



# NIKHAT S.

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## CORPORATE AND COMMERCIAL LAWYER

### EXPERTISE

- Corporate and Commercial Law
- Construction Law and Real Estate Development
- Structuring and Setting-up Business in UAE, Free Zones, and Offshore
- Intellectual Property and Trademark Law
- Disputes under Arbitration & Litigation

### EDUCATION

- Bachelor's Degree in Law (L.L.B) (3 years Program) - Bombay University - May 1997
- Bachelor's Degree in Commerce (B.Com) (5 years Program) - Bombay University - April 1992
- St. Aloysius High School – SSC – (10 years Program) – in 1987.
- MS Office - Windows, Word, Excel, Power Point –Datapro Information Technology.
- IELTS (International English Language Testing System) from British Council - Band score 7.5 (Academic) – May 2008.
- Completed workshop on **Practical Techniques for Handling International Commercial Arbitration Cases** under DIS Rules by Professor Dr. Klaus Peter Berger, LL.M. (from Germany) Professor Martin Hunter (Chairman of DIAC from UK) -2009.
- Associate Member of Dubai International Arbitration Centre (DIAC).

### WORK EXPERIENCE

#### A) Arbitration and Litigation

Engaged for more than 10 years in the UAE, assisting her seniors in resolving complex business disputes through arbitration and litigation. Many of the disputes have involved transactions in the real estate, encompassing such issues as arbitral jurisdiction, interpretation and operation of joint venture agreements and partnership agreements, marketing, supply agreements, enterprise risk, complex choice of law, multiplicity of parties and proceedings, and similar concerns.

Also involved as an associate counsel in all varieties of complex corporate, commercial in local state courts and in domestic arbitration. Has extensive experience in domestic disputes involving contracts, malpractice, investigation of problems of corporate management and governance, fiduciary obligations, and employee fraud.

Has extensive knowledge of arbitrations rules under the auspices of the DIS, ICC, DIAC and UNCITRAL and IBA rules on the taking of evidence in international commercial arbitration.

### **B) Corporate & Commercial**

- Formations; Shares, Business and Asset sales and acquisitions,
- Sale contract drafting and negotiations;
- Drafting of Guarantees and Warranties Agreements;
- Non Competition and Non Disclosure Agreements;
- Associated procedures and amendment to articles;
- Shareholders Agreements; board resolutions; legal opinions;
- Guarantees, charges & indemnities;
- Consultancy Agreements;
- SAP Master Service Agreements
- Security Guard Service Agreement
- Powers of Attorney;
- Partnership;
- Commercial Agreements, including: powers of attorney;
- Terms & conditions of business and supply;
- Legal notice.

### **C) Construction Law and Real Estate Development**

The experience in construction and real estate area encompasses but is not limited to the following:

Explaining the relevant law and its provisions to the employer/contractor/developer.

- Providing employer/contractor/developer with the understanding and proper usage of essential provisions required in a contract.
- Stressing the importance of a proper contract and assuring compliance with it.

- Legal services for disputes related to time adherence, output, impact, costs, differing site conditions and default.
- Drafting and negotiation of complex construction contracts and advising bank guarantee issues.
- Ensuring implementation of all types of construction delivery systems.
- Drafting, negotiation, and providing legal opinion on reservation contract and Sale Purchase Agreement.

The Real Estate practice includes the following:

- Purchase and sale of residential and commercial real property
- Tenancy contracts
- Long-term lease and management agreements
- Construction contracting
- Real Estate disputes.

#### **D) Structuring and Setting-up Business in UAE, Free Zones, and Offshore**

This area of practice includes planning, drafting and assisting in the following business set-ups:

- Limited Liability Company
- Professional License
- Representative Office
- Branch Office
- Commercial Agency
- Free Zone Establishment (FZE) or Free Zone Company (FZCO)
- Offshore Company

#### **E) Intellectual Property and Trademark Law**

The practice in this regard includes:

- Searches for marks and advice on availability of marks
- Registration of trademarks, service marks, copyrights, industrial design and patents
- Legal notices to offenders and application and representation before the department for seizure

of infringing products.

#### **F) Contract Law**

- Specialty in drafting contracts for various purposes be it business or personal.
- Legal opinion and providing comments on the Agreement.
- The scope of representation encompasses negotiating contracts on behalf of the client as well as negotiating remedies in case of a breach by a party.
- The practice in this area of law also extends to “Contracts of Guarantee”. Thus assisted in defining the binding promise and protecting the client from future liabilities.

#### **G) Employment law**

- Wide practical experience of all aspects including drafting employment and service contracts, Employee handbook,
- Employment claims and practice & procedure
- Negotiation and settlement; compromise agreements.

#### **H) Islamic Finance**

- Ijarah and how to calculate Ijarah
- Musharakah
- Mudarabah
- Murabahah
- Salam and Istisna
- Sukuk
- Islamic Insurance
- Calculation of diminishing Musharakah schedule
- Structuring Mudarabah Deposit Account
- Murabaha Calculations
- Asset Pool Management in Islamic Finance
- Liquidity Management in Islamic Finance

- Risk Management in Islamic Finance
- Understanding Islamic Accounting

## **I) General**

- Liaising with Federal and Local Authorities.
- Department of Economic Development, Land Department, Dubai Municipality, Dubai Tourism Department, Dubai Civil Aviation, Ministry of Economy, Central Bank, Ministry of Industry and Finance free zone authorities (Jebel Ali, Ajman , Dubai airport etc ) offshore authorities in Jebel Ali or British Virgin Island.

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