

Dato' Sunil Abraham

PARTNER

YEAR OF CALL: 2004



Expertise

- Banking and Securities Disputes
- Corporate and Commercial Disputes
- Commercial Arbitration
- Environmental Law
- Media Law Disputes
- Public & Administrative Law Disputes
- Telecommunications

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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.

He also sits as an arbitrator in commercial- and infrastructure-related disputes.

He has been recognised as a leading individual by Legal 500 Asia Pacific, Benchmark Litigation and Asialaw Profiles as well as ranked by Chambers & Partners Asia Pacific in the area of dispute resolution. In 2016, he was named by Asian Legal Business in the Top 40 Under 40 Practitioners in Asia.

PRACTICE AREAS

- Banking and Securities Disputes
 - Corporate and Commercial Disputes
 - Commercial & Investment Treaty Arbitration
 - Environmental
 - Land & Property Law
 - Media Law Disputes
 - Public & Administrative Law Disputes
 - Telecommunications
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REPORTED CASES

Arbitration

- 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
- Arch Reinsurance Ltd v Akay Holdings Sdn Bhd [2019] 5 MLJ 186
- Triumph City Development Sdn Bhd v Kerajaan Negeri Selangor Darul Ehsan [2017] MLJU 1394
- AV Asia Sdn Bhd v Measat Broadcast Network Systems Sdn Bhd [2014] 3 MLJ 61
- Government of the Lao People's Democratic Republic v Thai-Lao Lignite Co Ltd, a Thai Co & Anor [2013] 3 MLJ 409
- Celcom (Malaysia) Berhad v Pin Center Sdn Bhd [2008] 1 LNS 712
- Malaysian Historical Salvors Sdn Bhd v Government of Malaysia, ICSID Case No. Arb 05/10
- Astro All Asia Networks Ltd (United Kingdom) v The Republic of India, PCA Case No. 2016-24
- South Asia Entertainment Holdings Ltd (Mauritius) v The Republic of India, PCA Case No. 2016-25

Banking & Securities

- AWH Equity Holdings Sdn Bhd & Ors v GMV-Borcoss Sdn Bhd [2019] MLJU 1069
- Michael Chow Keat Thye v Securities Commission Malaysia & Anor [2013] 10 CLJ 505
- Primus Malaysia Sdn Bhd v Rin Kei Mei & Ors [2012] 2 CLJ 501
- Hartaya Sdn Bhd & Ors v Malayan Banking Berhad & Ors [2010] 9 CLJ 469

Corporate & Commercial Law

- Wong Yee Boon v Gainvest Sdn Bhd [2020] 2 CLJ 727
- Dato' Tan Wei Lian & Ors v Datuk Mansor Masikon [2019] 1 LNS 1615
- Wong Yee Boon v Gainvest Sdn Bhd [2018] 1 MLJ 124
- Tripple International Ltd v Belia Cermat & Ors [2016] 1 LNS 105
- Tripple International Ltd v Belia Cermat & Ors [2016] 1 LNS 135
- Leisure Dotcom Sdn Bhd v Globesource Sdn Bhd [2015] 5 MLJ 789
- Mariposa Grp Pty Ltd v Supreme Fame Sdn Bhd [2015] 1 LNS 159
- China Road & Bridge Corp & Anor v DCX Technologies Sdn Bhd and another appeal [2014] 5 MLJ 1
- PKNS Holdings Sdn Bhd v Nusa Gapurna Development Sdn Bhd & Anor [2014] 1 LNS 519
- Dato' See Teow Chuan & Ors v Ooi Woon Chee & Ors and other applications [2013] 4 MLJ 351
- Gurubachan Singh s/o Baghwan Singh & Anor v Vellasamy s/o Pennusamy & Ors and other applications [2012] 2 MLJ 149
- Ooi Woon Chee & Anor v Dato' See Teow Chuan & Ors [2012] 2 MLJ 713
- Lembaga Kemajuan Tanah Persekutuan (Felda) & Anor v Awang Soh Bin Mamat & Ors [2010] 3 CLJ 895
- Metramac Corporation Sdn Bhd (formerly known as Syarikat Teratai KG Sdn Bhd) v Fawziah Holdings Sdn Bhd; Tan Sri Halim Saad & Che Abdul Daim Hj Zainuddin (intervener) [2007] 5 MLJ 501
- Lembaga Kemajuan Tanah Persekutuan (Felda) & Anor v Awang Soh Bin Mamat & Ors [2009] 4 MLJ 610
- Contigreen Sdn Bhd v Segamat Kinisayang Supermarket Sdn Bhd [2009] 1 LNS 1150
- Dancom Telecommunications (M) Sdn Bhd v Uniasia General Insurance Bhd [2008] 6 MLJ 52
- Cepatwawasan Group Berhad & Anor v Tengku Dato' Kamal Ibni Sultan Sir Abu Bakar & 17 Ors [2008] 2 MLJ 915
- Tan Heng Chew & Ors v Tan Kim Hor & Ors [2006] 5 MLJ 313
- Dato' Tan Heng Chew v Tan Kim Hor [2006] 2 MLJ 293

REPORTED CASES

Corporate & Commercial Law

- Standard Chartered Bank v KTS Sdn Bhd [2006] 4 MLJ 617
- Tan Kim Hor & Ors v Tan Heng Chew & Ors [2009] 4 MLJ 358
- Tan Heng Chew & Ors v Tan Kim Hor & Ors [2009] 2 CLJ 234

Constitutional Law

- Sultan Ismail Petra Ibni Sultan Yahya Petra v Tengku Muhammad Faris Petra & Anor [2011] 1 MLJ 1
- Dato' Seri Ir Hj Mohammad Nizar Bin Jamaluddin v Dato' Dr Zambry Bin Abd Kadir [2010] 1 MLJ 285
- Tengku Muhammad Fakhry Ibni Sultan Ismail Petra v Yang Maha Mulia Pemangku Raja Kelantan & Ors [2011] 1 MLJ 128
- Dato' Seri Ir Hj Mohammad Nizar Bin Jamaluddin v Dato' Dr Zambry Bin Abd Kadir [2009] 5 MLJ 108

Environmental Law and Public & Administrative Law

- Perbadanan Pengurusan Trellises & Ors v Datuk Bandar Kuala Lumpur & Ors [2018] MLJU 2012
- Wong Kin Hoong & Anor (suing for themselves and on behalf all of the occupants of Kampung Bukit Koman, Raub, Pahang) v Ketua Pengarah Jabatan Alam Sekitar & Anor [2013] 4 MLJ 161
- Zakaria bin Abdullah & Ors v Lembaga Perlesenan Tenaga Atom & Ors [2013] 5 MLJ 206
- Wong Kin Hoong & Ors v Ketua Pengarah Jabatan Alam Sekitar & Anor [2011] 7 CLJ 1005

Fraud & Forgery

- Chuah Ah Meng & Anor v Tian Kon Siong [2020] 2 CLJ 596
- Chuah Ah Meng & Anor v Tian Kon Siong [2019] 6 MLJ 265
- Letchumanan Chettiar Alagappan (as Executor to SL Alameloo Achi (Deceased)) & Anor v Secure Plantation Sdn Bhd [2017] 5 CLJ 418

Legal Profession

- Cherie Booth QC v Attorney General, Malaysia & Ors [2006] 6 MLJ 501
- Badan Peguam Malaysia v Louis Edward Van Buerle [2006] 1 MLJ 21
- Foo Ton Hin v Malaysian Bar & Ors [2007] 8 CLJ 141
- Louis Edward Van Buerle v Malaysian Bar [2005] 5 MLJ 45

Land Law

- Leopad Holdings Sdn Bhd v Asian Shield Warehousing Sdn Bhd & Another Appeal [2019] MLJU 1720
- Citra Tani Sdn Bhd v Mujur Zaman Sdn Bhd [2017] MLJU 1394
- Karun Maksima Sdn Bhd v Pentadbiraan Tanah Daerah Port Dickson & Ors [2016] 3 CLJ 52
- Leisure Dotcom Sdn Bhd v Globesource Sdn Bhd [2015] 5 MLJ 789
- Tenaga Nasional Berhad v Majlis Daerah Hulu Terengganu [2014] 9 CLJ 149
- Abdul Manap Bin Ahmad v Wersuah Binti Amoon [2006] 2 CLJ 349

Media Law

- Raub Australian Gold Mining Sdn Bhd (in creditors' voluntary liquidation) v Hue Shieh Lee [2019] 3 MLJ 720
- Raub Australian Gold Mining Sdn Bhd v Mkini Dotcom Sdn Bhd & Ors [2018] 4 MLJ 209
- Raub Australian Gold Mining Sdn Bhd v Mkini Dotcom Sdn Bhd & Ors [2016] 12 MLJ 476
- Dato' Seri Hishamuddin Tun Hussein v Dato' Seri Anwar Ibrahim [2011] 1 LNS 1189
- Semesta Insurance Underwriting Agency Sdn Bhd v Koperasi Insurance (M) Bhd and another suit [2011] 3 MLJ 379
- MCAT Gen Sdn Bhd v Celcom (Malaysia) Bhd [2007] 8 MLJ 107
- MCAT Gen Sdn Bhd v Celcom (Malaysia) Bhd [2007] 8 MLJ 277
- MCAT Gen Sdn Bhd v Celcom (Malaysia) Bhd [2007] 1 MLJ 195

REPORTED CASES

Medical Negligence

- Dr Harikrishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & another appeal [2018] 3 MLJ 281
- Zulhasnimar Hasan Basri & Anor v Dr Kuppu Velumani P & Ors [2017] 5 MLJ 438

EDUCATION & QUALIFICATIONS

- 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

PROFESSIONAL APPOINTMENTS

Panel of Arbitrators

- Asian International Arbitration Centre
- International Chamber of Commerce (ICC), Malaysia

Panel of Mediators

- Asian International Arbitration Centre

Current

- Council Member of the Legal Practice Division of the International Bar Association (IBA)

Past

- Co-chair of the Asia Pacific Regional Forum of the IBA
- Advisory Board Member of the Young Lawyers' Committee of the IBA
- Co-chair of the Asia Pacific Arbitration Group of the IBA
- Asia Pacific Liaison Officer of the Arbitration Committee of the IBA

PUBLICATIONS

- Encyclopedia of International Commercial Litigation – Malaysian Chapter by Kluwer International Law (2009)
- The IBA Arbitration Guide 2012 – Malaysian Chapter
- Lexis Nexis Dispute Resolution Law Guide 2017 – Malaysian Chapter
- Chapter 19 – Misrepresentation, Bullen & Leake & Jacob's Malaysian Precedents of Pleadings (2017 Edition)
- The IBA Arbitration Guide 2018 – Malaysian Chapter
- Getting The Deal Through, Sovereign Immunity (2018) – Malaysian Chapter
- World Arbitration Reporter by Juris Publishing LLC – Malaysian Chapter (2018)
- World Arbitration Reporter by Juris Publishing LLC – Malaysian Chapter (2020)
- Getting The Deal Through, Investment Treaty Arbitration (2019) – Malaysian Chapter
- Getting The Deal Through, Investment Treaty Arbitration (2020) – Malaysian Chapter

HONOURS

- Awarded the title "Dato" by His Royal Highness, The Sultan of Kelantan in 2017