



Niraj Modha

Barrister & Arbitrator

Year of call: 2010

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"As far as barristers go, Niraj is one of the most approachable. He is measured, technically astute and very highly respected and regarded by his peers." The Legal 500 2023

Niraj is a property, commercial, and construction law specialist. His cases frequently involve issues relating to and crossing over with: contested interests in land; civil fraud; insolvency; professional negligence; disputes between shareholders, partners, and joint venturers; and construction claims relating to infrastructure projects. He acts for a range of clients including property developers, landowners, investors, local authorities, contractors, employers, and multinational conglomerates.

Niraj appears as sole counsel in trials and application hearings in the Business and Property Courts (Chancery and King's Bench Divisions) and in the appellate courts. He also acts as counsel in international arbitration proceedings (both institutional and ad hoc) and represents clients at mediation.

Niraj accepts appointments as an arbitrator. He is a Fellow of the Chartered Institute of Arbitrators and a member of several panels including the CI Arb Business Arbitration Scheme and the Law Society President's Panel. Niraj has been appointed as an arbitrator on more than 30 occasions. He is a contributor to *Pleading in Arbitration: A Practitioner's Guide and Arbitrator's Handbook*, and frequently speaks at arbitration conferences and events.

Areas of expertise

Property and Real Estate Litigation

Commercial Dispute Resolution

Construction, Engineering and Infrastructure Disputes

International Arbitration

Arbitrators

Construction, Engineering and Infrastructure Disputes

Niraj advises and represents contractors, local authorities, developers, and project financiers in disputes arising out of construction and engineering projects. Much of Niraj's work is advisory in nature, determined by arbitration or adjudication proceedings, or compromised on terms. Niraj is familiar with all major standard form contracts including JCT, FIDIC, RIBA, NEC, and ICE.

Cases of note:

- **Confidential arbitration (ADCCAC, UAE)** - claim and counterclaim relating to a major infrastructure project, with a combined value of more than AED 8 billion (\$2bn). Member of a multi-counsel team led by Adam Robb KC on behalf of the contractor.
- **Confidential arbitration (ICC, London)** - claim and counterclaim for delay and disruption relating to an energy project in South America with a combined value of \$6m, on behalf of the employer.
- **Confidential (Dispute Avoidance Board)** - dispute relating to sums due under a PFI project agreement between an NHS Trust and a main contractor on behalf of the contractor.
- **Confidential adjudication** - claim by a major contractor for delay and disruption to a construction project involving issues of force majeure and changes in law during the Covid pandemic (£20m+), on behalf of the contractor.
- **Confidential arbitration (ad hoc, London)** - domestic construction arbitration between a landowner and developer of luxury pre-fabricated homes (£2m).
- **Confidential (adjudication)** - disputes arising out of an EPC contract involving questions of force majeure and liquidated damages.

Niraj's recent advisory work includes the following matters:

- Repudiation and the availability of liquidated damages in relation to a building renovation project
- Property damage and building safety defects at properties in Wales and central London.

Recommendations

Niraj is ranked in The Legal 500 in Property and Real Estate Litigation:

- *"As far as barristers go, Niraj is one of the most approachable. He is measured, technically astute and very highly respected and regarded by his peers."*The Legal 500 (2023)
- *"A highly intelligent and careful junior with strong specialist knowledge. Ultra-responsive though very busy. I would not hesitate to recommend him for any property related dispute."*The Legal 500 (2022)
- *"User-friendly and a strong team player."*The Legal 500 (2022)
- *"His attention to detail is superb and he has an ability to grasp difficult and detailed facts quickly. Ability to remain calm under pressure."*The Legal 500 (2021)
- *"Whilst always meticulously prepared, he is also extremely good on his feet."*The Legal 500 (2020)

Memberships

- Fellow of the Chartered Institute of Arbitrators (CI Arb)
- Commercial Bar Association (COMBAR)
- International Bar Association (IBA)
- Property Bar Association (PBA)
- Chancery Bar Association (ChBA)
- London Common Law and Commercial Bar Association (LCLCBA)
- Young Arbitration and ADR Forum of the International Chamber of Commerce (YAAF)
- Young International Arbitration Group of the London Court of International Arbitration (YIAG)

Qualifications

Education

- Diploma in International Commercial Arbitration (CIArb), 2015
- BVC (Outstanding), 2010
- GDL (Distinction, first in year), 2009
- Qualified Teacher Status, 2007
- BA (First Class Honours), Robinson College, University of Cambridge, 2006; MA.

Scholarships and Prizes

- Travelling Scholarship in Dispute Resolution (The Worshipful Company of Arbitrators)
- Levitt Scholarship, Buchanan Prize, Lord Denning Scholarship, Lord Haldane Scholarship and Hardwicke Entrance Award (Lincoln's Inn)
- 3 Verulam Buildings Prize for best overall performance on the GDL (City Law School)
- Titular Scholarship and College Prize (Robinson College, University of Cambridge)

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