

Khaya Mantengu

Director



Khaya Mantengu is a Director in our Dispute Resolution practice and the Construction & Engineering sector. He has extensive experience in providing advice and assisting clients in mediation, adjudication and arbitration in construction disputes. Khaya's areas of experience includes disputes involving the construction of: power stations; dams; roads; student accommodation; mines; train stations; schools; hospitals; water and sanitation facilities; government head offices; and smelters throughout the African continent. He has acted for employers, contractors, engineers, architects and insurers.

Khaya has been appointed by the Construction Adjudication Association of South Africa to serve as an adjudicator.

About Khaya

Khaya started his career as a Candidate Attorney in 2011 with Cliffe Dekker Hofmeyer. In 2013 he was appointed as an Associate. Later that year, Khaya joined ENSafrica and in 2015 was appointed as a senior associate. In 2017 Khaya joined NewGX Capital group of companies as head of legal. In 2018 he opened Mantengu Attorneys. In 2020 he joined Gwina Attorneys as a Director. He joined Fluxmans Attorneys as a Director 2021. Khaya re-joined CDH in 2024.

Credentials

Education

- LLB: University of Kwa-Zulu Natal
- 2013: Admitted as an attorney

Membership

- Construction Adjudication Association of South Africa.

Experience

- Advised a Chinese contractor in respect of the FIDIC Red Book contractual dispute with the Mauritian government for the construction of the Dam in Bagatelle, Mauritius.

Contact Khaya

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Expertise

Dispute Resolution

Construction & Engineering

International Arbitration

Mining & Minerals

Location

Johannesburg

Language

English

isiZulu

- Advised the national power utility in relation to the construction disputes at Ingula Pumped Storage Scheme.
- Advised the national government department in relation to a dispute in relation to the construction of their head offices in Pretoria.
- Advised an engineering firm in the SIU Tribunal in relation to the construction of a hospital which was investigated by SIU.
- Advised a Canadian engineering firm in relation to a dispute for professional services rendered advised Zambian mining company in relation to disputes related to construction of a copper smelter.
- Advising a Canadian diamond mining company in relation to construction and services' contracts in Botswana.

News

[Does a time-bar challenge negate an adjudicator's jurisdiction to determine a referred dispute?](#)

Adjudication serves as a crucial dispute resolution tool in South African construction contracts, offering a rapid, interim solution to keep projects moving amid disagreements. Increasingly integrated into major construction agreements, adjudication decisions are legally binding until overturned by arbitration, litigation or mutual agreement.

[Capacity building and fostering expertise in international arbitration in Africa](#)

The central theme of the Johannesburg Arbitration Week 2024 (JAW) was showcasing arbitration in Africa. This prompted engaging discussion and renewed calls for the Africanisation of international arbitration. This encompasses African disputes being arbitrated in Africa, presided over by African arbitrators, administered by African arbitral institutions, and argued by African lawyers. With expanding foreign direct investment in Africa and the expansion of BRICS to Egypt and Ethiopia, the calls to ensure that Africa has a voice in and imprint on the international arbitration proceedings it participates in are gathering momentum. This ensures that Africa's unique priorities and experiences are sufficiently taken into consideration.

[Arbitration on top or a comeback for the courts?](#)

A key discussion point at the inaugural Johannesburg Arbitration Week was the expansion of the use of international arbitration to resolve commercial disputes in Africa. In many instances this has been at the expense of the courts, with parties increasingly preferring to arbitrate rather than litigate.

[A new African order: Key initiatives and trends transforming international arbitration in Africa](#)

CDH, together with the Arbitration Foundation of Southern Africa (AFSA) and other local and international co-hosts, presented the inaugural Johannesburg Arbitration Week (JAW) earlier this month. The conference showcased Africa's increasing prominence in international arbitration, highlighting the continent's arbitration capabilities as well as key initiatives and trends shaping and transforming dispute resolution in Africa.

Videos

[Webinar Recording | Risks facing construction projects in Africa](#)

Our panel of experts gave an overview of the challenges and constraints that face players in the construction industry in Africa and practical insights on how to handle them.

Podcasts

[Retention Guarantees](#)

Parties to a construction contract usually agree to the obligation to conclude separate financial arrangements with third parties for the purposes of ensuring financial security and project success.

[All news by Khaya Mantengu →](#)

Recognition

- The Legal 500 EMEA 2025 recommended Khaya for construction.