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<b>Nationality/ Date of Birth</b>	Singapore / 1970

### **Educational/Professional Memberships**

KC was called to the Singapore bar in 1996 and became a solicitor of England and Wales in 1999.

Advocate & Solicitor, Supreme Court of Singapore

Solicitor, qualified in England & Wales

Singapore Institute of Arbitrators - Fellow

Singapore International Arbitration Centre - Panel of Arbitrators

Asian International Arbitration Centre - Panel of Arbitrators

LL.M King's College London

LL.B National University of Singapore

### **Current Position**

Counsel, Breakpoint LLC

### **Professional Experience**

KC has over 20 years of experience as arbitrator and counsel in international arbitrations, including ICC, ICSID, UNICITRAL, Ad Hoc and SIAC. Until end 2021, KC was head of the Dispute Resolution department of Norton Rose Fulbright in Singapore. He now practices as an independent counsel and arbitrator at Breakpoint LLC.

Specific experience with disputes concerning energy, infrastructure, power, mining, aviation, FMCG and general insurance.

### **Arbitration Experience**

Selected cases include:

Joint venture shareholder dispute - SIAC Singapore arbitrations: Acting for a global brewery group in multiple Singapore-seated SIAC arbitrations. The disputes relate to alleged breaches of a Singapore law-governed shareholders' agreement between the parties. Claims amount to over US\$1 billion.

Sale of PSC interests - SIAC Singapore arbitration: Acting for a Middle Eastern national oil company in multiple Singapore-seated SIAC arbitrations, in relation to tax disputes regarding the sale of certain PSC interests in Indonesia and the Philippines. Claims amounted to approximately US\$14 million.

FMCG distribution agreement – LCIA London arbitration – acting for global FMCG company is a dispute over a national distribution agreement in the Philippines.

Electricity supply agreement, Bangladesh - ICC and ICSID London arbitrations: Representing a leading Southeast Asian independent power producer against the Bangladesh Government in a high-value ICC arbitration seated in London, as well as a separate ICSID arbitration relating to a power plant in Haripur, Bangladesh. The case involves complex legal and factual points relating to the pricing mechanisms in the long-term contract.

Power plant, Middle East - SIAC Singapore arbitration: Acting for a global EPC contractor in an SIAC arbitration seated in Singapore, governed by Singapore law. The matter involves resisting a US\$10 million claim brought by a sub-contractor in relation to the construction of a power plant in the Middle East. The dispute involves a novel point of Singapore law on the applicability of damages to the release from a restrictive covenant.

Luxury mixed-use development - UNCITRAL Sri Lanka arbitration: Representing a major Asian construction company in a Sri-Lanka seated ad hoc UNCITRAL arbitration against its employer and sub-contractor, relating to claims for variation works and extension of time. Claims are valued at over US\$5 million.

Hydroelectric power plant - SIAC Singapore arbitration: Representing a European manufacturer of hydroelectric power plant equipment in a Singapore-seated ICC arbitration involving claims amounting to approximately €4 million. These disputes are governed by Singapore law, and relate to various manufacturing contracts against an Asian main contractor and purchaser of equipment.

Sale of portfolio - SIAC Singapore arbitration: Representing an international bank in a Singapore-seated SIAC arbitration against a Southeast Asian bank in respect of claims arising from a sale and purchase agreement of a retail and commercial banking business. The dispute governed by Bruneian law, and claims are valued at US\$6-9 million.

Charter hire agreement -SIAC Singapore arbitration: Acting for a US investment firm in a Singapore-seated SIAC arbitration in relation to its US\$5.3 million claim for the payment of an unpaid charter under a guarantee made by a Bruneian shipping company.

Undersea oil pipelines - SIAC Singapore arbitration: Acting for a global oil major against a sub-contractor in an SIAC arbitration seated in Singapore. The dispute is governed by Singapore law, and relates to submarine oil pipeline works. The dispute involves novel points of Singapore law on liquidated damages and set-off.

4x350MW coal-fired power plant - ad hoc Indian arbitration: Acting for a large Indian infrastructure conglomerate in an ad hoc arbitration seated in India under the Arbitration and Conciliation Act 1996 with the venue of hearing in Singapore. The dispute arose out of a suite of English law-governed contracts for the construction of a 4x350MW coal-fired power plant in Kamalanga, Orissa, India, in relation to delay and payment claims brought by the Chinese main contractor and counter-claims brought by the owner for defects. Aggregate claims and counter-claims valued at over US\$500 million.

Coal mine convertor belt system, Indonesia - SIAC Singapore arbitration: Acting for a leading US energy company in a US\$250 million claim in an SIAC arbitration seated in Singapore against a major Asian coal supplier arising out of a conveyor belt system used for mining operations in Indonesia.

2x685MW coal-fired power plant, India - SIAC Singapore arbitration: Advising two subsidiaries of a major infrastructure company in an SIAC arbitration seated in Singapore against a Korean contractor in relation to the construction, engineering, and testing of a 2x685MW coal-fired power plant in India, pursuant to Indian law-governed EPC contracts. Claims valued at over US\$100 million.

Sale of mixed development, Vietnam - SIAC Singapore arbitration: Acting in an SIAC arbitration for an investment holding company in a major private investment group regarding disputes arising out of an asset sale and purchase agreement governed by Singapore law for a mixed-use development project in Vietnam.

Urban rail project, Thailand - UNCITRAL Singapore arbitration: Advising a major European engineering company in relation to a US\$90 million dispute arising from a rail project in Thailand. The contract was governed by English law and provided for UNCITRAL arbitration in Singapore.

Offshore drilling contract - SIAC Singapore arbitration: Acting for an offshore drilling company in an SIAC arbitration seated in Singapore against an oil and gas exploration company in relation to disputes arising under a drilling contract.

Aircraft engine, in-flight failure - ICC Hong Kong arbitration: Acting for an Asian national airline in an ICC arbitration seated in Hong Kong but heard in Singapore and governed by Singapore law. The dispute centred on the failure of an aircraft engine, with a claim by the airline against a Singapore aircraft engine overhaul facility for the losses resulting from the incident.

Airline management contract - ICC Singapore arbitration: Acting for a Southeast Asian airline in an ICC arbitration, defending against a US\$80 million claim relating to a dispute under a management agreement

in the Maldives and involving issues of English and Maldivian law.

FMCG, joint venture - ICC Singapore arbitration: Acting for an international brewer in a very substantial ICC arbitration in relation to a joint venture established in Asia. The governing law of the contracts was Singaporean law and the procedural law of the arbitration was English law. The arbitration also involved issues of Thai and Danish law. The case involved teams from the Norton Rose Fulbright offices in London and Singapore.

State financing, infrastructure - UNCITRAL Singapore arbitration: Representing an Asian bank in an UNCITRAL arbitration seated in Singapore against an Indian ocean state and a state-owned entity in relation to the financing of the re-development of an airport (under a concession agreement); claims exceeded US\$160 million. The dispute arose out of a complex suite of financing agreements governed by English law under which the bank held direct rights against the state and the state-owned entity for termination of the concession.

Vehicle manufacturer, financing - SIAC Singapore arbitration: Acting for finance arm of major European vehicle manufacturer with regard to recovery of heavy trucks and similar vehicles from a mining site in Kalimantan, Indonesia. The matter involved arbitration in Singapore, court actions in Jakarta and, for the first time in Indonesian legal history, the enforcement in Kalimantan of a Jakarta court-issued order for seizure and sale.

Sale of nickel mine, Indonesia - SIAC Singapore arbitration: Defending an Asian businessman and his mining company in an SIAC arbitration seated in Singapore from a US\$40 million claim brought by Chinese investors concerning a failed nickel ore mining project in Southeast Asia. The contract was governed by Indonesian law.

Sale of LNG cargoes - LCIA London arbitration: Prosecuting a US\$100 million claim in an LCIA arbitration on behalf of a major Asian national oil company against an Indian conglomerate in relation to the sale of cargos of Liquefied Natural Gas.

FMCG, franchise agreement - SIAC Singapore arbitration: Acted for a Taiwanese food and beverage company in a Singapore-seated SIAC arbitration against a Southeast Asian master franchisee in relation to breaches of the franchise agreement and noncompetition covenants. Singapore law applied, with US\$20 million in dispute.

## Publications

Legal Status of the Emergency Arbitrator under the SIAC 2010 Rules - Neither Fish nor Fowl? (Singapore Academy of Law Journal, Vol. 23, p. 93, 2011)

Interim Measures in Aid of Foreign Arbitrations – Time for the Deus Ex Machina? (Singapore Academy of Law Journal, Vol 21, p. 429, 2009)

A Persisting Aberration: The Movement to Enforce Agreements to Mediate (Singapore Academy of Law Journal, Vol. 20, p. 195, 2008)

Agreements to Mediate: The impact of *Cable & Wireless v IBM United Kingdom Ltd* [2003] BLR 89, (Singapore Academy of Law Journal, Vol. 16, p. 530, 2004)

## Languages

English