

# The Legal 500 Asia Pacific 2024

The clients' guide to law firms

## **CECIL ABRAHAM AND PARTNERS**

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- Dispute resolution

**CECIL ABRAHAM & PARTNERS**  
ADVOCATES & SOLICITORS

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## THE FIRM

Cecil Abraham & Partners acts in a broad range of civil, commercial and construction disputes. Its practice varies from court and arbitration appearances to advice – both strategic and preventative – in the areas of practice referred to above. The members of the firm have significant court and arbitration (including investment treaty) experience. In recent years, clients have come to the firm for assistance in a wide range of matters including those relating to commercial disputes, fraud litigation, extradition and mutual assistance in criminal matters.

## AREAS OF PRACTICE

In 2021, the firm acted successfully for Catajaya Sdn Bhd in respect of a claim for specific performance in relation to a land dispute. The decision of the Federal Court in *Catajaya Sdn Bhd v Shoppoint Sdn Bhd* [2021] 2 MLJ 374, addresses the applicable principles and requirements for parties seeking to terminate a contract in Malaysia. In addition, in *Yong Tshu Khin & Anor v Dahan Cipta Sdn Bhd & Anor* [2021] 1 MLJ 47, the firm acted for the respondents wherein the Federal Court laid down the applicable test in relation to applications for review under Rule 137 of the Rules of the Federal Court 1995 as well as the application of the de-facto doctrine in Malaysia generally. In addition, the firm also acted successfully for Raub Australian Gold Mining Sdn Bhd in a libel claim wherein the Federal Court considered the application of the law of reportage for the first time in *Mkini Dotcom Sdn Bhd v Raub Australian Gold Mining Sdn Bhd* [2021] 5 MLJ 79.

On the environmental and public administrative law front, the firm is acting for Lynas Malaysia Sdn Bhd, one of the world's largest rare earth producers in respect of claims by several environmental activists seeking to quash the full operating licence granted to the company to operate its rare earth plant in Gebeng, Pahang. The firm is also acting for Royal Pahang Durian PKPP Sdn Bhd in respect of judicial review proceedings instituted by illegal farmers against the State Government of Pahang and several others government agencies as part of the State Government of Pahang's initiative to harmonize large scale durian farming in Raub, Pahang for purposes of export internationally.

The firm is also acting for Yayasan Wilayah Persekutuan in the much publicized judicial review proceedings before the apex court in Malaysia filed by a residents' association to quash a perceived controversial development order granted to this developer.

The firm continues to advise Setia Utama LRT 3 Sdn Bhd (formerly known as MRCB George Kent Sdn Bhd), the main turnkey contractor in so far as the LRT 3 Project in Malaysia is concerned. The firm is also acting for Malaysian Resources Corporation Berhad in several high value construction related arbitration disputes involving subsidiaries of Theme Attractions Resorts & Hotels Sdn Bhd vis-à-vis resorts located in Desaru, Johor.

Finally, Tan Sri Dato' Cecil Abraham continues to be the only Malaysian to continue to sit as arbitrator in investment treaty claims.

#### LANGUAGES

English  
Malay  
Mandarin and main Chinese  
dialects  
Tamil

## MAIN CONTACTS

Administration and probate  
Administration and probate  
Arbitration  
Arbitration  
Banking and insurance  
Banking and insurance  
Capital markets and securities disputes  
Capital markets and securities disputes  
Defamation and media  
Defamation and media  
Contractual and commercial disputes  
Contractual and commercial disputes  
Private breach of confidence  
Private breach of confidence  
Clubs and unincorporated associations  
Clubs and unincorporated associations  
Construction and infrastructure  
Construction and infrastructure  
Corporate and commercial  
Corporate and commercial  
Land and general property  
Land and general property  
Civil and commercial litigation  
Civil and commercial litigation  
Mutual assistance and extradition  
Mutual assistance and extradition  
Public and administrative law  
Public and administrative law  
White-collar and corporate governance  
White-collar and corporate governance

Tan Sri Dato' Cecil Abraham  
Dato' Sunil Abraham  
Tan Sri Dato' Cecil Abraham  
Aniz Ahmad Amirudin  
Rishwant Singh  
Dato' Sunil Abraham  
Tan Sri Dato' Cecil Abraham  
Rishwant Singh  
Tan Sri Dato' Cecil Abraham  
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Dato' Sunil Abraham  
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Dato' Sunil Abraham  
Dato' Sunil Abraham  
Rishwant Singh  
Tan Sri Dato' Cecil Abraham  
Rishwant Singh

## DISPUTE RESOLUTION

### TIER 1

**Cecil Abraham And Partners** remains at the forefront of the dispute resolution practice with a fine record in handling an extensive range of services, including fraud litigation, constitutional law matters, contractual claims, and administrative law disputes. The team's client base consists of well-known international corporations, government-linked companies, and media conglomerates. Cecil Abraham draws strengths from his demonstrated experience in tackling complex disputes, while Sunil Abraham is equipped with corporate and commercial disputes know-how. Aniz Ahmad Amirudin has particular expertise in the infrastructure and construction fields, and Rishwant Singh appears regularly before Malaysian courts in shareholder disputes. Noor Muzalifah Binti Shabudin is a notable practitioner in the department. All named partners co-lead the group.

#### Hall of Fame

Cecil Abraham

#### Next Generation Partners

Noor Muzalifah Binti Shabudin



## Sunil Abraham

### WORK DEPARTMENT

Dispute Resolution

### POSITION

Partner

### CAREER

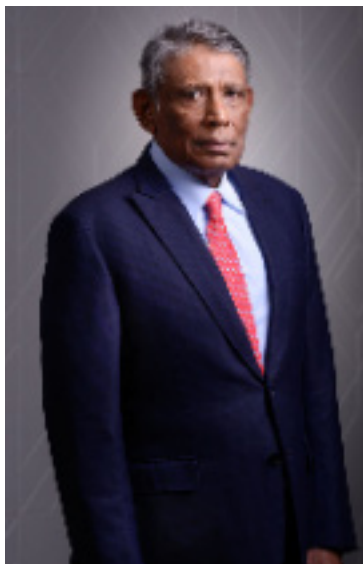
Dato' Sunil Abraham is a partner at Cecil Abraham & Partners. He specialises in Corporate and Commercial, Banking and Securities, Media, Telecommunications, Public & Administrative and Environmental Law disputes as well as in Arbitration disputes. He has significant advocacy experience before the High Court, Court of Appeal and Federal Court and before arbitral tribunals.

He has appeared in a number of noteworthy cases before the Federal Court pertaining to the registration and enforcement of arbitral awards in *Siemens Industry Software GmbH Co Kg (Germany) (formerly known as Innotec GmbH) v Jacob and Toralf Consulting Sdn Bhd (formerly known as Innotec Asia Pacific Sdn Bhd (M)) & Ors* [2020] 3 MLJ; the validity and enforceability of introducer agreements within the meaning of Section 24 of the Contracts Act 1950 in *Wong Yee Boon v Gainvest Builders Sdn Bhd* [2020] 2 CLJ 727; the application of Section 10 of the Arbitration Act 2005 in *Arch Reinsurance Ltd v Akay Holdings Ltd* [2019] 1 CLJ 305; the applicable test for forgery in civil claims in *Letchumanan Chettiar Alagappan (as the executor of the Estate to SL Alameloo Achi (Deceased) & Anor v Secure Plantations Sdn Bhd* [2017] 5 CLJ 418; the applicable principles relating to the granting of interim relief in arbitration disputes in *AV Asia Sdn Bhd v Measat Broadcast Network Systems Sdn Bhd* [2014] 3 MLJ 61; the powers of liquidators in *Ooi Woon Chee & Anor v Dato' See Teow Chuan & Ors* [2012] 2 MLJ 713; the exercise of royal prerogative powers in *Dato' Seri Ir Hj Mohammad Nizar bin Jamaluddin v Dato' Seri Dr Zambry bin Abdul Kadir (Attorney General, intervener)* [2010] 2 MLJ 285 and *His Royal Highness Sultan Ismail Petra Ibni Almarhum Sultan Yahya Petra v His Royal Highness Tengku Mahkota Tengku Muhammad Faris Petra & Anor* and another suit [2011] 1 MLJ 1; and the doctrine of non-delegable duty and vicarious liability in *Dr Harikrishnan & Anor v Megat Noor Ishak bin Megat Ibrahim* and another appeal [2018] 3 MLJ 281, to name but a few.

He has successfully represented Raub Australian Gold Mining Sdn Bhd in a defamation claim against Mkini Dotcom Sdn Bhd (reported in *Raub Australian Gold Mining Sdn Bhd v Mkini Dotcom Sdn Bhd & Ors* [2018] 4 MLJ 209) involving issues relating to the law on responsible journalism and reportage. Dato' Sunil Abraham has also had the distinction of representing several ministers within the Government of Malaysia in numerous libel claims.

He has also successfully represented Lynas Malaysia Sdn Bhd in high-profile environmental law disputes instituted by local residents and involving the regulators as well as numerous developers in planning law disputes.

He has appeared as co-counsel for the Government of Malaysia in an investment treaty arbitration claim instituted by Malaysian Historical Salvors and as co-counsel for investors in investment treaty disputes.



## Cecil Abraham

### WORK DEPARTMENT

Dispute Resolution

### POSITION

Senior Partner

### CAREER

Tan Sri Dato' Cecil Abraham is the Senior Partner at Cecil Abraham & Partners. His career at the Malaysian Bar spans 50 years.

Within that time, he has appeared in all the divisions of the High Court of Malaya. He has appeared regularly before the Court of Appeal, the Federal Court, the Special Court and the Privy Council. He has over 300 reported decisions of note to his name. He is first and foremost an advocate and is regarded by his peers and clients alike as one of Malaysia's leading counsel known to be devastatingly effective in Court. He has a strong reputation for dealing with complex disputes where the stakes are high, and is known to work hard to achieve a satisfactory result for his clients.

Tan Sri Dato' Cecil Abraham's practice covers a wide breadth of areas that includes Corporate and Commercial, Environmental, Banking and Securities, Insurance, Maritime, and Competition Law as well as Arbitration. He has in recent times argued the leading cases in Malaysia concerning the applicable principles relating to the termination of contracts in *Catajaya Sdn Bhd v Shoppoint Sdn Bhd* [2021] 2 MLJ 374, the applicable test to applications for review under Rule 137 of the Rules of the Federal Court 1995 as well as the application of the de-facto doctrine in *Yong Tshu Khin & Anor v Dahan Cipta Sdn Bhd & Anor and Other Appeals* [2021] 1 MLJ 47, the adjudication of construction claims in *Ireka Engineering & Construction Sdn Bhd v PWC Corporation Sdn Bhd* [2020] 1 CLJ 193; constitutional law issues relating to the proper practice and procedures to be adopted by State Legislative Assemblies in *The Speaker of Dewan Undangan Negeri Sarawak, Datuk Amar Mohamad Asfia Awang Nassar v Ting Tiong Choon & Ors* and other appeals [2020] 2 AMR 313; the validity of introducer agreements within the meaning of Section 24 of the Contracts Act 1950 in *Wong Yee Boon v Gainvest Builders Sdn Bhd* [2020] 2 CLJ 727; enforcement and setting-aside of arbitration awards in *Far East Holdings Bhd & Anor v Majlis Ugama Islam dan Adat Resam Melayu Pahang* and another appeal [2018] 1 MLJ 1, unjust enrichment in *Dream Property Sdn Bhd v Atlas Housing Sdn Bhd* [2015] 2 MLJ 441, the doctrine of separate legal entities in *Gurbachan Singh v Vellasamy s/o Ponnusamy* [2015] 1 MLJ 773, on equitable fraud in *Zung Zang Wood Products Sdn Bhd v Kwan Chee Hang Sdn Bhd & Ors* [2014] 2 MLJ 799, the powers of liquidators in *Ooi Woon Chee & Anor v Dato' See Teow Chuan & Ors* [2012] 2 MLJ 713 and the exercise of royal prerogative powers in *Dato' Seri Ir Hj Mohammad Nizar bin Jamaluddin v Dato' Seri Dr Zambry bin Abdul Kadir (Attorney General, intervener)* [2010] 2 MLJ 285 and *His Royal Highness Sultan Ismail Petra Ibni Almarhum Sultan Yahya Petra v His Royal Highness Tengku Mahkota Tengku Muhammad Faris Petra & Anor* and another suit [2011] 1 MLJ 1, non-delegable duty and vicarious liability in *Dr Hari Krishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & Anor* and another appeal [2018] 3 MLJ 281, to name but a few.



## Aniz Amirudin

### WORK DEPARTMENT

Dispute Resolution

### POSITION

Partner

### CAREER

Aniz Ahmad Amirudin is a partner at Cecil Abraham & Partners specialising in Construction & Infrastructure as well as Arbitration and Adjudication. He has extensive experience in both advisory and advocacy aspects in these areas and has been involved in both international and domestic arbitrations held under the auspices of the AIAC, SIAC, ICC and LMAA rules.

Aniz sits both as an Arbitrator and as an Adjudicator on various construction disputes being a panel member of AIAC. Apart from construction disputes, Aniz is also an active litigator focusing on commercial disputes and has appeared as counsel before the High Court of Malaya, Court of Appeal of Malaysia and the Federal Court of Malaysia.

Some of the more recent landmark decisions he has appeared in relation to construction disputes includes Ireka Engineering & Construction Sdn Bhd v PWC Corporation Sdn Bhd & Other Appeals [2020] 1 CLJ 193, Majlis Perbandaran Kuantan v Kining Exeton Sdn Bhd [2021] MLJU 536, Hiform Sdn Bhd v TSR Bina Sdn Bhd [2020] MLJU 808, to name but a few.

### LANGUAGES

English, Malay and Tamil

### MEMBERSHIPS

Committee Member of the Arbitration & Construction Law Committee, Bar Council Malaysia

Committee Member of the ICC Malaysia Arbitration Committee

Panel Adjudicator, Asian International Arbitration Center

Panel Arbitrator, Asian International Arbitration Center

Panel Arbitrator, London Court of International Arbitration

Panel Arbitrator, International Chamber of Commerce

Panel Arbitrator, Arbitration Institute of the Stockholm Chamber of Commerce

### EDUCATION

LL.B. (Hons), Middlesex University

LL.M. International Commercial Law, University of Nottingham

Bar Vocational Course, BPP Law School

Barrister-at-Law of the Honourable Society of Lincoln's Inn

Advocate & Solicitor of the High Court of Malaya

Fellow of the Chartered Institute of Arbitrators, United Kingdom

Fellow of the Malaysian Institute of Arbitrators





## Rishwant Singh

### WORK DEPARTMENT

Dispute Resolution

### POSITION

Partner

### CAREER

Rishwant Singh is a partner at Cecil Abraham & Partners. He specialises in civil and commercial dispute resolution and appears regularly before the Malaysian courts. He has appeared before the High Court, Court of Appeal and Federal Court in commercial and shareholders disputes, claims in contract and tort, privacy and breach of confidence claims, land disputes, administrative and constitutional law matters, capital markets and securities disputes, claims in defamation and media, and competition and antitrust disputes.

Rishwant Singh has appeared in several landmark decisions before the apex court in Malaysia, including: the Federal Court's decision in *The Speaker of Dewan Undangan Negeri Sarawak, "Datuk Amar Mohamad Asfia Awang Nassar" v Ting Tiong Choon & Ors* and other appeals [2020] 2 AMR 313, which was a constitutional law matter relating to the practice and procedures of state legislative assembly; *CIMB Bank Malaysia Berhad v Maybank Trustees Bhd & 10 other appeals* [2014] 3 MLJ 169 relating to the duties and liabilities of lead arrangers as well as that of facility agents and issue agents in relation to information memoranda; *State Government of Kelantan v Petroliam Nasional Berhad* [2014] 6 MLJ 31 pertaining to the territorial rights of States of Malaysia over petroleum won and saved offshore in the continental shelf and the test applicable for a case to be heard and decided solely on a question of law in a civil claim; *Stemlife Berhad v Bristol Myerrs Squibb (M) Sdn Bhd & Anor* [2010] 3 CLJ 251 relating to libel and malicious falsehood including online publications and the liability of a publisher of a hyperlink; and *Terengganu Forest Products Sdn Bhd v Cosco Container Lines Ltd & Anor* and other applications [2011] 1 MLJ 25, which is the leading case on the applicable test in civil cases for the grant of leave to appeal to the Federal Court in civil and commercial matters.

He has acted and advised clients in investigations that have been conducted by the Inland Revenue Board in relation to offshore bank accounts and accounts held in various offshore jurisdictions. He has also acted and advised high net worth individuals, ranking public officers, listed entities and foreign defence contractors in investigations involving allegations of corruption and money laundering.

Rishwant has previously appeared before the Tax Commissioners and in related judicial review proceedings before the High Court, Court of Appeal and the Federal Court of Malaysia in relation to decisions taken by the Inland Revenue Board and its rulings. In addition, he has appeared in a competition law dispute involving the Competition Commission of Malaysia and the Competition Appeals Tribunal.

He has previously given expert evidence on Malaysian law before the courts of Australia and Singapore.