

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 law of defamation and the application of the defence of reportage in *Mkini Dotcom Sdn Bhd & Ors v Raub Australian Gold Mining Sdn Bhd* [2021] 5 MLJ 79; 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 and 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; the doctrine of non-delegable duty and vicarious liability in *Dr Harikrishnan & Anor v Megat Noor Ishak bin Megat Ibrahim & another appeal* [2018] 3 MLJ 281, to name but a few.

Dato' Sunil Abraham has successfully represented Raub Australian Gold Mining Sdn Bhd in a defamation claim against Mkini Dotcom Sdn Bhd (reported in *Mkini Dotcom Sdn Bhd & Ors v Raub Australian Gold Mining Sdn Bhd* [2021] 5 MLJ 79) involving issues relating to the law on responsible journalism and reportage. He has also had the distinction of representing several ministers within the Government of Malaysia in numerous libel claims, including appearing 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 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. Dato' Sunil Abraham regularly sits an arbitrator in commercial and infrastructure related disputes.

He has been recognised as a leading individual by Legal 500 Asia Pacific, Benchmark Litigation Asialaw Profiles as well as being 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.

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

- Malaysian Resources Corporation Bhd v Desaru Peace Holdings Club Sdn Bhd [2022] MLJU 3355
- Kua Khai Shyuan & Ors v Equities First Holdings, LLC [2022] MLJU 859
- 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

- I-Serve Online Mall Sdn Bhd & Ors v Bank Negara Malaysia & Ors [2022] MLJU 2952
- 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

- 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 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

REPORTED CASES

Corporate & Commercial Law

- 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

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

- Tan Bun Teet & Ors v Tun Dr Mahathir bin Mohamed & Ors [2021] MLJU 1662
- Perbadanan Pengurusan Trellises & Ors v Datuk Bandar Kuala Lumpur & Ors [2021] 3 MLJ 1
- 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

- MTrustee Bhd v Tribunal Pengurusan Strata Di Putrajaya & Ors [2021] MLJU 1226
- 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

REPORTED CASES

Media Law

- Messrs Ong, Ric & Partners (suing as a law firm) & Ors v Messrs Thomas, Shankar Ram & Co Advocates (sued as a law firm) & Ors [2022] MLJU 2463
- Mkini Dotcom Sdn Bhd & Ors v Raub Australian Gold Mining Sdn Bhd [2021] 5 MLJ 79
- 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

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
- London Court of International Arbitration
- ADGM Arbitration Centre, Abu Dhabi
- Shanghai International Arbitration Centre
- Japan Commercial Arbitration Association
- Vienna International Arbitral Centre

Panel of Mediators

- Asian International Arbitration Centre

Past

- Member of the Management Board of the International Bar Association (IBA)
- Member of the Legal Practice Division of the IBA
- Member of the IBA Diversity & Inclusion Council
- 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 to 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

WHAT OTHERS SAY

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...”

“Without a doubt the market leader for commercial litigation in Malaysia is Cecil Abraham & Partners, led by the top advocate Cecil Abraham. I have worked a lot with him, Sunil Abraham and Aniz Amirudin, and they are all first rate and can cover cases for each other. Thus, the firm has depth in high quality advocates.”

“Cecil Abraham is a strong advocate, with great experience and an effectively court presence. In any hearing he dominates the room and is carefully listened to by the judges. Sunil Abraham having risen up through the ranks, is now an impressive figure in his own right.”

“We work with Sunil Abraham regularly as well as Cecil Abraham. Sunil is sensible and our ‘go to’ guy for difficult cases.”

“Standout partners in construction being Aniz Ahmad Amirudin and for his litigating abilities Sunil Abraham.”

CHAMBERS ASIA PACIFIC

“Sunil Abraham is an up-and-coming disputes lawyer who is particularly skilled in intellectual property and construction disputes. He has expertise on both arbitration and litigation mandates, and handles a range of commercial matters on both fronts.”

“Sunil Abraham is sharp, intelligent and meticulous in his work as well as being a strong advocate.”

“Sunil is a personable and no-nonsense lawyer.”

WHAT OTHERS SAY

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."

"Dato' Sunil Abraham is a renowned litigator, singled out for his 'thorough advice' and 'practical knowledge about the judicial landscape in Malaysia'..."

"Dato' Sunil Abraham is renowned in the Malaysian arbitration space thanks to his impressive practice which encompasses environmental and planning law disputes."

ASIA LAW PROFILES

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