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Date of Birth	1 August 1957	
Nationality	Singaporean	

Educational and Professional Qualifications

LL.B. (Hons), National University of Singapore (1982)
 Admitted to the Singapore Bar (1983)
 Appointed Senior Counsel (1997)

Professional Experience

Davinder has been a commercial lawyer and advocate for almost 4 decades. He has acted in many high-profile and complex matters. Here are a few examples:

Banking

- **Soon Kok Tiang & ors v DBS Bank Ltd** [2012] 1 SLR 397 – Acted for a bank in defending a claim involving 21 investors representing 192 other plaintiffs for the refund of capital losses arising from investments in derivative credit-linked notes.
- **Raiffeisen Zentralbank Osterreich AG v Archer Daniels Midland Co and others** [2007] 1 SLR(R) 196 – Defended Archer Daniels Midland Company, one of the largest agri-business companies in the world, against a claim of fraud by Raiffeisen Zentralbank Osterreich AG, an Austrian bank. The case involved complex, structured trade financing transactions. The bank's claims were dismissed by the Singapore High Court and Court of Appeal.
- **Salim Anthony v Sumitomo Corporation Capital Asia Pte Ltd** [2004] 3 SLR(R) 331 – Acted for an Indonesian company and prominent Indonesian businessman in an action against a consortium of Japanese banks and Sumitomo Corporation.
- **Wee Soon Kim Anthony v UBS AG (No.4)** [2004] SGCA 33 – Acted for a Swiss investment bank in defending a claim by a former private banking customer. The claim was dismissed.
- **Industrial & Commercial Bank Limited v Banco Ambrosiano Veneto S.P.A.** [2000] SGHC 188 – Acted in a claim against an Italian bank involving issues of multi-jurisdictional fraud, the nature of SWIFT transactions and the question of the proper forum.

- **Hongkong & Shanghai Banking Corp Ltd v Jurong Engineering Ltd** [2000] 1 SLR(R) 204 – One of the very few cases in Singapore on the nature and effect of letters of awareness.
- **Star Cruise Services Ltd v Overseas Union Bank Ltd** [1999] 2 SLR(R) 183 – A landmark case involving fraudulently issued cashiers' order and gaming contracts.
- **Loy Hean Heong v HM Rothschild & Sons & ors** [1992] 2 SLR(R) 209 – Acted for a syndicate of banks in a series of related cases for recovery of monies advanced under syndicated loan facilities and opposing a claim by a guarantor for an account of option securities.

Companies & Insolvency

- **EQ Capital Investments Ltd v The Wellness Group Pte [2019] SGHC 154** – Acted for EQ Capital Investments in an application to wind up the defendant, The Wellness Group Pte Ltd.
- **Precious Shipping Public Co Ltd and others v OW Bunker Far East (Singapore) Pte Ltd and others and other matters [2015] 4 SLR 1229** – Acted for ING Bank N.V. in various proceedings that were commenced in the Singapore Courts arising from the collapse and insolvency of the OW Bunker Group.
- **BNP Paribas v Jurong Shipyard Pte Ltd** [2009] 2 SLR(R) 949 – Successfully obtained an injunction to restrain an international bank from presenting a winding up application to wind up a major rig building company in Singapore. The bank's appeal to the Court of Appeal was dismissed. The Court of Appeal held, among other things, that where a solvent company does not admit a debt and is prepared to offer security to defend the claim, the winding up application would, as a matter of principle, not be allowed.
- Various oppression proceedings under the Companies Act, including a leading case – **Re Chong Lee Leong Seng Co (Pte) Ltd** [1989] 2 SLR(R) 9 – on the procedural aspects of oppression proceedings and the relationship between proceedings under sections 216 and 254 of the Companies Act.
- **Re Lin Securities (Pte) Ltd** [1988] 1 SLR(R) 220 – Acted for several banks in an action between the liquidators and bank creditor for determination of validity and enforceability of letters of hypothecation where the charges were unregistered.
- **Re Central Realty Co (Pte) Ltd** [1998] 2 SLR(R) 1037 – Action involving two winding-up petitions filed against the Central Group of companies on the ground that it was just and equitable to do so.
- **Re Pac Asian Services Pte Ltd** [1987] SLR(R) 717 – Action involving powers of a provisional liquidator and their entitlement to a lien over company assets.

Companies & Shareholder Disputes

- **Lin Jianwei v Tung Yu-Lien Margaret and another [2021] 2 SLR 683; Lin Jianwei v Tung Yu-Lien Margaret and another [2020] SGHC 229** - Acted for Margaret Tung (one of the directors and shareholders of Raffles Town Club) in successfully resisting Lin's application for a declaration that leave was not required to appeal against the High Court's decision on costs and alternatively, for an extension of time to apply for leave. The Singapore Court of Appeal dismissed the appeal.
- **Beyonics Asia Pacific Ltd and others v Goh Chan Peng and another and another appeal [2021] SGCA(I) 2; Beyonics Asia Pacific Ltd and others v Goh Chan Peng and another [2020] SGHC(I) 14** - Acted for Mr Goh Chan Peng, the former CEO of a leading regional precision parts manufacturer, and Pacific Globe Enterprises Limited in an action that was commenced in Singapore High Court and was later transferred to the Singapore International Commercial Court ("SICC"). Successfully resisted the plaintiffs' claims for conspiracy and breaches of fiduciary duties. The SICC dismissed the Plaintiffs' claims and struck out the entire suit for being an abuse of process. The Singapore Court of Appeal allowed the plaintiffs' appeals in part. However, it upheld the SICC's findings that the Defendants did not divert any business and did not cause the Plaintiffs to suffer any of the alleged losses arising from the alleged diversion.
- **Ho Yew Kong v Sakae Holdings Ltd and other appeals and other matters [2018] SGCA 33; Sakae Holdings Ltd v Gryphon Real Estate Investment Corp Pte Ltd and others (Foo Peow Yong Douglas, third party) and another suit [2017] SGHC 73; Sakae Holdings Ltd v Gryphon Real Estate Investment Corp Pte Ltd and others (Foo Peow**

Yong Douglas, third party) and another suit [2017] SGHC 100 - Acted for Sakae Holdings Ltd in a minority oppression claim against multiple defendants for conduct which was oppressive to Sakae as a minority shareholder of Griffin Real Estate Investment Holdings Pte Ltd. The Singapore High Court and the Court of Appeal allowed Sakae's claims and ordered, among other things, that Griffin Real Estate Investment Holdings be wound up. In a landmark judgment, the Court of Appeal addressed the distinction between personal wrongs against shareholders of a company and corporate wrongs against the company, and the issue whether a director's breaches of his duty of care, skill and diligence would support a finding of commercial unfairness for the purposes of an oppression action under s 216 of the Companies Act.

- **Perennial (Capitol) Pte Ltd and New Capitol Pte Ltd v Capitol Investments Holdings and others [2018] SGCA 11** - Acted for Chesham Pte Ltd, an affiliate of the Pontiac Land Group, in successfully resisting applications by Perennial Real Estate Holdings to wind up companies holding the assets of their joint venture to develop a mixed development.
- **The Wellness Group Pte Ltd v TWG Tea Co Pte Ltd and others [2017] SGHC 298** – Acted for OSIM International Pte Ltd and Paris Investment Pte Ltd, the majority shareholders of TWG Tea Company Pte Ltd, in an application by the minority shareholder, The Wellness Group Pte Ltd, to appoint a director onto the board of TWG Tea Company. The application was dismissed by the Singapore High Court.
- **EQ Capital Investments Ltd v Sunbreeze Group Investments Ltd and others (Sim Chye Hock Ron, third party) [2017] SGHC 271; EQ Capital Investments Ltd v Sunbreeze Group Investments Ltd and others [2017] SGHCR 15** – Acted for EQ Capital Investments Ltd in a minority oppression claim against the majority shareholders and directors of The Wellness Group Pte Ltd. Successfully applied to strike out a third party claim brought by the defendants against Mr Ron Sim, a shareholder of EQ Capital, on the ground that the third party claim did not disclose any reasonable cause of action.
- **Goh Chan Peng and others v Beyonics Technology Ltd and another and another appeal [2017] 2 SLR 592** – Acted for the ex-CEO of the Beyonics group of companies in a claim by the companies for alleged breaches of directors' duties. The Singapore Court of Appeal agreed with the ex-CEO that the holding company could not claim for alleged losses suffered by a subsidiary.
- **The Wellness Group Pte Ltd and another v OSIM International Ltd and others and another suit [2016] 3 SLR 729** – Acted for OSIM International Ltd, its chairman and CEO Mr Ron Sim and multiple other defendants against claims of minority oppression, breach of contract, conspiracy and defamation brought by The Wellness Group Pte Ltd and another plaintiff. The plaintiffs' claims were dismissed by the Singapore High Court and Court of Appeal.

Contract

- **PT Sandipala Arthaputra and others v ST Microelectronics Asia Pacific Pte Ltd and others [2018] SGCA 17** – Acted for Oxel Systems Pte Ltd against a claim by PT Sandipala Arthaputra for breach of a contract for the supply of 100 million microchips for use in an electronic identification card project in Indonesia. In this landmark case, the Singapore Court of Appeal also redefined the law relating to a director's personal liability for the consequences arising from a company's breach of a contract.
- **BCBC Singapore Pte Ltd and another v PT Bayan Resources TBK and another [2017] 5 SLR 77; BCBC Singapore Pte Ltd and another v PT Bayan Resources TBK and another [2016] 4 SLR 1** – Acting for Indonesian coal mining company PT Bayan Resources Tbk and Singapore company Bayan International Pte Ltd in a US\$800 million joint venture dispute. This was the first case heard by the Singapore International Commercial Court. The claims related to alleged breaches of a joint venture agreement for the application of a patented technology to produce and sell upgraded coal from East Kalimantan in Indonesian Borneo.
- **Kraze Entertainment (S) Pte Ltd v Marina Bay Sands Pte Ltd [2013] SGHC 39; Kraze Entertainment (S) Pte Ltd v Marina Bay Sands Pte Ltd [2014] 1 SLR 78** - Acted for Marina Bay Sands in a claim brought against it for an alleged wrongful termination of a lease agreement. The claim was struck out for the plaintiff's failure to comply with a peremptory order. The plaintiff brought a second claim which was also struck out for being an abuse of the process of the court.

- **Sembcorp Marine Ltd v PPL Holdings Pte Ltd and another** [2012] SGHC 118 – An action arising from a joint venture dispute.
- **Beckett Pte Ltd v Deutsche Bank AG** [2011] 2 SLR 96 – Application for an anti-suit injunction to restrain legal proceedings in Indonesia.
- **Drydocks World LLC (formerly known as Dubai Drydocks World LLC) v Tan Boy Tee** [2010] SGHC 248 – Defended Mr Tan Boy Tee against claims by Drydocks World LLC. Tan Boy Tee founded Labroy Marine Limited, a public limited-liability company whose shares were publicly traded on the main board of SGX. Drydocks World LLC is a Dubai company that builds and repairs ships and rigs and conducts FSO conversion. The claims followed Mr Tan's sale to Drydocks of his majority shareholding in Labroy Marine Limited. The Singapore High Court dismissed Drydocks' claims.
- **Goh Eng Wah v Daikin Industries Ltd & ors** [2008] SGHC 190 – Acted for the patriarch of a Singapore-listed company, Eng Wah Organisation, in a personal claim under a shareholders' incentive agreement against Daikin and three of Daikin's former directors.
- **Skandinaviska Enskilda Banken AB (Publ), Singapore Branch v Asia Pacific Breweries (Singapore) Pte Ltd** [2011] 3 SLR 540 – Acted for a Singapore-listed company against claims involving issues of agency, restitution and vicarious liability for an employee's fraud on banks.
- **Pacific Century Regional Development Ltd v Canadian Imperial Investment Pte Ltd** [2001] 1 SLR(R) 614 – Acted in a dispute concerning a settlement agreement between the parties.
- **Kassim Syed Ali v Grace Development Pte Ltd** [1998] 2 SLR(R) 558 – Acted for a developer in defending a claim by 29 purchasers for failure to complete the sale of commercial property.
- **Mt Elizabeth Hospital Ltd v Allan Ng Clinic for Women** [1994] 1 SLR(R) 821 – Action between an individual and health service provider regarding an agreement for the sale and purchase of commercial property.
- **Hill Samuel Merchant Bank Asia Ltd v Resources Development Corp Ltd** [1992] 3 SLR(R) 107 – Acted for a company in a case involving misrepresentation arising from false and misleading documents.

Conflict of Laws

- **Astrata (Singapore) Pte Ltd v Portcullis Escrow Pte Ltd and another and other matters** [2011] 3 SLR 386; **Astrata (Singapore) Pte Ltd v Tridex Technologies Pte Ltd and another and other matters** [2011] 1 SLR 449; **Portcullis Escrow Pte Ltd v Astrata (Singapore) Pte Ltd and another** [2010] SGHC 302 – Acted for Tridex Technologies Pte Ltd in a complex contractual dispute which involved, among other things, the question whether certain conditions in an escrow agreement had been triggered on account of related Chapter 11 proceedings in the United States. The Singapore Court of Appeal agreed with Tridex Technologies that a non-exclusive jurisdiction clause in favour of Singapore contained in the escrow agreement had not been displaced by an arbitration clause contained in a separate agreement.
- **State of Johor v Tunku Alam Shah & ors** [2005] 4 SLR(R) 380 – Acted for the State of Johor and the Sultan of Johor in an action involving the construction of a Malaysian testator's will which bequeathed property situated at Tyersall Road in Singapore to his beneficiary as "State property". One of the issues was whether the property was bequeathed in his capacity as sovereign ruler or in his personal capacity.

Contempt

- **PT Sandipala Arthaputra v STMicroelectronics Asia Pacific Pte Ltd and others** [2018] SGHC 20 – Acted for Oxel Systems Pte Ltd in contempt of court proceedings against directors of PT Sandipala Arthaputra for their breaches of examination of judgment debtor orders.
- **Auroi Anthony Sabastian v Sembcorp Marine Ltd** [2013] SGCA 5 - Acted for the applicant in committal proceedings for an order that the defendant be committed to prison for contempt.
- **PT Makindo v Aperchance Co Ltd** [2011] 3 SLR 379 – Defended a Hong Kong company and its directors in an action for contempt of court before the High Court and the Court of Appeal based on alleged misrepresentation of a court order.

- **OCM Opportunities Fund II v Burhan Uray & ors [2005] 3 SLR(R) 60** – Acted for institutional investors in committing the alleged contemnors to six months’ imprisonment for contempt of court.

Crime

- **Madhavan Peter v PP & other appeals [2012] SGHC 153** – Defended an independent director of a Singapore-listed company, Airocean Group Limited, against alleged offences under section 199, read with section 331, of the Securities and Futures Act, based on charges of alleged market manipulation, and making of alleged false and misleading statements in a public announcement.
- **Lim Teck Chye v PP [2004] 2 SLR(R) 525; Chua Kim Leng Timothy v PP [2004] 2 SLR(R) 513** – Conducted the appeals against the conviction and sentence of two directors of the top marine fuel oil suppliers in Singapore, who were convicted under section 6 of the Prevention of Corruption Act, in respect of the supply of marine fuel oil to ships and their role and involvement with surveyors.
- **PP v Louis Pius Gilbert [2003] 3 SLR(R) 418** – Appointed as *amicus curiae* by the Court of Appeal.

Debt Restructuring

- Acted for Asia Pulp & Paper in one of the largest debt restructurings ever to take place in Asia.
- Advised the Thakral Group of companies, which includes the Hong Kong listed vehicle of Thakral Corporation Ltd, in the restructuring of the Group borrowings from banks and financial institution, amounting to US\$450 million.
- Advised Thakral Brothers Pte Ltd in the restructuring of its borrowings from banks and financial institution, amounting to over \$300 million, by way of a scheme of arrangement in Singapore.

Defamation

- **Lee Hsien Loong v Xu Yuan Chen and another Suit [2021] SGHC 206** – Acted for the Prime Minister of Singapore (the plaintiff) in a defamation claim against Mr Xu Yuan Chen (the defendant), the Chief Editor of the website ‘The Online Citizen’ (now called the ‘The Online Citizen Asia’). The action arose from an article that the defendant had published on 15 August 2019 entitled “*PM Lee’s wife, Ho Ching weirdly shares article on cutting ties with family members*”. The High Court allowed the plaintiff’s claim, and granted damages and costs in his favour.
- **Lee Hsien Loong v Leong Sze Hian [2021] 4 SLR(R) 1128** – Acted for the Prime Minister of Singapore (the plaintiff) in a defamation action against Mr Leong Sze Hian (the defendant), a blogger and financial adviser. The action arose from a Facebook post by the defendant who shared an article in relation to scandal-hit Malaysian state fund 1Malaysia Development Berhad (1MDB). The High Court allowed the plaintiff’s claim, and granted damages and costs in his favour.
- **Review Publishing Co Ltd & anor v Lee Hsien Loong & anor [2010] 1 SLR(R) 52** – Acted in defamation actions concerning articles published by an international publication. The defendants printed apologies for the articles and paid damages and costs to the plaintiffs.
- **Lee Hsien Loong v Review Publishing Co Ltd and another and another suit [2007] 2 SLR(R) 453; Re Millar Gavin James QC [2008] 1 SLR(R) 297** – Acted for the Minister Mentor and the Prime Minister in defamation claims against the Far Eastern Economic Review. The High Court and the Court of Appeal allowed the plaintiffs’ claims.
- **Oei Hong Leong v Ban Song Long David & ors [2005] 3 SLR(R) 608; Jeyasegaram David v Ban Song Long David [2005] 2 SLR(R) 712** – Acted for defendants in two libel suits arising from a newspaper article relating to resolutions proposed to be passed at a highly publicised Extraordinary General Meeting of NatSteel Ltd, a Singapore-listed company which was the subject of a high-profile takeover battle.
- **SM Summit Holdings Ltd & anor v Microsoft Corporation & ors and other actions [1999] SGHC 14** – Acted for the Summit group of companies in resisting an appeal to the High Court against an Assistant Registrar’s decision that a media release was defamatory of them.

- **The National Kidney Foundation & TT Durai v Singapore Press Holdings Limited & Susan Long (Suit No. 319 of 2004)** – Acted for Singapore Press Holdings and senior correspondent Susan Long in a defamation suit brought by TT Durai, CEO of The National Kidney Foundation, arising from an article entitled "The NKF: Controversially ahead of its time?" In the course of cross-examination, the plaintiff withdrew the suit and acknowledged that the article was accurate and fair.

Employment

- **Tan Kian Seng v Venture Corporation Limited [2021] SGHC 266** - Acted for Venture Corporation Limited in successfully resisting a claim by Tan (former Advisor to Venture's CEO) for breach of contract, misrepresentation and negligent misstatement in relation to Venture's employment share benefits schemes. Venture also successfully counterclaimed against Tan for misrepresentation and fraud related to the issuance of shares to him under Venture's share benefits schemes.
- **Leiman, Ricardo and another v Noble Resources Ltd and another [2018] SGHC 166** – Defended the Noble group against a claim commenced by its former CEO for allegedly unpaid bonuses and share options valued in excess of US\$40 million. The matter involved issues of a high-ranking employee's fiduciary and contractual duties, wrongful solicitation, penalty clauses and the law relating to a party's exercise of a contractual discretion.

Fraud & Conspiracy

- **OCM Opportunities Fund II, LP v Burhan Uray (alias Wong Ming Kiong) [2004] SGHC 115** – Acted for international institutional investors in an action against a company, its directors and related companies, for conspiracy to commit fraud in relation to certain bonds issued by the company.

Intellectual Property

- **RecordTV Pte Ltd v MediaCorp TV Singapore Pte Ltd [2011] 1 SLR 830** – Acted for MediaCorp, Singapore's largest broadcast media company, in a copyright infringement action.
- **Trek Technology (Singapore) Pte Ltd v FE Global Electronics Pte Ltd & ors [2005] 3 SLR(R) 389** – Acted for Trek Technology in enforcing its ThumbDrive patent in patent infringement actions.
- **McDonald's Corp v Future Enterprises Pte Ltd [2005] 1 SLR(R) 177** – Acted for McDonald's before both the High Court and the Court of Appeal in a trade marks opposition to registration of "Mac" prefixed marks by a Singapore company.
- **Pontiac Marina Pte Ltd v CDL Hotels International Ltd [1997] 1 SLR(R) 422** – Counsel in a passing-off action in the hotel industry involving use of the "Millenia" name.
- **Tiffany & Co v Fabriques de Tabac Reunies SA [1999] 2 SLR(R) 541** – Counsel at the appellate level in opposition proceedings to the registration of the "Tiffany" trademark.
- **SM Summit Holdings Ltd v PP [1997] 3 SLR(R) 138** – Action involving a challenge to the validity of search warrants issued by the courts following allegations of various copyright and trade mark infringements.

Land

- **Koh Ah Kin v Yat Yuen Hong Co Limited [2020] SGHC 252** – Acted for Yat Yuen Hong Co Limited, a subsidiary of Hong Fok Corporation Limited, which is listed on the SGX, in a claim commenced by Mr Koh Ah Kin for a declaration that Mr Koh acquired title to a strip of land owned by YYH by virtue of adverse possession. The Court agreed with YYH that Mr Koh failed to show that he was in possession of the strip of land for the requisite 12 years. The Court dismissed Mr Koh's claim and ordered Mr Koh to remove the fences and walls he constructed around the strip of land.
- **Chua Choon Cheng & Ors v Allgreen Properties Ltd [2009] 3 SLR(R) 724** – Acted for a Singapore-listed company in a dispute concerning a collective sale agreement and an order made by the Strata Titles Board.
- **Balwant Singh v Double L & T Pte Ltd [1996] 2 SLR 726** – Acted for appellant in claim for adverse possession under the Land Titles Act.
- **Hongkong & Shanghai Banking Corp v San's Rent A-Car Pte Ltd (trading as San's Tours & Car Rentals) [1994] 3 SLR(R) 26** – Acted in a dispute between a receiver

appointed under a debenture and purchasers of property involving issues of assignment of equitable leases and misrepresentation.

Partnership

- Acted in partnership disputes between partners of law and accounting firms.

Probate

- Successfully acted for some of the beneficiaries of the Mustafa Estate in a claim against the administrator of the Mustafa Estate for breaches of his duties as an administrator. Among other things, the Honourable Justice Mavis Chionh ordered that the administrator of the Mustafa Estate give an account of his administration of the Mustafa Estate and be liable to account to the Mustafa Estate for the losses caused by the reason of his breaches.

Professional Misconduct

- **Law Society of Singapore v Ahmad Khalis bin Abdul Ghani [2006] 4 SLR(R) 308; [2006] SGHC 143** – Davinder was praised by a Court of 3 judges, including the (then) Chief Justice, for discharging his duty “*admirably, eloquently and courteously*”. The Court also said that “*in disagreeing with the arguments he proffered on behalf of the respondent, it would be churlish of us not to acknowledge the skill and (above all) professionalism that Mr Davinder Singh displayed throughout the present proceedings*”.

Public & Administrative Law

- **Yeap Wai Kong v Singapore Exchange Securities Trading Ltd [2012] SGHC 103** – Acted for the Singapore Exchange Securities Trading Ltd in a case involving an application for judicial review of a public reprimand of a director of a Singapore-listed company, China Sky Fibre Chemical Ltd.
- **Cap (Rtd) Hjh Huraizah Bte Hj Duraman v YB Pehin Datu Singa Menteri, Col (Rtd) Mohd Yasmin bin Hj Umar & ors (Judgment dated 29 November 2011, Court of Appeal of Brunei Darussalam, Civil Appeal No. 17 of 2011)** – Defended the former deputy Defence Minister, Commander of the Royal Brunei Armed Forces and Commander of the Royal Brunei Air Forces in a claim against them by a former officer of the Royal Brunei Armed Forces in the Court of Appeal of Brunei. The case raised interesting and novel constitutional issues.

Trust

- **Lim Weipin & Anor v Lim Boh Chuan & ors [2010] 3 SLR 423** – Acted for the administrators of an estate against claims made for shares to an estate under the Intestate Succession Act, and allegations of impersonation.
- **Thio Keng Poon v Thio Syn Pyn [2010] 3 SLR 143** – An action in relation to a family dispute arising from the administration of various estates and assets alleged to be worth over S\$100 million and a Deed of Settlement, amidst allegations of unconscionable bargain and undue influence.
- **Kamla Lal Hiranand v Harilela Padma Hari & ors [2000] 2 SLR(R) 801** – A contested probate matter involving a multi-million dollar estate and issues of secret trusts.
- **Lim Ah Mee & Anor v Summerview Developments Pte Ltd [1998] SGHC 175** – Acted for administrators of an estate in a dispute relating to an option to purchase property.
- **Rajabali Jumabhoy and Others v Ameerli R Jumabhoy & ors [1997] 2 SLR(R) 296; [1998] 2 SLR(R) 434; [1998] 2 SLR(R) 576** – An action involving a claim for breach of trust in respect of assets worth about S\$100 million and a third party claim for breach of trust, breach of fiduciary duty, undue influence and unconscionability and setting aside an option for purchases of shares.

International Arbitration

Advised and/or acted in numerous institutional and *ad hoc* arbitrations, and related court applications, including:

- An application on behalf of a State to set aside an arbitral award in an investor-state arbitration under section 24(b) of the International Arbitration Act and under Article 34(2) of the UNCITRAL Model Law on International Commercial Arbitration for a claim involving approximately US\$ 5.5 billion.

- An application on behalf of a State for a case management stay of enforcement proceedings in Singapore in relation to an arbitral award pending setting aside proceedings in a foreign jurisdiction and in the alternative, for a declaration of state immunity from the jurisdiction of the Singapore Courts or an order that the enforcement order be set aside and that the enforcement of the arbitral award be refused.
- An application on behalf of a State to set aside an arbitral tribunal's jurisdictional ruling in an investor-state arbitration under section 10(3) of the International Arbitration Act and Article 16(3) of the UNCITRAL Model Law on International Commercial Arbitration.
- An emergency arbitration commenced by the world's largest online retailer for an injunction involving the sale of retail assets in India worth around US\$3.4 billion.
- A claim in an *ad hoc* arbitration governed by the UNCITRAL Rules arising from an agreement for sale and purchase of shares in a coal mining company, initially valued in excess of US\$1 billion.
- A claim in an ICC arbitration by commenced by one of the trustees of a family trust fund valued at well over US\$1 billion arising out of the management and control of the Fund.
- A claim in an SIAC arbitration which concerned an agreement for sale of shares in a foreign telecommunications company. The contract was valued at more than US\$800 million.
- A claim in an SIAC arbitration related to the completion of a large-scale residential development costing nearly \$400 million.
- A claim in excess of US\$300 million involving EXIM financing before a panel of 3 arbitrators from Australia, UK and Singapore.
- A construction claim relating to a development scheme. The contract sum exceeded US\$250 million.
- A claim in an SIAC arbitration against an Indonesian conglomerate by a Malaysian conglomerate for alleged breaches of a joint venture agreement. The estimated amount of the claim was in excess of US\$270 million.
- A claim involving an engineering, procurement and construction contract, valued at approximately US\$270 million.
- A claim in an SIAC arbitration relating to a joint venture dispute of a mining project in the Philippines. The claim amount was more than \$180 million.
- Claims in an SIAC arbitration commenced by a Mauritius company under a shareholders' agreement and a subscription agreement, amounting to around US\$160 million.
- A claim in an *ad hoc* arbitration where completion of works (a naval facility costing more than \$150 million) was substantially delayed.
- A claim in an ICC arbitration involving an Indonesian company and an international pharmaceutical company arising from termination of a distributorship agreement governed by Indonesian law. The claim was initially valued by the claimant in excess of US\$100 million.
- A claim in an ICC arbitration which concerned an agreement for the sale and supply of a defence security system to the government of a foreign country. The contract was valued at more than US\$100 million.
- An application to set aside an SIAC arbitral award exceeding USD 98.5 million.
- A claim in an SIAC arbitration arising from a supply agreement for a telematics system, valued at approximately US\$95 million.
- A claim brought by a Japanese corporation against an Indonesian corporation for the sum of US\$92 million. The counterclaim was for a sum of US\$290 million.
- A claim in an ICC arbitration involving one of the largest steel manufacturing company in Southeast Asia against one of the world's largest suppliers of metalworking plants and equipment. The amount in dispute was around EUR90 million.
- A claim in an SIAC arbitration arising from securities lending agreements involving shares in a public listed company valued at approximately US\$40 million.
- A month-long arbitration involving claims exceeding US\$40 million for breach of contract brought by a Middle Eastern party against a Singaporean entity.
- Claims of approximately US\$35 million in an *ad hoc* arbitration governed by UNCITRAL Rules against a state-owned company incorporated under the laws of the People's Republic of China. The claims arose from a contract to develop, design and manufacture certain units for a desalination facility in Oman.
- A construction claim arising from an agreement for piling works and construction. The contract sum exceeds US\$30 million.

- A claim in relation to a dispute over the construction of a \$25 million desalination plant.
- An application under Article 16 of the First Schedule of the International Arbitration Act (Cap 143A) to set aside the finding of the arbitrator that he has jurisdiction.
- An application under Article 34 of the First Schedule of the International Arbitration Act (Cap 143A) to set aside an international arbitration award by 3 arbitrators.
- A claim on a performance bond against a state-owned Vietnamese insurance company.
- A claim involving a high-tech firm fixed price contract valued at US\$12 million.
- A claim in an LCIA arbitration for indemnification arising out of a Stock and Asset Purchase Agreement governed by New York law. The amount in dispute was approximately US\$6 million.
- Claims in two LCIA arbitrations in London involving a cross-border gas pipeline dispute.
- Advising a multinational insurance company in relation to disputes relating to a distribution agreement.

Advisory

Advised on numerous contentious and non-contentious matters. These include:

- Advising the Monetary Authority of Singapore, among other things, on issues arising from the liquidation of certain Lehman entities in the United States and Singapore;
- Constitutional and administrative issues arising from the Singapore and Bruneian Constitutions;
- A variety of corporate and commercial transactions, among other things, in the areas of defence procurement, energy, aviation, vessels and related matters; and
- Investment treaty disputes, including issues under the GATT and the 1987 ASEAN Agreement for the Promotion and Protection of Investments relating to investments in the telecommunications sector.

Arbitration Experience

Please see above.

Specialisation

(Indicate five areas of specialisation)

Contract, company , tort, banking and defamation law.

Current Position

Executive Chairman of Davinder Singh Chambers LLC.

Publications

Davinder was co-author and has written on the following:

- Co-author of the Chambers Practice Guide (2019): Litigation – “Singapore – Law & Practice”
- Co-author of the Chambers Practice Guide (2015): International Arbitration – “Singapore – Law & Practice”
- Singapore Academy of Law (2010) – “SAL Expert Series: To put or not to put – The Rule in Brown v Dunn”
- Chapter on “Cross Examination” published in “Modern Advocacy – Perspectives from Singapore” (June 2008, Academy Publishing)
- Singapore Academy of Law (1999) – “Letters of Credit & Performance Bonds”
- Singapore Academy of Law Journal (1999) “Tiffany’s Serves Up More Than Breakfast”

- Reforms in Singapore between 1990 and 1995 (1995) – “Trends in Legal Practice in Singapore”

Professional Memberships

- Member, SIAC Panel of Arbitrators
- Senate Member, Singapore Academy of Law
- Recommended International Arbitrator, Pacific International Arbitration Centre (PIAC), Vietnam
- Member, Advisory Board of Best Lawyers

Other appointments / directorships

- Chairman, Singapore International Arbitration Centre
- Vice-Chairman, ICC Commission on Corporate Responsibility & Anti-corruption
- Director, Delfi Limited
- Conferred the Order of Dato' Setia Negara Brunei (D.S.N.B.) by His Majesty the Sultan and Yang Di-Pertuan of Brunei Darussalam, which carries the title Dato' Setia

Languages

(Indicate level of proficiency)

English (Very Proficient)