



### **Sadaff Habib**

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Sadaff Habib is an independent arbitrator and founder of Equanimity Arbitration. She has vast experience in a variety of disputes ranging from highly technical construction cases to complex shareholder disputes. She has acted as both counsel and as arbitrator in disputes across a variety of industries including construction, infrastructure, property, commercial, shareholder, desalination plants and solar power projects.

The Legal 500 Middle East Construction recognises Sadaff as a Rising Star and a Recommended Lawyer and commends her as an arbitration practitioner who *“stands out as thoroughly informed and well-prepared”* and *“is building a reputation in international arbitration, as an arbitrator.”* The Legal 500 commends that she *“stands out for her responsiveness and case management.”*

In addition to ad hoc arbitrations, she has worked on disputes under the ICC, UNCITRAL, Swiss Rules of International Arbitration, DIAC Rules, and ADCCAC rules. She is also on the SCCA panel of arbitrators, the ADGM panel of arbitrators, the HKIAC List of Arbitrators, the SIAC list of arbitrators, the Scottish Arbitration Centre list of arbitrators and the Thailand Arbitration Centre panel of arbitrators.

Sadaff has been based in Dubai since 2009 where she has gained experience with reputable local and international law firms such as Beale & Co Middle East and Fenwick Elliott.

Sadaff is also ranked in Who's Who Legal as a Future Leader and is described as *“a very bright lawyer”* who possesses *“excellent knowledge of UAE laws, particularly construction law”*. She is also a recipient of Africa's 50 Most Promising Young Arbitration Practitioners 2020 Award. In 2021 she was shortlisted for the Middle East Legal Rising Star Award and for the Big 5 Women in Construction Awards.

Sadaff is active in the international arbitration community and served as an Assistant Editor for Africa for the Kluwer Arbitration Blog and on the CIArb UAE Branch Committee during which time she developed the CIArb UAE mentoring program. She also co-founded the Africa Construction Law Blog and served as General Editor of the blog.

Outside the world of arbitration Sadaff enjoys writing poetry, hiking and kung fu.

## EXPERIENCE

### *Selective experience as arbitrator:*

- Appointed by the ICC as President of the tribunal in a dispute involving the design and construction of a sports stadium in Accra, Ghana with claims of c. USD 600,000. The governing law of the contract is the law of Ghana and the seat of arbitration is Nairobi, Kenya. The case also involves jurisdictional objections and time bar claims.
- Appointed by the ICC as a sole arbitrator in a commercial arbitration under the DIAC Rules for claims arising under a Sub-consultancy Agreement with claims of c. AED 800,000. The case involved complex jurisdictional objections that were raised by both the claimant and the respondent on the claim and counterclaim.
- Appointed by the Abu Dhabi Commercial Conciliation and Arbitration Centre as Chair of the Tribunal, upon the nomination of the co-arbitrators, in an arbitration involving claims under a Subcontract Agreement of c. AED 5,000,000 for subcontract works done on a project in the UAE involving claims around the return of the performance bond and the value of works done. The case involves issues arising out of certified amounts, retention and return of performance bonds.
- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a dispute involving the termination of a sale and purchase agreement for a unit in a residential development in the UAE with claims of c. AED 430,000
- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a dispute arising under a unit sale and purchase agreement for a unit in a residential development in the UAE with claims of c. AED 820,000
- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a real estate dispute involving the termination of a sale and purchase agreement for a unit in a development in the UAE with claims of c. AED 710,000
- Appointed as sole arbitrator by the DIAC in a dispute arising out of a Settlement Agreement for non-payment of amounts of c. AED 1,000,000 due for subcontract works performed under a Subcontract.
- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a dispute involving a claim to terminate the sale and purchase agreement for a unit in a residential development in the UAE with claims of c. AED 600,000
- Appointed by the DIAC as co-arbitrator in a dispute arising out of a Consultancy Agreement where the claim amount is c. AED 550,000. This was a party nomination where the Respondent is a large regional contractor.
- Appointed by the DIAC to sit as sole arbitrator on a dispute arising out of a subcontract agreement for post tension works to be done on a residential and hotel project in Dubai with a claim amount of c. AED 400,000.

- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a dispute involving multiple respondents and for claims under a sale and purchase agreement for a unit in a residential development in the UAE with claims of c. AED 750,000
- Appointed by the DIAC to sit as co-arbitrator on a dispute arising out of freight and shipping contract under the governing law of England and Wales and with a claim amount of c. AED 2,000,000.
- Appointed by the DIAC to sit as sole arbitrator for ad hoc arbitration proceedings in a dispute for non-payment of sums under a subcontract for installation of a deep well dewatering system in a project in Marsa Dubai. The claim amount is c. AED 870,000.
- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a dispute involving the purchase of a real estate unit in a residential development in the UAE with claims of c. AED 650,000
- Appointed by the Ajman Centre for Commercial Conciliation and Arbitration, upon nomination by the co-arbitrators, as Chair of the Tribunal in a dispute involving the termination of a sale and purchase agreement for a unit in a development in the UAE with claims of c. AED 620,000 including claims in relation to interest and loss of income.
- Appointed by the DIAC to act as co-arbitrator in a subcontractor dispute involving a claim for non-payment of AED 250,000 due for supply and installation of false ceiling and partition works done in a hospital in Dubai. The Claimant was claiming a return of its retention and an amount due for work done.
- Appointed by the DIAC to act as co-arbitrator in a real estate dispute involving a claim for compensation due to delay in handover of a unit. The case involved a jurisdictional objection regarding the right party to bring the claim. The disputed amount was c. AED 450,000.
- Appointed by the DIAC to sit as sole arbitrator in a dispute for non-payment of sums under a consultancy services agreement to provide design works for smoke detection, ventilation and lighting works inside bridge box cells for Bluewater Island, Dubai, UAE.

### ***Selective experience as counsel:***

- Acted for an international construction company with its base in Dubai on a construction dispute with claims in the region of AED 1 billion involving a unique mix-use development in Dubai. Issues in dispute included design changes, extensive delay claims and related quantum claims.
- Acted for a government owned KSA developer in Conciliation Board proceedings involving a construction dispute around an iconic project in KSA with claims in the region of USD 500 million. Issues in dispute included, extension of time claims, prolongation, delay, variations and defective works. Presented oral arguments to the Conciliation Board and cross examined the opposing party's quantity surveyor.
- Acted for a regional contractor in an arbitration under the DIAC Rules with claims in the region of AED 15 million. Issues in dispute include non-payment, release of bonds, contractor's failure to carry out the works.

- Acted for a regional contractor in an ad hoc arbitration under the Bangladesh Arbitration Act with the seat of arbitration Dhaka, Bangladesh. Issues in dispute include extension of time claims and liquidated damages.
- Acted for the operator of a desalination plant in Muscat, Oman in an arbitration under the DIFC-LCIA Rules for claims against the owner of the plant. Issues in dispute included non-payment of operation fees, defects in the plant and liability. Claims of c. USD 5 million.
- Acted for a leading Middle East contractor in DIAC arbitration proceedings in the UAE under the law of a GCC state regarding the construction of a supertall skyscraper, with an amount in dispute of c. US\$100 million. Matters in dispute included jurisdiction, delay and valuation of works.
- Advised a reputable contractor in Dubai in relation to a potential dispute against a developer in relation to a high-rise tower in Dubai Marina. Matters advised on include securing a precautionary attachment, completing the dispute resolution process under FIDIC 4<sup>th</sup> edition 1987; advising on extension of time claims and prolongation costs.
- Acted for one of the UK's leading firms of consulting engineers with offices in Abu Dhabi, in ICC arbitration proceedings in a GCC state arising under a contract governed by local law with an amount in dispute of c.US\$20 million. Matters in dispute include jurisdiction and quantum of payment due.
- Represented a main contractor in DIAC arbitration proceedings in Dubai in a claim of c. AED 100 million against a developer. The dispute involved issues relating to wrongful termination and the non-payment of the main contractor's entitlements.
- Acted for an investment fund in DIAC arbitration proceedings brought by members of the royal family involving complex asset and share sale structures for claims in the range of AED 70 million.
- Acted for a KSA investment management company in arbitration proceedings under the Rules of Arbitration of the Geneva Chamber of Commerce against a Swiss investment company for a claim of c. USD 10 million.

### EDUCATION

- First class degree in MSc in Construction Law and Dispute Resolution, British University in Dubai in association with King's College
- Member level, Chartered Institute of Arbitrators
- Post graduate Diploma in Legal Practice, BPP
- Upper second-class degree in LLB Honours law, University of Kent

### BAR ADMISSIONS

- New York State Bar Association

### AWARDS AND OTHER RECOGNITIONS

- Who's Who: Global Elite Thought Leader 2023
- Who's Who Legal, Future Leader in Construction 2022

- Legal 500 Middle East Rising Star and Recommended Lawyer 2020, 2021, 2022
- Africa's 50 Most Promising Young Arbitration Practitioners 2020 Award

### RECENT SPEAKING ENGAGEMENTS

- GAR Live Dubai, UAE, 2023
- DIAC Training Event, Dubai, UAE, 2023
- Mediate Guru, Webinar, Dubai, UAE, 2023
- Africa Construction Law Webinar, Dubai, UAE, 2023
- Africa Construction Law conference, Lagos, Nigeria, 2023
- Legal Plus Summit, Hong Kong, 2023
- Legal Plus Summit, Dubai, 2023
- ARBinBRIEF, Dubai, 2023
- CIArb Young Members Conference 2021
- Young ICCA Conference 2021 on virtual hearings
- Virtual Oxford Arbitration Day 2021 on complex construction arbitrations
- CIArb UAE Branch webinar 2020 on the life cycle of arbitration proceedings
- Beale & Co seminars and webinars 2019-2021 on arbitration agreements, interim measures, the UAE Arbitration Law, arbitration best practice and construction disputes
- Lexis Nexis 2020, Dubai, on construction arbitration
- ICC YAF conference, 2019, Kenya