

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

[Peter Niven](#)

4 October 2017

[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 Pandeys 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."*

Auckland

188 Quay Street
Auckland 1010

PO Box 1433
Auckland 1140
New Zealand

P: +64 9 358 2555
F: +64 9 358 2055

Wellington

Aon Centre
1 Willis Street
Wellington 6011

PO Box 2694
Wellington 6140
New Zealand

P: +64 4 499 4242
F: +64 4 499 4141

Christchurch

83 Victoria Street
Christchurch 8013

PO Box 322
Christchurch 8140
New Zealand

P: +64 3 379 1747
F: +64 3 379 5659