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SANJAY MOHANASUNDARAM

Partner

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Sanjay was called to the Malaysia Bar in 1995. Over the last 20 years Sanjay has developed a specialization in commercial and construction litigation and arbitration focusing primarily on construction, insurance and energy disputes.

In addition to his arbitration practice, he regularly appears in the High Court and the Appellate Courts. He has recently been involved in a number of significant disputes including successfully defending a commercial bank in a claim in excess of RM 500 million in the

High Court of Kuala Lumpur, successfully defending an oil and gas company in an ICC arbitration in a RM 80 million claim, securing a claim in excess of RM 20 million for an international piling company and defending a claim of RM 20 million in relation to a construction dispute in East Malaysia. Sanjay was also counsel for one of the parties in the recent decision on the retrospective application of the Construction Industry Payment Adjudication Act 2014

Practice Areas

International Arbitration // Construction // Energy // Insurance

Experience

International and domestic arbitration

Sanjay has been involved in over 40 arbitrations in Malaysia and in other jurisdictions notably in Singapore, Dubai, Australia and London. In addition to construction, energy and insurance arbitrations, he has also been involved in contract, sale of goods, shareholder and joint venture disputes. He is also on the KLRCA panel of arbitrators and he has been appointed as arbitrator in a number of domestic arbitrations and in an international arbitration.

Construction and Energy

His experience in relation to construction disputes includes dealing with power plants, hospitals, airports, dams, ports, highways, commercial buildings, high-rise buildings as well as disputes concerning the fees of consultants, negligence claims and the construction of oil and gas pipelines. These include:-

- Defending a Malaysian company in a RM 30 million dispute commenced by an international contractor in relation to the extension to a port in Sabah.
- Representing a major energy in a dispute with a steel manufacturer in a dispute over the supply of dry gas. The amount in dispute is in excess of RM 100 million.
- Defending a powerplant owner in a RM 50 million claim brought by a contractor in relation to the construction of a power plant in Malaysia.
- Acting for a contractor in relation to the construction of an airport located near Kuala Lumpur. The claim sums exceed RM 300 million.
- Acting for a power plant owner in relation to a dispute pertaining to delays in the construction of the power plant located in Sabah. The amount in dispute is approximately RM 200 million.
- Acting for a French contractor in relation to the construction of a building located in Kuala Lumpur. The dispute has been referred to ICC arbitration. The value of the claim by our client is approximately RM 50 million.

- Acting for a Malaysian public listed company in a joint venture dispute of approximately RM 20 million concerning the Bakun Dam project.
- Representing a contractor in a RM 140 million dispute in relation to the construction of a road in the east coast of Malaysia. He also represented the main contractor in a dispute in excess of RM 80 million concerning the extension of the Penang Bridge.
- Securing an award for an international piling contractor for the sum of RM 18 million with regard to the construction of a high rise building in Kuala Lumpur.
- Representing a commercial bank in a dispute with a number of Malaysian contractors with regard to a development project in Johor. The amounts claimed by the contractors are in excess of RM100 million.

Commercial Disputes

Sanjay has extensive experience in commercial disputes and this includes claims in contract, tort, sales of goods and land disputes. These include:-

- Defending a claim of RM 500 million brought against a Malaysian bank by its joint venture partner. We successfully pursued a counterclaim in excess of RM 60 million.
- Successfully defending a Malaysian company in a US\$ 20 million dispute in an international arbitration in Thailand. The claim related to the supply of goods for a boiler plant located in Southern Thailand.
- Acted for an international mining company in dispute in relation to the location of the quarry and represented a French cement company in a boundary dispute with regard to its quarry.
- Acting for an Indian company in a dispute in relation to an insurance claim with regard to the construction of an oil pipeline. Also acted for a Malaysian insurance company in relation to a dispute and claims concerning damage to a development.
- Represented the administrators of an estate in relation to a claim in excess of RM 30 million. The dispute concerned allegations of undue influence as well as an allegation of capacity to transfer assets. The matter was litigated in the Kuala Lumpur High Court.
- Represented a German architectural firm in a dispute in relation to fees for work done with regard to a cargo hub in Kuala Lumpur. The claim sums exceeded to RM 20 million.

Sanjay has been recognized in Chambers, Asia Legal Pacific 500 as well as other publications as an experienced litigation and arbitration lawyer. In addition, he regularly lectures on issues of interest to him and where possible tutors on construction and arbitration law issues.

Contact Us

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