international forms such as SIA and FIDIC. His experience in claims advisory and dispute resolution in the industry includes:

- Design and construction of Electric Transmission and Stringing
- Design and installation of hardware and software for Remote Meter Reading Project
- Mining works at the Life of Mine Project
- Design and construction of Mixed Development Projects
- Design and construction of Double Tracking Railway Projects
- Design and construction of Coal Fired Power Station Projects
- Rehabilitation of 275kV Substation
- Design and construction of Oil Storage Terminal
- Shutting down of a Polycarbonate Factory



**SPEAKER:**  
**Terence Loh**

Partner, Belden  
Advocates & Solicitors

Terence's practice is focused on construction and engineering matters. He regularly advises clients on bespoke contracts and various standard legal forms of contract such as FIDIC, JCT, PAM and PWD Standard Form. Terence also provides on-project legal consultancy.

Terence has appeared at all levels of the Malaysian Court system, and in domestic and international arbitrations. He has also represented clients in other forms of dispute resolution process such as adjudication, mediation and expert determination. His experience in claims advisory and dispute resolution in the construction and engineering industry includes:

- M&E works for a mixed development in the Middle East
- Corrosion of painting material supplied to fabrication yard and oil & gas terminal
- Building works for a mixed development project in the Middle East
- Design and fabrication of offshore rigid risers and connection of the risers to the subsea flexible flowlines
- Temporary works for a 1000MW coal fired power plant
- Provision of equipment and software for wireless remote meter reading system
- Design, execution and completion of the works for a 132 kV Double Circuit Underground Cable
- Piling, Raft Foundation and Associated Earthworks for a mixed development
- Design, engineering, manufacture, supply, erection, testing and commissioning of Solar PV Power Plant on a turnkey basis
- Corrosion of copper in the transformer, switchgear and other equipment due to corrosive gas emanating from a sewerage treatment plant
- Structural works for hotel, commercial buildings, convention centre and mixed developments