



V K RAJAH SC

V K RAJAH LLC
UEN No. 201909531E
19 Duxton Hill, Singapore 089602
Tel: +65 6817 9173 | Fax: +65 6920 7611

VK graduated from the National University of Singapore with several prizes for academic merit and obtained an LLM (First Class) from the University of Cambridge.

1983 – 2003

VK commenced his legal career with Rajah & Tann, serving as Managing Partner from 1987 to 2003. In 1997, he was appointed Senior Counsel in the pioneer batch of appointments in Singapore. In private practice prior to his appointment to the Bench, VK was involved in several SIAC, AAA, ICC and ad hoc arbitrations, both as counsel and as arbitrator.

2003 – 2014

After a stint as Judicial Commissioner of the Supreme Court of Singapore from 2004, VK was appointed a Judge later that year and elevated to Judge of Appeal in 2007.

On the Bench, he authored more than 200 reported judgments within a decade. Some of these have been reported in their entirety in international law reports including the *Law Reports of the Commonwealth*, *All England Law Reports (Commercial)*, *Lloyd's Law Reports* and the *Building Law Reports*. His judgements in diverse areas of law have been and continue to be cited by Courts in several common law jurisdictions, including the United Kingdom, Australia, India, Malaysia and Hong Kong. His decisions have also been featured and cited in leading common law legal treatises and journals.

2014 – 2017

In 2014 VK left the Bench to assume office as the Attorney-General of Singapore. He declined re-appointment in 2017 and retired from public service that year.

In 2014, the Honorable Society of the Middle Temple (United Kingdom) appointed him an Honorary Bencher, and in 2017 the Singapore Management University conferred on him the status of Honorary Fellow.

2017 – todate

VK has currently chosen to work exclusively as an international arbitrator. He has substantial experience as Chair and as a Panel Arbitrator in a number of significant arbitrations including both institutional and ad hoc arbitrations.

Parties have included Governments, Government-owned or linked entities, multinational companies, statutory entities and major international commercial businesses. The subject matter of these arbitrations include disputes about inward foreign investments, technology transfers, intellectual property rights, energy and power, telecommunications, distribution rights, banking, securities, insurance, joint ventures and general commercial matters. The total quantum of the amounts disputed in arbitration proceedings heard to date amount to several billions of dollars.

On 1st July 2021, VK was appointed a Vice President of the ICC International Court of Arbitration.

AREAS OF EXPERTISE

- International Arbitration

COMMERCIAL DISPUTE RESOLUTION EXPERIENCE

Prior to leaving practice at the end of 2003, VK was acknowledged as a leading practitioner in Singapore/Asia in a number of legal journals: Asia Pacific Legal 500

(1998/1999, 1999/2000, 2000/2001, 2001/2002, 2002/2003), Global Counsel (2002/2003), Asian Legal Business, Legal Who's Who Singapore (2003), AsiaLaw Profiles (1998 – 2003), Asia Law Leading Lawyers (1997 – 2003), Euromoney World's Leading Lawyers on Insolvency (2000/2001), International Financial Law Review 1000 (2001) and IFLR's Guide to the World's Leading Insolvency and Restructuring Lawyers (2003).

ARBITRATION EXPERIENCE

VK authored a number of appellate judgments on international arbitration related matters. His judgments continue to be frequently cited by common law courts and in legal treatises. They include:

- *Motor Image Enterprises Pte Ltd v SCDA Architects Pte Ltd* [2012] 1 SLR 258
- *CRW Joint Operation v PT Perusahaan Gas Negara (Persero) TBK* [2011] 4 SLR 305
- *Larsen Oil and Gas Pte Ltd v Petroprod Ltd (in official liquidation in the Cayman Islands and in compulsory liquidation in Singapore)* [2011] 3 SLR 414
- *Carona Holdings Pte Ltd and others v Go Delicacy Pte Ltd* [2008] 4 SLR(R) 460
- *NCC International AB v Alliance Concrete Singapore Pte Ltd* [2008] 2 SLR(R) 565
- *Ng Chin Siau and others v How Kim Chuan* [2007] 4 SLR(R) 809
- *Soh Beng Tee & Co Pte Ltd v Fairmount Development Pte Ltd* [2007] 3 SLR(R) 86
- *Progen Engineering Pte Ltd v Winter Engineering (S) Pte Ltd* [2006] SGHC 224

VK was also part of the quorum on other leading cases on international arbitration. These cases include:

- *Insigma Technology Co Ltd v Alstom Technology Ltd* [2009] SGCA 24
- *AJU v AJT* [2011] SGCA 41
- *International Research Corp PLC v Lufthansa Systems Asia Pacific Pte Ltd and another* [2013] SGCA 55

- *PT First Media TBK (formerly known as PT Broadband Multimedia TBK) Astro Nusantara International BV and others and another appeal* [2013] SGCA 57

In private practice prior to his appointment to the Bench, VK was involved in several SIAC, AAA, ICC and ad hoc arbitrations, both as counsel and as arbitrator.

Since returning to private practice in 2017, VK has presided as Chair or sat as a Panel Arbitrator in a substantial number of significant arbitrations which include both institutional and ad hoc arbitrations. Parties have included Governments, Government-owned or linked entities, multi-national companies, statutory entities and major international commercial businesses. The subject matter of these arbitrations include disputes about inward foreign investments, technology transfers, intellectual property rights, energy and power, telecommunications, distribution rights, banking, securities, insurance, joint ventures and general commercial matters.

Global Arbitration Review has included him in its 2021 edition of Who's Who Legal: Arbitration – a guide to the world's leading commercial arbitrators.

The Indian Supreme Court in the context of the Indian Evidence Act on 17 December 2020 approved the approach adopted by the Singapore Court of Appeal in a judgment authored by VK on contractual interpretation. It observed : *"The approach of the Singapore Court of Appeal has our broad approval, being in line with the modern contextual approach to the interpretation of contracts,"* at [38]. *Anglo American Metallurgical Coal Pty. Limited .Appellant; Versus MMTC Limited .. Respondent* (2021) 3 Supreme Court Cases 308: <https://www.scconline.com/DocumentLink.aspx?q=JTXT-9000699284>

On 6 August 2021, the Indian Supreme Court in a ground breaking decision agreed with VK's view *qua* Emergency Arbitrator in a multi-billion dollar dispute that a Partial Award made by an Emergency Arbitrator could be enforceable under Indian law: <https://globalarbitrationreview.com/amazon-can-enforce-emergency-award-in-india>

WHAT OTHERS SAY

In a [Valedictory letter dated 14 January 2017](#) addressed to him on his

retirement as Attorney-General of Singapore, Prime Minister Lee- Hsien Loong thanked VK for his outstanding contributions to Singapore over the previous 13 years, and said:

You left a mark during your decade on the Supreme Court Bench, contributing prolifically to Singapore's jurisprudence. Many of your judgments have shaped the development of Singapore law.

...

Beyond the courtroom, you helmed committees which have enhanced the administration of justice and the vibrancy of our legal profession.

...

In every appointment, you have carried out your duties with dynamism and commitment. You have improved our legal system, and made a difference to future generations of lawyers.

...

Last year, when I asked you to continue as Attorney-General beyond the current term, you told me that you had decided to retire from public service and pursue a more active role in the arbitration sector. I respect your decision, and look forward to your contributing in this new capacity to promote Singapore as an international arbitration hub.

In a [tribute at the Opening of Legal Year 2017](#), the Chief Justice of Singapore, Sundaresh Menon stated :

For more than 2 decades, [you] were a much admired and respected advocate. [You] were one of the inaugural batch of Senior Counsel appointed in 1997. We practised together from 1995 to 2003 and during that time, I had the opportunity to see [you] at close quarters not only as a great litigator, but also as an innovative thinker about the law, a very successful managing partner... *As a practitioner, [you] never lost sight of the ideal that the law is ultimately a public good to be employed to advance humanity.*

[Your] jurisprudence has reached most areas of the law. *From constitutional law to intellectual property, contract to evidence, equity to procedure, arbitration to insolvency, [you] have authored decisions that have influenced judges, lawyers and academics here and abroad. ... [You] have devoted yourself tirelessly to advancing the interests of justice throughout [your] career. There can be no higher calling for a lawyer; and you have discharged it with great distinction.*

In 2019, the English Court of Appeal in *Nat West Markets plc* (formerly known as

The Royal Bank of Scotland plc v Stallion Eight Shipping Co SA (The “Alkyon”) [2019] 1 Lloyds Rep 406 at [62] to [69], [87] and [95] cited a maritime law judgment (*The Vasily Golovnin* [2008] 4 SLR(R) 994, on wrongful arrest) which VK authored about a decade ago (*Joint Judgment of Sir Terence Etherton MR, Gross, Flaux LJJ*):

- 62 ... *Against the background that The Evangelismos had previously been authoritatively approved in that jurisdiction, the Singapore Court of Appeal has more recently given detailed consideration to the question of damages for wrongful arrest in The Vasily Golovnin* [2008] SGCA 39; [2008] 4 SLR(R) 994, esp., at [113] and following, in the judgment of the Court delivered by Rajah JA. This is a most valuable judgment, both for its depth of analysis and the width of its comparative law survey. That, on the facts, *The Evangelismos* test was in any event held to be satisfied, does not at all detract from the helpfulness of the judgment.

...
- 69 ... *In the event, Rajah JA’s conclusion is of great interest: a reconsideration of The Evangelismos was open to the court but on a properly informed basis, with the benefit of views from the maritime community.*

...
- 95 ... *[W]e are respectfully much attracted to the approach of the Singapore Court of Appeal in the Vasily Golovnin* [2008] SGCA 39; [2008] 4 SLR(R) 994, para 134 (set out above).

PUBLICATIONS

Articles

1. Article on *The Case For Singapore To Take The Lead In International Arbitration Ethics*, (2018) 14 Asian International Arbitration Journal, Issue 1, pp 37
2. Article on *Prosecution of financial crimes and its relationship to a culture of compliance* in Comp. Law. 2016, 37(4), 122-129
3. Article on *W(h)ither Adversarial Commercial Dispute Resolution?* in *Arbitr Int* (2016)aiv075, published on 19 January 2016
4. Opinion Editorial on *Financial crime: Leaders can instil spirit of compliance* in *The Business Times*, 4 November 2015 at p25
5. Paper on *The Incorporation of Technology in Court Advocacy* in *International*

- Conference on Electronic Litigation, Academy Publishing, 2012 at p34
6. Article on Redrawing The Boundaries of Contractual Interpretation – From Text to Context to Pre-Text and Beyond, (2010) 22 SAclJ 513
 7. Article on Judicial Dynamism in International Trade in Hong Kong and Singapore – An Indivisible Link [comments], 40 Hong Kong L.J. 815 (2010)
 8. Paper on Judicial Education in Singapore – Beyond The Horizon, Asia Pacific Courts Conference (3 October 2010)
 9. Co-author of an article entitled: The current Status Of Corporate Governance In ASEAN and Challenges In Connection Therewith (18th Biennial Conference of LAWASIA 2003)
 10. Paper delivered to Chairmen of Temasek Linked Companies on “Managing Shareholder Activism in Annual General Meetings – A Chairman’s Guide” (2002)
 11. Co-author of an article entitled: Telecommunications Regulations in Singapore: Will the tortoise beat the hare? (4th LawAsia Business Law Conference 2000)
 12. Co-author of an article entitled: Civil Consequences of Economic Crimes – Present & Future (International Economic Crime Conference 2000)
 13. Article on “The Evolving Asian Legal Practice” [1999] 23 ABLR 42
 14. Co-author of an article entitled: Choice of Law Clauses and the Limits on Party Autonomy (Current Legal Issues in International Commercial Litigation 1997)
 15. Co-author of an article entitled: Re Charge Card, Problems, Practice and Statutory Reversal (1993) ABLR 87
 16. Article entitled Reflections on the Impetus for Change and Some Observations on the Internal Tensions Vexing Medium Sized Firms, [1991] 2 S.AC. L.J. 177
 17. Co-author of a series of articles: The case for a Reappraisal and Restatement of the Doctrine of Stare Decisis in Singapore [1990] 2 MLJ 1 1xxxii
 18. Article on Extra judicial power of sale of an equitable mortgagee of registered land in Singapore: Judicial Recognition [1984] 1 MLJ cxxxii
 19. Article on Conflict of Laws; Civil jurisdiction: a brief examination of the English and Singapore positions Law Times, 1982

Books

1. Contributor to Singapore Civil Procedure 2003
2. Co-author of ‘Judicial Management in Singapore’ published by Butterworths in 1990
3. Subject advisor to Butterworths on Statutory Interpretation for the 4th edition of Mallal’s Digest (Vol. 11)
4. Chapter on Judicial Management: Implications for Bankers (Published by

Butterworths in Current Developments in International Banking and Corporate Financial Operations [1989])

5. Contributor to first chapter, Interpreting the Singapore Constitution, of Constitutional Interpretation in Singapore: Theory and Practice published by Routledge in 2016

Speeches

1. [Speech at Opening of Legal Year 2015, Singapore](#)
2. [Speech at Opening of Legal Year 2016, Singapore](#)
3. [Speech at Opening of Legal Year 2017, Singapore](#)
4. [Commencement Speech at 2017 National University of Singapore](#), Law Faculty Commencement, 8 July 2017

Committee Reports

1. [Co-Chairperson of the Recommendations of the Committee for Family Justice on the framework of the family Justice system, 4 July 2014](#)
2. [Co-Chairperson of the Report of The Singapore International Commercial Court Committee, November 2013](#)
3. [Chairperson of the Report of the 4th Committee on The Supply of Lawyers, May 2013](#)
4. [Chairperson of the Report of the Committee to Develop The Singapore Legal Sector, September 2007](#)