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MOHANADASS KANAGASABAI

Managing Partner

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Mohanadass Kanagasabai has two decades of dispute resolution experience having appeared as counsel in numerous disputes at all levels of the High Court of Malaya and in domestic and international arbitration. He has also been granted special ad-hoc admission to appear at the High Court of Borneo as counsel in arbitration related matters.

He is rated by the Asia Pacific Legal 500 as a leading individual for dispute resolution in Malaysia, and also recognised for his expertise in Band 1 for Dispute Resolution (Construction) by Chambers and Partners. Described as an “arbitration specialist” with a “giant reputation”, Mohan is a former President of the Malaysian Institute of Arbitrators and former Chair of the Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association.

Career to Date

- 2018** Appointed to the SIAC Panel of Arbitrators
- 2012** Appointed to the SIAC Ad Hoc Panel of Arbitrators
Admitted to the Panel of Adjudicators, KLRCA
- 2010** Managing Partner, Mohanadass Partnership
Fellow, Singapore Institute of Arbitrators
Chairman, Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association
- 2009** Vice Chairman, Dispute Resolution and Arbitration Committee of the Inter Pacific Bar Association
President, Malaysian Institute of Arbitrators
- 2008** Fellow, Chartered Institute of Arbitrators
- 2006** Council Member, Malaysian Institute of Arbitrators
Appointed to the Panel of the KLRCA's International Panel of Arbitrators
- 1999** Partner, Shook Lin & Bok

Practice Areas

Contract and Commercial Disputes // Construction // Engineering // Telecommunications // Oil and Gas Disputes // Company Law.

Qualifications

- 1990** Certificate Of Legal Practice (University Malaya)
- 1989** LLB Honours (2nd Class Upper) (University of Buckingham)
- 1982** Asean Scholar, Hwa Chong Junior College, Singapore

Experience

as Counsel in Arbitration

The nature of cases undertaken is diverse and includes the following :-

- Expert witness for Government of India in London High Court enforcement proceedings of an international award.
- Acted for Claimant in an investment treaty arbitration for breach of Asean Agreement for Promotion and Protection of Investment. Claim resolved after initiation of dispute and negotiation.
- Arbitration in Kuala Lumpur over termination of a contract for supply of and installation of rail network and locomotives.
- Arbitration in Kuala Lumpur under KLRCA Rules over disputes arising from the sale of a fabrication yard.
- Arbitration in Kuala Lumpur over disputes arising from fire damage to an oil storage facility. Claims for loss and disruption on account of design failures and consequential loss of profits.
- Arbitration in Kuala Lumpur involving a leading financial institution in respect of a dispute relating to the sale and purchase of loan security assets.
- Arbitration in Kuala Lumpur involving disputes relating to the supply and delivery of an integrated software and hardware system for a financial institution.
- Arbitration in London under LCIA Rules over disputes arising from a joint venture contract for management of a medical university and hospital.
- Arbitration in London under LCIA Rules over disputes arising from the fabrication of an Early Production System.
- Arbitration in London over disputes arising from the design and construction of an oil and gas platform under UNCITRAL Rules.
- Arbitration in London over disputes arising from design and construction of a central processing platform under the LCIA Rules.
- Arbitration in Singapore under the SIAC Rules over disputes arising from a contract for marketing and distribution of health products.
- Arbitration in Singapore in relation to joint venture disputes over a paper and pulp mill project under the Rules of the Singapore International Arbitration Centre.
- Appeared on behalf of a Ruler of a Malaysian state in the first ever trial before the Special Court established under Article 182 of the Federal Constitution pertaining to the call and drawdown on a standby Letter of Credit under the UCP500.

- Arbitration in Kota Kinabalu over disputes arising from the construction of a hospital.
- Arbitration in Kuala Lumpur arising from the termination of distributorship rights for a German manufacturer of luxury motor vehicles under the UNCITRAL Arbitration Rules.
- Arbitration in Kuala Lumpur against insurers over fire damage to stock in trade and business disruption.
- Arbitration in Kuala Lumpur over disputes between shareholders in a hospital management contract.
- Arbitration in Kuala Lumpur over dispute arising from a contract for management of a leading hotel chain.
- Disputes arising from the termination of distributorship rights for leading international producer of sanitary ware.
- Shareholder disputes arising from an international joint venture contract for the manufacture of concrete poles and piles, held under Rules of the Kuala Lumpur Regional Centre for Arbitration.
- ICC Arbitration with a Geneva seat in respect of disputes arising out of an EPC contract for supply of an export gas compressor.
- UNCITRAL arbitration in Kuala Lumpur in respect of EPCC contract for well head riser platforms.
- Arbitration over disputes arising from design and construction of offshore power barges under the International Chamber of Commerce Rules.
- Disputes arising from a contract for 600km subsea pipe laying work in South China Sea under Thai law.
- Disputes arising from an international joint venture agreement for oil and gas exploration under the Rules of the Singapore International Arbitration Centre.
- Arbitration in India over disputes relating to highway upgrading and rehabilitation work.

Experience

as Arbitrator

- Member of Tribunal in a bailment dispute involving the sale of oil. Award published.
- Sole Arbitrator in Fast Track Arbitration arising from a construction project. Award published within 160 days of commencement of proceedings.
- Sole Arbitrator in a tenancy dispute. Award published.
- Sole Arbitrator in a road construction dispute. Consent Award published.
- Sole Arbitrator in dispute arising from contract for provision of IT services. Dispute resolved midway and arbitration terminated.
- Sole Arbitrator in disputes arising from a Design and Build Agreement to design and build housing. Award published.
- Sole Arbitrator in dispute arising from contract for construction of a highway. Proceedings ongoing.
- Member of an ICC Arbitration Tribunal in a shareholder disputes in relation to an international joint venture for manufacturing and sales of electronic products. Proceedings ongoing.
- Sole Arbitrator in Singapore seated ICC Arbitration for disputes in respect of sales of goods. Proceeding ongoing.

Publications

- Co-Editor, Halsbury's Law of Malaysia (Arbitration) (2006)
- Co-Editor, Annotated Statutes of Malaysia, Issue 59 (Arbitration) (2007)

Reported International Cases

where he has collaborated

- TNB Fuel Services Sdn Bhd v China National Coal Group Corporation
[2017] HKCU 1439
- W Ltd v M Sdn Bhd
[2016] EWHC 422 (Comm)
- T & C
[2016] HKCU 736

Recent Reported Cases

*of Appearances in Malaysian
Courts as Counsel*

- Glomac Resources Sdn Bhd v. Majlis Agama Islam Wilayah Persekutuan & Anor
[2017] MLJU 893
- Choice Prop Sdn Bhd v. Asie Sdn Bhd & Ors
[2016] 10 MLJ 334
- Glomac Resources Sdn Bhd v. Majlis Agama Islam Wilayah Persekutuan & Anor
[2016] 9 MLJ 584
- Cubic Electronic Sdn Bhd v. MKC Corporate & Business Advisory Sdn Bhd and
another appeal
[2016] 3 MLJ 797
- Mudajaya Corp Bhd v. Leighton Contractors (M) Sdn Bhd
[2015] 10 MLJ 745
- TNB Fuel Services Sdn Bhd v. China National Coal Group Corp
[2013] 4 MLJ 857
- Edmund Ming Kwan @ Kwan Yee Ming, Edmund v. Extra Excel Malaysia Sdn
Bhd & Ors
[2013] 4 CLJ 842
- Sabah Medical Centre Sdn Bhd v. Syarikat Neptune Enterprise Sdn Bhd & Anor
[2012] 7 MLJ 28
- Kejutaan Holdings Sdn Bhd v. Magnum 4D (Perak) Sdn Bhd & Ors
[2010] 3 MLJ 827
- Standard Chartered Bank Malaysia Bhd v. Duli Yang Maha Mulia Tuanku Ja'afar
Ibni Almarhum Tuanku Abdul Rahman Yang di Pertuan Negeri Sembilan Darul
Khusus & Anor
[2009] 3 CLJ 709 , [2009] 4 MLJ 1 Special Court
- Usahasama SPNB-LTAT Sdn Bhd v. Borneo Synergy (M) Sdn Bhd
[2009] 2 MLJ 308
- Mirra Sdn Bhd v. The Ayer Molek Rubber Company Bhd
[2008] 2 MLJ 348
- Gurbachan Singh & Ors v. Tetuan Muthu & Lee & Anor
[2001] MLJU 82
- Lee Fu Sdn. Bhd. v. Kumpulan Emas Berhad
[2000] MLJU 817
- Nguang Chan Sdn. Bhd. v. Pendakwa Raya
[2000] MLJU 166

Experience

Dispute Resolution

- Arbitration in Kuala Lumpur under the KLRCA Rules over disputes arising from a monorail project;
- Arbitration in Singapore under the SIAC Rules over disputes arising from a monorail project;
- Arbitration in Kuala Lumpur under the KLRCA Rules over disputes arising from the construction of a disaster recovery centre;
- Arbitration in Kuala Lumpur over disputes arising from fire damage to an oil storage facility;
- Represented a listed company in resisting enforcement proceedings relating to a foreign arbitral award;
- Represented various sub-contractors as well as employers in adjudication proceedings under the Construction Industry Payment and Adjudication Act 2012;
- Represented a company in an action for fraudulent misrepresentation against a foreign medical university;
- Represented a company in action relating to the call of counter-guarantees involving a local bank and a foreign state bank;
- Represented a multi-national distribution company in claims for fraud and breach of contract against a former employee;
- Represented a technology company in an action relating to the termination of an agency agreement;
- Represented individuals and companies in claims seeking damages for defamation;
- Resisting and initiating winding-up proceedings against various companies;
- Represented a company in initiating and pursuing the examination of witnesses into the affairs of a Judgment Debtor;
- Represented a foreign lecturer in an unfair dismissal action involving an established university in Malaysia;
- Represented individuals in various motor-vehicle claims including successfully recovering damages in the amount of RM2.7 million in a motor vehicle accident involving a teenager;

Contact Us

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