

Peter Niven discusses a precedent-setting case for many users of standard construction contracts

Peter Niven

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Peter Niven, special counsel at Buddle Findlay was interviewed by the NBR on a precedent-setting case for many users of standard construction contracts. The Pandey family has gone to the Court of Appeal for respite as it battles the Korean contractor it initially used for its Accor branded 'So Hotel' in Auckland City. The contractor signed a \$14m contract in 2013 to work on the Customs Street (Auckland) site however, stopped working on the building nine months later without returning. The matter initially went to arbitration where Rodney Hansen, QC, ruled in favour of the contractor.

Peter says that in this case the Pandeyes have been allowed a "second bite of the cherry" because there was a public interest in interpreting the contracts as they were so widely used by the industry. He says that *"the project has gone horribly wrong and you go to the worst outcome in terms of how the project has unfolded and that, of course, is not the way that most construction contracts happen."*

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