

# VIAC – Questionnaire for Arbitrators

1. Name: Dato' Sunil Abraham

2. Citizenship: Malaysian

3. Contact information:

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Website: [www.arbitra.co.uk](http://www.arbitra.co.uk)

LinkedIn: <https://www.linkedin.com/company/arbitra-international>

4. Current position:

Independent Arbitrator & Partner, Cecil Abraham & Partners

5. 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 Honorable Society of Middle Temple

Advocate & Solicitor of the High Court of Malaya

6. Practiced experience in arbitration

- How many arbitrations have you participated in (domestic/international); under which Rules?

30+

- How often have you acted as Chairman?

2

- How often have you acted as Sole Arbitrator?

- How often have you acted as Co-Arbitrator?

1

- How often have you acted as Counsel?

45+

- How often have you acted in a different function (e.g. Administrative Secretary)?

**7. Publications and other activities in arbitration (e.g. training sessions, seminars, conferences, articles and others):**

- Encyclopaedia 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)
- World Arbitration Reporter by Juris Publishing LLC – Malaysian Chapter (2022)
- Getting The Deal Through, Investment Treaty Arbitration (2019) – Malaysian Chapter
- Getting The Deal Through, Investment Treaty Arbitration (2020) – Malaysian Chapter
- Lexis Nexis Annotated Version of the Arbitration Act 2005 (2021)

**8. Membership in arbitral institutions / functions in arbitral institutions/organizations:**

**Arbitration Institutions Enlisted as an Arbitrator:**

- Panel Member of Asian International Arbitration Centre (Arbitrators)
- Panel Member of International Chamber of Commerce (ICC), Malaysia (Arbitrators)
- Panel Member of Asian International Arbitration Centre (Mediators)
- Panel Member of Shanghai Arbitration Commission (Arbitrators)
- Panel Member of Abu Dhabi Global Market (Arbitrators)

**Current**

- Member of the Management Board of the International Bar Association (IBA)
- Legal Practice Division Liaison Officer to the Asia Pacific Regional Forum and the Dispute Resolution Section of the IBA
- Member of the IBA Diversity & Inclusion Council

## **Past**

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

## **Others (related experience with international arbitration):**

- 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

## **9. Languages**

**Mother tongue:** English & Malay

**Working languages (i.e. languages in which you have both a spoken and written command so that you may conduct arbitral proceedings in this language):**

**10. In which legal systems have you trained?**

- |                                       |  |  |
|---------------------------------------|--|--|
| <input type="checkbox"/> Civil Law    | <input checked="" type="checkbox"/> Common Law |  |
| <input type="checkbox"/> Austrian Law | <input type="checkbox"/> Hungarian Law         | <input type="checkbox"/> Swiss Law     |
| <input type="checkbox"/> Czech Law    | <input type="checkbox"/> Polish Law            | <input type="checkbox"/> Ukrainian Law |
| <input type="checkbox"/> German Law   | <input type="checkbox"/> Slovakian Law         | <input type="checkbox"/> European Law  |

Other \_\_\_\_\_

**11. What is your main jurisdiction of practice?**

Malaysia

**12. In which jurisdictions are you admitted to the bar?**

Malaya

**13. Special expertise or specializations (please list a maximum of five):**

- |   |  |  |  |
|---|--|--|--|
| <input type="checkbox"/> Antitrust/Unfair competition               | <input type="checkbox"/> Damages                 | <input type="checkbox"/> Insolvency                        | <input type="checkbox"/> Natural resources                 |
| <input type="checkbox"/> Aviation                                   | <input type="checkbox"/> Distribution            | <input type="checkbox"/> Insurance                         | <input type="checkbox"/> Power plants                      |
| <input checked="" type="checkbox"/> Banking & Finance               | <input type="checkbox"/> Domain name disputes    | <input type="checkbox"/> Intellect. property (IP)          | <input type="checkbox"/> Private Intern. Law               |
| <input type="checkbox"/> Capital markets                            | <input type="checkbox"/> Employment              | <input checked="" type="checkbox"/> Investment arbitration | <input checked="" type="checkbox"/> Public Intern. Law     |
| <input type="checkbox"/> CISG                                       | <input checked="" type="checkbox"/> Energy       | <input type="checkbox"/> ISDS/Foreign inves.               | <input type="checkbox"/> Real estate                       |
| <input checked="" type="checkbox"/> Civil fraud disputes            | <input type="checkbox"/> Engineering             | <input checked="" type="checkbox"/> Joint ventures         | <input type="checkbox"/> Shipping                          |
| <input checked="" type="checkbox"/> Commercial disp. / transactions | <input type="checkbox"/> Entertainment           | <input type="checkbox"/> Licensing                         | <input type="checkbox"/> Sports                            |
| <input type="checkbox"/> Commodity market                           | <input type="checkbox"/> Healthcare & Pharmac.   | <input type="checkbox"/> Life sciences                     | <input checked="" type="checkbox"/> State/Public contracts |
| <input checked="" type="checkbox"/> Company/Corporate/M&A           | <input type="checkbox"/> Hotel/Gastro./Tour.     | <input type="checkbox"/> Maritime arbitration              | <input type="checkbox"/> Technology                        |
| <input type="checkbox"/> Construction                               | <input type="checkbox"/> Inform. technology (IT) | <input checked="" type="checkbox"/> Media                  | <input type="checkbox"/> Telecommunication                 |
| <input checked="" type="checkbox"/> Contract law                    | <input type="checkbox"/> Infrastructure          | <input type="checkbox"/> Mining                            | <input type="checkbox"/> Transport                         |
| <input type="checkbox"/> Other _____                                |  |  |  |

**14. Date of birth:** 09/10/1978

VIAC offers arbitration practitioners the possibility to present themselves on its website. VIAC reserves the right to publish any presentations submitted and to remove it as the case may be. Parties are free to nominate an arbitrator of their choice and so is the VIAC Board when appointing an arbitrator. These presentations do not constitute recommendations but may assist the parties in choosing an arbitrator willing to conduct proceedings according to the Vienna Rules. The fact that an arbitration practitioner appears on this list, does not authorize this person to use the title "VIAC-arbitrator".

I have completed this questionnaire to the above to the best of my knowledge and believe they are accurate.

I hereby consent that the data provided in this questionnaire may be processed for the appointment of arbitrators and published by VIAC. This includes in particular publication on the website of VIAC as well as use in any presentations, etc. This consent may be withdrawn at any time by contacting VIAC at our general contacts, in particular by email addressed to office@viac.eu. The consequence of any such withdrawal will be that my data will no longer be processed by VIAC. For further information, see our privacy statement at <http://www.viac.eu>.

Date: 26/04/2022





## Dato' Sunil Abraham

**Nationality:** Malaysian

**Languages:** English & Malay

Dato' Sunil Abraham is an arbitrator specialising in Corporate and Commercial, Banking and Securities, Media, Telecommunications, Public & Administrative and Environmental Law disputes.

Sunil has also sat as arbitrator in commercial, construction and infrastructure and oil and gas disputes and has been involved in numerous high-value complex investment treaty arbitrations.

Sunil has worked extensively across a multitude of jurisdictions including Asia, Middle-East, US & Europe.

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. He has also been recognised in Who's Who Legal as a Future Leader in Arbitration. In 2016, he was named by Asian Legal Business in the Top 40 Under 40 Practitioners in Asia.

Sunil was awarded the title "Dato" by His Royal Highness, The Sultan of Kelantan in 2017.

## Sector Expertise

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- Banking, Finance & Fintech
- Environment, Renewables & Climate Change
- Commercial Dispute Resolution
- Investment Treaty
- Media & Entertainment
- Mergers, Acquisitions & Shareholder Disputes
- Public International & Administrative
- Technology & Telecommunications

## Anti-Corruption, Competition & Fraud

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- *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

## Banking, Finance & Fintech

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- 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

## Environnement, Renewables & Climate Change

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- 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

## Commercial Dispute Resolution

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- Leopad Holdings Sdn Bhd v Asian Shield Warehousing Sdn Bhd [2021] 2 MLJ 424
- 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 MLJ149
- 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
- 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

## Investment Treaty

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- Working for the Government of Malaysia in respect of an investment treaty claim under the ICSID Rules instituted by Malaysian Historical Salvors Sdn Bhd by reference to the UK-Malaysia BIT.
- Working for Astro All Asia Network Ltd and South Asia Entertainment Holdings Ltd in two investment treaty claims against the Government of India under the UNCITRAL Rules

## Media & Entertainment

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- 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

## Public International & Administrative

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- Sultan Ismail Petra Ibni Sultan Yahya Petra v Tengku Muhammadiyah 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

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**Email:** info@arbitra.co.uk

- 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
- Dato' Seri Ir Hj Mohammad Nizar Bin Jamaluddin v Dato' Dr Zambry Bin Abd Kadir [2009] 5 MLJ 108

## Arbitration Experience

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### 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

## Academic & Professional Qualifications

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- 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 Associations & Recognitions

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- Panel Member of Asian International Arbitration Centre (Arbitrators)
- Panel Member of International Chamber of Commerce (ICC), Malaysia (Arbitrators)
- Panel Member of Asian International Arbitration Centre (Mediators)

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

## Publications, Articles & Thought Leadership

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- 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

## Directory & Client Quotes

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### The Legal 500 Asia Pacific

"Specialist firm Cecil Abraham And Partners is headed by Cecil Abraham, one of the 'most respected' practitioners in the area. The team acts in traditional litigation as well as arbitration matters, dealing with related complex, high-end disputes spanning, among others, antitrust, securities, banking, construction and infrastructure, and commercial law. It is acting for MUIP in a dispute seeking to ascertain whether a court of law is competent to interfere with an award by an arbitration tribunal. Sunil Abraham is also recommended."

"...both Tan Sri Cecil and Dato Sunil to be excellent dispute resolution lawyers. In particular, we value their legal expertise in areas including administrative law, commercial law, and dispute resolution. They also have excellent advocacy skills, and their advice is always practical and timely..."

"...Dato' Sunil Abraham is superb all-round. Excellent on paper and in court. Calm, intelligent and strategic, he is a pleasure to work with..."

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**Who's Who Legal**

"He is highly regarded as counsel in international arbitration and domestic arbitration disputes. Simply outstanding. He is a very good and precise lawyer."

**Asia Law Profiles**

"Cecil Abraham & Partners is a leading boutique dispute resolution firm known for handling commercial disputes, especially cases heard before the Federal Court of Malaysia. Led by star litigator Cecil Abraham, the team has a strong track record acting on unprecedented and landmark litigation and arbitration matters, with a focus on corporate and commercial, administrative, and white-collar crime. The firm often acts for Fortune 500 companies, media conglomerates, government-linked companies, high net-worth individuals, and not-for-profit entities and charities.

"Very experienced and one of the best firms in the field." – Dispute resolution

"The lawyers are all highly skilled and work as a team. The team members are able to cover for each other, and for important hearings, Cecil Abraham argues them brilliantly." – Dispute resolution

Sunil Abraham – "Responsive, technically strong and meticulous."