

Aniz Ahmad Amirudin

PARTNER

YEAR OF CALL: 2005



Expertise

- Corporate and Commercial Disputes
- Construction and Infrastructure Disputes
- Arbitration
- Adjudication



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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 various institutes including 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.

PRACTICE AREAS

- Corporate and Commercial Disputes
- Construction and Infrastructure Disputes
- Arbitration
- Adjudication

EXPERIENCE IN LITIGATION, ARBITRATION, ADJUDICATION AND DRAFTING

- Acted for the custodian in a suit instituted by a fund manager, insurance company and pensions fund involving losses in excess of RM36 million.
- Acted for the building owner in a suit instituted against employers and contractors for damages caused in the region of RM4 million.
- Advised the main contractors on disputes with the owner relating to a USD239 million contract on an oil development project in Sudan.
- Acted for an employer against the main contractor in an application to set aside an arbitration award in respect of a RM33.2m medium cost apartment project in Shah Alam and acted as Counsel in the related garnishee proceedings.
- Advised the employers on disputes with their consultants relating to the provision of building lighting consultancy services.
- Advised insurers on liability and quantum in respect of damage to 3rd party property and acting for insurers in the related suit.
- Advised a petroleum company on exposure to claims pursued by various parties on projects in Malaysia and Sudan.
- Acted for purchasers in a suit by vendors of duplex stainless steel piping materials.
- Acted for shareholders in a suit surrounding the ownership of a 1400MW coal fired independent power plant.
- Advised the contractor on disputes in respect of a contract for the construction and completion of a sewer network in Saudi Arabia.
- Advised the contractor on disputes with the subcontractors in respect of a contract for the construction of a sewage treatment plant and central sludge facility in Jelutong, Penang.
- Advised insurers on liability in respect of flood damage to LRT trains estimated to be in the region of RM12million.
- Acted for the buyer in arbitration instituted by the seller in connection with the supply of palm oil.
- Advised the owner on disputes with the contractor on a RM1 billion contract for the engineering, procurement, construction, and commissioning of lubricant plant in Melaka.

EXPERIENCE IN LITIGATION, ARBITRATION, ADJUDICATION AND DRAFTING

- Acted in an ICC arbitration brought by a logistics contractor for USD2.8 million against the employer.
- Advised the developer/owners of lands in respect of the Bukit Antarabangsa landslide.
- Advised the contractor on a consultancy agreement for securing the award of an extension of an oil development project in Sudan.
- Acted for insured in a suit against the insurer under a fire policy.
- Advised the contractor on claims under a contract for works of revamping of well platforms in fields off the coast of India.
- Advised the contractor on rights and obligations on contracts for procurement & fabrication of jackets and EPC of 2 platforms.
- Advising the contractor on the collapse of the roof in a stadium in Kuala Terengganu.
- Advised the insured in a potential suit against the insurer under a CAR policy in respect of the landslide in Frasers Hill.
- Acted for the rescue contractor in litigation with the employer relating to final payment on an army quarters package in the Klang Valley.
- Advised the main contractor in a potential suit against the sub-contractor on works relating to a water treatment plant in Wilayah Serian Samarahan, Sarawak.
- Acted for the national tennis association in a suit for breach of contract.
- Acted for the insured in a suit against the insurer under an event policy.
- Advised insurer on disputes between insurer and employer under a professional indemnity insurance policy in respect of the extension of the port at Tanjung Pelepas, Johor.
- Acted for the contractor in arbitration proceedings with the employer on a water supply scheme in Kota Bahru.
- Acted for the employer in arbitration proceedings with the contractor on the construction and completion of a hotel and related works in Putrajaya.
- Advising the contractor in respect of the design, execution, and completion of a wastewater treatment plant in Sabah with the owner.
- Advised the largest electric utility company in Malaysia in respect of limitation of claims from developers.
- Acted for purchasers in a suit for breach of a license agreement in respect of a computer software programme.
- Advising a subcontractor on claims against a main contractor on a fabrication services contract for an oil & gas project.
- Acting for the owner in an arbitration on disputes with an architect in respect of a development in Sabah. Currently acting as Counsel at the Kota Kinabalu High Court where the partial award is being challenged.
- Acted for charterer against the owners in respect of a ROB claim under the LMAA Rules in London.
- Advised a train service provider in respect of claims brought by an engineering service provider for claims exceeding RM20million under the SIAC Rules in Singapore.
- Acted for a main contractor in setting aside an Award exceeding RM35 million at the High Court and Court of Appeal.
- Acted as Counsel for a main contractor in a dispute involving back-to-back terms at the High Court.
- Acted as Counsel in respect of a breach of a joint venture agreement.
- Acted for various creditors against one of the major steel providers in Malaysia.
- Acted as Counsel for a main contractor at a leave application stage at the Court of Appeal and appeal at the Federal Court involving back-to-back terms.
- Acted as Counsel for an independent power producer against a state electricity provider in a claim amounting to RM250 million in an arbitration and currently acting as Counsel for the challenge of the Final Award.
- Acted as Counsel for a foreign buyer of a vessel against one of the largest banks in Malaysia in respect of floating charges at the Court of Appeal and Federal Court stage.
- Advised a port operator in respect of their contractual remedies against cargo owners.
- Advising on the upcoming Light Rail Transit Line 3 Project (LRT3) and the High-Speed Railway (HSR) project.
- Advising one of the leading international providers of commercial vehicles in respect of their commercial agreements.
- Advised one of the largest international architecture firms in respect of the legality and the enforceability of entering into contracts in Malaysia.
- Acted as Counsel for one of the largest engineering consulting firms in respect of third-party proceedings commenced by the employer for conspiracy and negligence.
- Advised a Dutch company on the termination of a Distributorship Agreement with a local distributor.
- Acted as Counsel for a major developer in respect of numerous actions filed by purchasers for liquidated damages.

EXPERIENCE IN LITIGATION, ARBITRATION, ADJUDICATION AND DRAFTING

- Adjudicator in respect of a dispute of non-payment between main contractor and sub-contractor.
- Advised a Main Contractor in respect of potential disputes relating to work programs, extension of time and variation claims in respect of a rail contract worth in excess of RM1 billion.
- Acted as Counsel for one of the largest Japanese companies based in Australia against a local Korean company for disputes relating to fabrication of steel and injunction proceedings in Malaysia for the Swan River Pedestrian Bridge project in Perth.
- Advised for the enforcement and registration of a SIAC Award in Malaysia against parties involved in the gaming industry in Laos.
- Acted as Counsel for numerous Singaporean purchasers of a commercial property located in Malacca in respect of disputes against the developer and the architect relating to the validity of the certification of practical completion and liquidated damages.
- Adjudicator in respect of a dispute between main contractor and sub-contractor involving numerous variation orders amounting to RM6million.
- Acted as Co-Counsel for a sub-contractor against the main contractor at the Court of Appeal arising out of adjudication proceedings involving a dispute in the region of RM5 million.
- Acted as Co-Counsel at the Federal Court for a review application in respect of an adjudication decision.
- Appeared as Co-Counsel at the High Court and the Court of Appeal acting for receivers and managers in respect of a dispute on whether there was a concluded contract for the purchase of land and properties in the region of RM90 million and law of tender.
- Acted as Counsel in opposing a winding up action and a stay pending arbitration application in respect of a shareholders' dispute at the High Court, Johor Bahru.
- Acting as Counsel in defending a main contractor against a sub-contractor in respect of various claims in an arbitration concerning a mixed development project in Penang.
- Acting as Counsel for main contractor against the developer in an arbitration proceeding for claims amounting to RM45 million involving extension of time, final certificate, prolongation costs and liquidated damages in respect of a mixed development project in Johor Bahru.
- Acting as Co-Counsel at the Court of Appeal in respect of a tenancy dispute at a shopping center in Kulim.
- Acted as Co-Counsel at the Court of Appeal in respect of a dispute involving the Joint Management Body of a landmark shopping center in Malacca.
- Acted as Counsel at a Court of Appeal in respect of an application for leave to appeal and appeal in respect of a seizure and sale of properties.
- Acted as Counsel in a winding up proceedings in respect of loan facility of USD3.725 million against a company involved in the business of vessel operations.
- Acting as Co-Counsel for a main contractor in respect of Section 42 Arbitration Act 2005 application against the sub-contractor involving a secondary technical school in Sepang owned by the Ministry of Finance currently at the Court of Appeal.
- Acted as Co-Counsel for leave to appeal and appeal to Federal Court resulting in a landmark decision on whether the Construction Industry Payment and Adjudication Act 2012 is retrospective or prospective.
- Acted as Co-Counsel for leave to appeal to Federal Court on questions of law relating to the registration and enforcement of arbitration awards.
- Acted as Counsel for adjudication proceedings for non-payment of professional fees for engineering work done.
- Appointed as Arbitrator by AIAC in respect of a dispute involving Employer and Main Contractor relating to delay, defects, and liquidated damages.
- Acting as Counsel for a leading petrochemical company based in Iran in Malaysian Court proceedings involving disputes amounting to in the region of USD74 million.
- Appointed as Adjudicator in respect of a construction dispute between employer and main contractor for a mixed development project in Penang.
- Appointed as Adjudicator in respect of a dispute between main contractor and sub-contractor on the non-payment of progress claims and retention sum for a mix development project in Kuala Lumpur.
- Advised the developer in respect of a potential dispute in relation to a low-cost housing project in Malacca with the government.
- Acting as Co-Counsel for an adjudication proceeding amounting to RM50 million in respect of the LRT3 project.
- Advising a leading Swiss company in enforcing an international arbitration award in East Malaysia.
- Appointed as Arbitrator by AIAC in respect of a dispute involving main contractor and nominated sub-contractor relating to termination, variation works and liquidated damages for a project in Johor Bahru.

EXPERIENCE IN LITIGATION, ARBITRATION, ADJUDICATION AND DRAFTING

- Acted as Counsel for a leading engineering and utilities company in respect of a pre-action discovery application at the High Court.
- Appointed as Adjudicator in respect of dispute between main contractor and sub-contractor on the non-payment of progress claims and retention sum for a project in Terengganu Darul Ehsan.
- Acting as Co-Counsel for an architect firm in respect of an arbitration involving a construction dispute amounting to RM350 million.
- Acting as Counsel in setting aside an adjudication decision in the region of RM8 million followed by subsequent arbitration proceedings in the region of RM30 million for a project in Putrajaya.
- Acted in adjudication proceedings for the main contractor in respect of the construction of a condominium in Putrajaya.
- Appointed as Arbitrator by AIAC for a fast-track arbitration proceeding involving the main contractor and sub-contractor claiming amongst others, progress claims, loss of profits, defects, and indemnity for project in Kuala Lumpur.
- Acted as Counsel for developer in an arbitration proceeding involving claims amounting to RM15 million by main contractor for a mixed development project in Kuala Lumpur.
- Appointed as Adjudicator in respect of a dispute involving the main contractor and the sub-contractor for an accommodation camp in Johor Bahru.
- Acted as Counsel for developer against main contractor in an arbitration proceeding for claims amounting to RM45 million for a mixed development project in Johor Bahru.
- Acted as Counsel for main contractor against the subcontractor in an arbitration proceeding involving claims for defects and liquidated damages for the construction of an office tower in Kuala Lumpur.
- Acted as Counsel for employer in adjudication and arbitration proceedings concerning a mixed development project in Malacca amounting to RM900 million in a dispute with the main contractor.
- Advising design consultants and consultant engineers on variation and prolongation claims in respect of a proposed development of the headquarters campus of a utility company in Kuala Lumpur.
- Acted in adjudication proceedings for main contractor against subcontractor involving claims on final account and variations for the construction of a hotel and service residence in Kuala Lumpur.
- Appointed as Adjudicator in respect of a dispute involving renovation and refurbishment works for Istana Negara.
- Appointed as Arbitrator by the AIAC in respect of a dispute involving slope rehabilitation and protection works in Nilai, Negeri Sembilan.
- Advised a sub-contractor in respect of a major project in KL for the connection design, supply, installation of steel structure & decking works for a dispute involving RM31 million on variation works.
- Appointed as Adjudicator in respect of a dispute involving the supply of skilled workers for a mixed development project.
- Acting as Counsel for a company appointed to operate the foreign workers' medical examination screening system in Malaysia on behalf of the Ministry of Health, Malaysia in respect of an arbitration dispute on a proposed integration system and the subsequent setting aside application. Acting as Counsel for a developer in respect of a dispute against an engineer involving a mixed development project for negligence in an arbitration amounting to RM41 million.
- Acting as Co-Counsel for the main contractor in respect of an adjudication dispute concerning back-charges and liquidated damages at the Court of Appeal.
- Acting as Counsel for the main contractor in respect of a dispute involving fraudulent progress claims and interim certificates and termination with the architect and employer.
- Acting as Counsel for the main contractor involving a dispute with the nominated sub-contractor for a residential building.
- Acting as Counsel for the developer involving a dispute with the main contractor in respect of defective works amounting to RM10 million and liquidated damages.

REPORTED CASES

Civil and Commercial Law

- Petrochemical Commercial Company International Ltd & Ors v Nexus Management Group Sdn Bhd & Ors [2020] MLJU 1056; [2020] MLJU 2650; [2020] MLJU 2649

REPORTED CASES

Civil and Commercial Law

- AmTrustee Bhd v The Store (M) Sdn Bhd [2019] 5 MLJ 253
- Emas Kiara Sdn Bhd v Michael Joseph Monteiro (receiver and manager of Lembah Beringin Sdn Bhd) & Ors (Farcoll Estate Sdn Bhd & Ors, interveners) [2018] 5 MLJ 54
- WWTAI Finance Ltd v IES Energy Holdings Sdn Bhd [2016] MLJU 1591
- Seven Seas Computers Sdn Bhd v Puteri Hotels Sdn Bhd [2011] MLJU 175; [2009] MLJU 744
- Mardale Pipes Plus Ltd v Malaysian International Trading Corp (Japan) Sdn Bhd (ExxonMobil Exploration and Production Malaysia Inc, third party) [2009] 5 MLJ 691

Construction and Infrastructure

- Ireka Engineering & Construction Sdn Bhd v PWC Corp Sdn Bhd and other appeals [2020] 1 MLJ 311
- China Construction Yangtze River (M) Sdn Bhd v Gold Mart Sdn Bhd [2022] MLJU 1789
- Hiform (M) Sdn Bhd v TSR Bina Sdn Bhd and another summons [2020] MLJU 808
- Majlis Perbandaran Kuantan v Kining Exeton Sdn Bhd [2021] MLJU 536
- Pembinaan Limbongan Setia Berhad v Josu Engineering Construction Sdn Bhd [2020] MLJU 192
- Goh Nguang Chian v Dynapack Eoss Packaging Sdn Bhd [2018] 1 LNS 937
- Magna Prima Construction Sdn Bhd v Bina BMK Sdn Bhd and another case [2015] MLJU 291
- ZAQ Construction Sdn Bhd & Anor v Putrajaya Holdings Sdn Bhd [2014] 10 MLJ 633
- Tebing Aur Sdn Bhd v WWE Holdings Bhd [2012] 1 LNS 744
- Menara Intan Langkawi Sdn Bhd & Anor v Tm Facilities Sdn Bhd [2014] 1 LNS 1663

EDUCATION & QUALIFICATIONS

- 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 (MIArb)

PROFESSIONAL APPOINTMENTS

Current

- Committee Member of the Construction Law Committee, Bar Council Malaysia
- Committee Member of the ICC Malaysia Arbitration Committee
- Panel Arbitrator, Asian International Arbitration Centre
- Panel Adjudicator, Asian International Arbitration Centre
- Panel Arbitrator, ICC Malaysia
- Panel Arbitrator, London Court of International Arbitration
- Panel Arbitrator, ADGM Arbitration Centre, Abu Dhabi
- Panel Arbitrator, Shanghai International Arbitration Centre
- Panel Arbitrator, Japan Commercial Arbitration Association
- Panel Arbitrator, Vienna International Arbitral Centre

PUBLICATIONS & TALKS

- Commentator on "Learning from Decided Construction Cases and Commentaries" for 2015, 2016 and 2017 for Construction Industry Development Board Malaysia

PUBLICATIONS & TALKS

- Co-author of 'Applicable Procedural Law for Recognition and Enforcement of Arbitral Awards' in Malaysia for Global Arbitration Review in 2016
- Co-contributor for "Interaction of Laws in International Arbitration" for Arbitration in Malaysia, A Practical Guide, 2016
- Author of "Incorporation of an Arbitration Agreement" published by Current Law Journal, 2017.
- Co-authored chapter on "Interaction of Laws in International Arbitration: An Asian Perspective" in Jurisdiction, Admissibility and Choice of Law in International Arbitration, Liber Amicorum Michael Pryles, Wolters Kluwer, 2018.
- Speaker at the Practical Construction Law Seminar organized by the Advocates' Association of Sarawak in 2016
- Speaker at the Practical Construction Law seminar organized by Construction Law Committee, Bar Council in 2016-7 at Johor Bahru, Penang, and Kuala Lumpur
- Speaker at the Asian Regional Meeting Singapore in May 2017 organized by IADC.
- Speaker at the IBA APAG International Arbitration Training Day organised by IBA Asia Pacific Arbitration Group at Hanoi, Vietnam in November 2017.
- Speaker at the "First Asian Conference for Students and Young Practitioners" organised by AIAC in February 2018.
- Speaker at the "Masterclass on the use of Experts in International Arbitration" organised by AIAC in March 2018.
- Moderator for the ASIA ADR Week, May 2018 by AIAC.
- Speaker at "The Fundamentals of International Legal Business Practice" organised by the IBA Asia Pacific Regional Forum at Jakarta, Indonesia in August 2018.
- Speaker at the "Arbitration and Alternative Dispute Resolution - Making Dispute Resolution Effective" organised by the Indian Railways Institute of Logistics & Material Management with the support of ICC India, February 2020.
- Speaker at the "Adjudication-2020: Recalibrating Practice and Procedure with Judicial Decisions" at the AIAC ADR Week, August 2021.
- Tutor at the AIAC Arbitration in Practice Workshop on Joinders and Consolidation, July 2022.
- Speaker at the webinar organised by the Bar Council Arbitration and the Construction Law Committee on Performance Bond and Termination, September 2022.

WHAT OTHERS SAY

GLOBAL ARBITRATION REVIEW 100

'... Aniz Ahmad Amirudin is also praised for his "exceptional work" and "practical approach" that is "sensitive to the business needs of his clients.'

BENCHMARK LITIGATION ASIA-PACIFIC

'Mr. Amirudin is extremely hard working, punctual, reliable, approachable and knowledgeable. He is a pleasure to work with. Despite his young age, he is a role model for lawyers.'

ASIA LAW PROFILES

'... Aniz Ahmad Amirudin – "hardworking and know commercial litigation well and get things done. Also good with clients and calm.'

'He is a construction law guru, and his construction law knowledge is second to none. He is detailed, patient and thorough and his court craft is excellent. He has successfully won three big ticket construction disputes for us. He is a leader in the area of high value and complex construction disputes.'

THE LEGAL 500 ASIA PACIFIC

"... Aniz Ahmad Amirudin has a broad and excellent skill set which he brings to bear in providing a high-quality service particularly in construction disputes. He has superb analytical skills and good presentation skills with lay clients."

"Aniz Ahmad Amirudin provides sound and practical advice to his clients. He is highly persuasive in his arguments, approachable and easy to work with."

WHAT OTHERS SAY

THE LEGAL 500 ASIA PACIFIC

“I have worked closely with Aniz Ahmad Amirudin for the last two years in an international fraud case involving a large sum of money stolen from a bank in Malaysia. Aniz put the case together and managed to get Norwich Pharmacal and disclosure orders which enabled the proceeds of the fraud to be traced. He is good at disclosure and tracing of assets. He is very good with clients and is always available to deal with issues raised by clients. His technical legal knowledge is good and his written submissions for the court are to a very high standard.”

“Aniz Ahmad Amirudin is extremely bright, has an excellent working knowledge of the law and is one of the most commercially minded lawyers we have engaged. Good experience and knowledge across a range of commercial and civil matters. Very sensible, sound and exercise practical judgment. He is a pleasure to work with. Clear on which issues that matter, and which don’t, with an eye on the client outcome at all times. Quick to pick up the key issues and never loses sight of them even though faced with voluminous documents in the large cases that he works on. Always well-prepared, a quick-witted and persuasive advocate. Highly recommended.”

“Standout partners in construction being Aniz Ahmad Amirudin...”