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The Legal 500 Asia Pacific

2022

The clients' guide to law firms

CECIL ABRAHAM AND PARTNERS

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- Dispute resolution

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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	Tan Sri Dato' Cecil Abraham
Administration and probate	Dato' Sunil Abraham
Arbitration	Tan Sri Dato' Cecil Abraham
Arbitration	Aniz Ahmad Amirudin
Banking and insurance	Rishwant Singh
Banking and insurance	Dato' Sunil Abraham
Capital markets and securities disputes	Tan Sri Dato' Cecil Abraham
Capital markets and securities disputes	Rishwant Singh
Defamation and media	Tan Sri Dato' Cecil Abraham
Defamation and media	Rishwant Singh
Contractual and commercial disputes	Tan Sri Dato' Cecil Abraham
Contractual and commercial disputes	Dato' Sunil Abraham
Private breach of confidence	Rishwant Singh
Private breach of confidence	Dato' Sunil Abraham
Clubs and unincorporated associations	Tan Sri Dato' Cecil Abraham
Clubs and unincorporated associations	Aniz Ahmad Amirudin
Construction and infrastructure	Aniz Ahmad Amirudin
Construction and infrastructure	Dato' Sunil Abraham
Corporate and commercial	Tan Sri Dato' Cecil Abraham
Corporate and commercial	Dato' Sunil Abraham
Land and general property	Rishwant Singh
Land and general property	Dato' Sunil Abraham
Civil and commercial litigation	Tan Sri Dato' Cecil Abraham
Civil and commercial litigation	Rishwant Singh
Mutual assistance and extradition	Tan Sri Dato' Cecil Abraham
Mutual assistance and extradition	Dato' Sunil Abraham
Public and administrative law	Dato' Sunil Abraham
Public and administrative law	Rishwant Singh
White-collar and corporate governance	Tan Sri Dato' Cecil Abraham
White-collar and corporate governance	Rishwant Singh

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DISPUTE RESOLUTION

Tier 1

Disputes boutique **Cecil Abraham And Partners** provides the full range of dispute-related services, including advisory, strategic and preventative work alongside litigation experience. Its broad roster of clients encompasses major domestic companies, media conglomerates and high-net-worth individuals as well as not-for-profit entities. Arbitrator Cecil Abraham leads the practice, which covers corporate and commercial, banking and securities, insurance and maritime litigation. The team is also experienced in shareholders disputes, privacy and breach of confidence claims, land disputes, construction matters, public and administrative law work and competition disputes.

Hall of Fame

Cecil Abraham



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.

LANGUAGES

English and Malay

EDUCATION

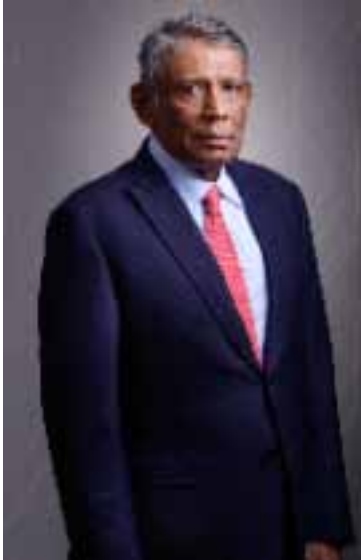
BSC Economics (Hons), London School of Economics, University of London
Post-Graduate Diploma in Law, BPP Law School
Bar Vocational Course, Inns of Court School of Law, City University
Barrister at Law of the Honourable Society of Middle Temple
Advocate & Solicitor of the High Court of Malaya
Fellow of the Chartered Institute of Arbitrators, United Kingdom
Fellow of the Malaysian Institute of Arbitrators
Fellow of the Asian Institute of Alternative Dispute Resolution

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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.

LANGUAGES

English, Malay and Tamil

EDUCATION

Qualifications

- LLB. Hons. Queen Mary College, University of London
- Fellow (Faculty of Law) Queen Mary College, University of London
- Barrister at Law of the Honourable Society of Middle Temple
- Bencher of the Honourable Society of Middle Temple
- Advocate & Solicitor of the High Court of Malaya



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

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

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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.

EDUCATION

LL.B. (Hons), Bond University, Australia

Advocate & Solicitor of the High Court of Malaya