



Sundaresh Menon
Senior Partner

Contact Details

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Qualifications

LL.B (Hons)
 (First Class Honours)
 (National University of Singapore)
 LL.M (Harvard)
 Advocate and Solicitor, Supreme Court of Singapore
 Attorney and Counsellor-at-law, Bar of the State of New York
 Fellow, Singapore Institute of Arbitrators

Industry Specialisation

International Arbitration
 Commercial Litigation
 Professional Negligence
 Power Projects
 Corporate Restructuring and Insolvency
 Building and Engineering Contracts

Language Ability

English

Sundaresh Menon is the Senior Partner of the Firm. He is admitted to the Bar in Singapore and in the State of New York.

Sundaresh graduated with First Class Honours from the National University of Singapore and later took a Masters degree from Harvard Law School where he again achieved academic distinction. He has been practising in the field of commercial arbitration and litigation for 20 years.

During that time, he has advised and represented clients as lead counsel in complex and technical disputes throughout Asia including in Singapore, Malaysia, Thailand, Indonesia, the Philippines, India, Hong Kong, Brunei, Taiwan, Laos, Vietnam, Cambodia and Sri Lanka and has appeared in arbitration proceedings in various jurisdictions including London, Paris, Geneva, Singapore and Hong Kong. His experience in arbitration extends to numerous cases governed by various Rules of Arbitration including the ICC Rules, the UNCITRAL Rules, the SIAC Rules, the HKIAC Rules, and the LCIA Rules. He has also acted as sole arbitrator in a number of cases and has served as the Chairman of arbitration tribunals constituted under the auspices of the ICC.

Sundaresh is recognised by a number of legal journals, including the Chambers Global Guide, Asia Law Profiles, Asia Pacific Legal 500, Asia Law Leading Lawyers, International Who's Who of Commercial Arbitrators, the Guide to the World's Leading Experts in Commercial Arbitration, the International Who's Who of Construction Lawyers, Euromoney's Guide to the World's Leading Real Estate Lawyers and Euromoney's Guide to the World's Leading Litigation Lawyers as being one of Singapore's and Asia's leading lawyers in the fields of commercial litigation and arbitration and in construction law. The 2004/2005 edition of the Asia Pacific Legal 500 described Sundaresh as "unquestionably Singapore's leading arbitrator" while the 2006 edition of the Chambers Global Guide named him among the leading international arbitration practitioners in the world.

Sundaresh is a member of the Main Panel of Arbitrators of the SIAC and of the Panel of Arbitrators of the Beijing Arbitration Commission. He is a Fellow of the Singapore Institute of Arbitrators. He also represented Singapore as a delegate at the UNCITRAL Working Group on International Arbitration from 2003 to 2005.

Sundaresh rejoins the Firm after completing a one-year stint on the Supreme Court of Singapore as Judicial Commissioner in April 2007. During his term, he presided over a number of major commercial and criminal matters.

Work History

1. Senior Partner, Rajah & Tann
2. Judicial Commissioner, Supreme Court, Singapore (2006 to 2007)
3. Partner, Jones Day and Head of the International Litigation and

- Arbitration Practice in Asia (2003 to 2006)
4. Partner and Head of Projects & Infrastructure Group, Rajah & Tann (1995 to 2003)
 5. Partner, Wong Partnership (1992 to 1995)
 6. Partner, Shook Lin & Bok (1990 to 1991)
 7. Legal Assistant, Shook Lin & Bok (1987 to 1989)

Memberships / Directorships

1. Member, Advisory Board, Singapore Management University Faculty of Law
2. Member, Legal Services Review Committee appointed by the Ministry of Law
3. Member, Professional Affairs Committee, Singapore Academy of Law
4. Member, Committee for the International Promotion of Singapore Law, Singapore Academy of Law
5. Member, Committee for Legal Education and Studies, Singapore Academy of Law
6. Member, Board of Directors, Singapore Mediation Centre
7. Director, Ascendas Property Fund Trustee Pte Ltd

Publications / Papers / Conferences

1. 'Public Policy and the Enforcement of International Arbitral Awards', paper presented to the Kuala Lumpur Regional Center for Arbitration and the Malaysian Institute of Arbitrators (2006)
2. 'The Proposed Amendments to the Model Law', paper presented to the Kuala Lumpur Regional Center for Arbitration and the Malaysian Institute of Arbitrators (2006)
3. 'Reforming the Model Law provisions on interim measures of protection', Asian International Arbitration Journal (Singapore) 2:1:1-31, 2006.
4. 'Arbitration and the Courts : Partnership or Competition?', (co-authored with Prof M Sornarajah) published by the Singapore Academy of Law in 'Developments in Singapore Law : 2001 – 2005' (2006)
5. 'The Termination of Construction Contracts at Law and under the Contract', paper presented to the Malaysian Bar council, the Malaysian Society of Construction Law and the Chartered Institute of Arbitrators (Malaysian Branch), August 2005
6. 'Arbitration under the ICC Rules', paper presented at the International Arbitration Workshop, a seminar co-organised by Singapore International Arbitration Centre and PT Bismark Solusi Konsultan, April 2005

7. 'Resolution of Construction Disputes in Singapore – Some Issues and Reflections', paper presented at a conference organized by Davis Langdon & Seah Consultancy, November 2004
8. 'Contract Administration under the SIA & the PSSCOC Forms – A Brief Review of Some Critical Provisions', paper presented at a conference organised by Davis Langdon & Seah Consultancy, November 2004
9. 'Judicial Involvement in International Arbitration : Help or Hindrance?', paper presented at KCL-NUS MSc (Construction Law & Arbitration) Programme, October 2004
10. 'A Review of the Law of Performance Bonds in Singapore' paper presented at a conference organised by Davis Langdon & Seah Consultancy
11. 'Contract Administration' (published by Lexis Nexis, 2004; co-author)
12. 'Drafting an Effective Arbitration Agreement', paper presented at an International Arbitration Symposium in New York jointly organised by Weil Gotshal & Manges LLP, Derains & Associés and Rajah & Tann, June 2001
13. 'Sureties and Performance Bonds in Common Law Jurisdictions', paper presented at 11th Annual Meeting and Conference organised by Inter-Pacific Bar Association, April 2001
14. 'Money in Construction Projects' chairing a conference organised by Butterworths Professional Conferences, March 2001
15. 'It's About Time', a paper on extension of time and liquidated damages presented at a conference organised by Davis Langdon & Seah Singapore Pte Ltd, March 2001
16. 'Pure Economic Loss – Opening the Floodgates', paper presented at a conference on 'Defects and Claims from MCSTs', organised by Davis Langdon & Seah Singapore Pte Ltd, May 2000
17. 'Choice of Law Clauses and the Limits on Party Autonomy', paper presented at the 8th Singapore Conference on International Business Law (co-authored with V K Rajah), and published in 'Current Legal Issues in International Commercial Litigation' 1997
18. 'Remedies in Contract and Tort for Construction Defects' paper presented at a Conference on 'Construction Contracts, Disputes and Claims', organised by the Asia Business Forum, June 1997
19. 'Bonds, Certificates and Summary Remedies in Construction Disputes', paper presented at the Pan Asian Summit on Avoiding and Resolving Construction Disputes, organised by the Institute for International Research, October 1996

20. 'Effecting Service of Process out of the Jurisdiction', Note on *Ong & Co Pte Ltd v Carl Chow*, (1990) 2 S.A.C.L.J. 111
21. 'Performance Bonds in the Construction Industry; Freedom of Contract v Commercial Hardships and Realities' paper presented at a conference on Documentary Credits organised by the Centre for Commercial Legal Studies, National University of Singapore

Judgments

Sundaresh issued 29 judgments as a Judicial Commissioner of the Supreme Court between April 2006 and March 2007. These covered a wide range of areas including company law, contracts, sale of goods, patents, equity, proprietary estoppel, laches, estates, administrative law, employment, civil procedure, tax and criminal law. A list of these judgments can be made available on request.

Sample List of Engagements

1. **Power & Energy**

- Advising major independent power producers in the ASEAN region in disputes with the State Utility arising under several long term power purchase agreements.
- Representing an international consortium of contractors, being the main civil contractor, in UNCITRAL arbitration proceedings arising out of a contract with Government interests for the construction of a major 1000MW hydroelectric power project in Thailand.
- Advising an international consortium of contractors, being the main civil contractor, in respect of its rights and remedies under the EPC contract entered into with Government interests for the design and construction of a hydroelectric plant involving one of the largest rock-filled dams in the world.
- Representing the main contractors in connection with disputes arising out of separate projects for the construction of power plants in Singapore.
- Representing and advising the main contractor in separate arbitrations before the SIAC and the LCIA in connection with disputes with sub-contractors arising out of the construction of a power plant.
- Representing the EPC contractors in disputes arising out of the design and supply of power boilers in Thailand in ICC arbitration proceedings.

2. Oil & Gas

- Counsel to an international oil and gas company in UNCITRAL arbitration proceedings arising out of disputes over rights to use an international pipeline.
- Counsel to an international oil major in disputes arising out of a long term offtake agreement relating to a petrochemical facility.
- Advising government interests in relation to disputes arising out of production sharing contracts relating to gas from the exploration and production of natural gas fields in the ASEAN region.

3. Petroleum & Petrochemical Projects

- Negotiating, drafting and advising on EPC and other contractual arrangements for the construction of a number of petroleum and petrochemical facilities in Singapore.
- Representing employers involved in disputes arising out of a variety of petroleum projects including several dredging contracts, contracts for the construction of various submarine pipelines and contracts for the construction of various oil refining facilities in Singapore.
- Representing employers in disputes arising out of petrochemical projects undertaken in Singapore, Malaysia and Thailand.
- Representing contractors in various disputes arising out of the construction of petroleum facilities including tank farms and aviation fuel delivery systems in Singapore, Brunei and Hong Kong.
- Representing the owner in ICC arbitration proceedings relating to disputes arising out of an EPC contract for a petrochemical plant in Singapore.
- Representing the owner (an international consortium) in disputes with a major international contractor under an EPC contract for one of the largest acrylics plants in the world.

4. Telecommunications/IT

- Representing a major international telco supplier in separate ICC arbitration proceedings with the operator and with the sub-supplier arising out of a telecommunication infrastructure project in an ASEAN nation.
- Advising an IT services providers in various disputes arising out of a number of systems integration projects in Asia.
- Advising a consortium partner in UNCITRAL arbitration proceedings arising out of the supply of an intelligent control

system for a logistics facility. The matters in issue related also to indemnity claims and potential claims against the owner.

5. *Civil Water & Environmental Engineering*

- Advising a consortium of 5 contractors in ad hoc proceedings arising out of a mega-project involving an EPC contract for the construction of the wastewater treatment infrastructure for a province in the ASEAN region in claims against the employer and in defending claims by sub-contractors as well as in disputes within the consortium.
- Representing parties in separate ad hoc arbitrations arising out of contracts for the supply of consultancy engineering services for a number of major sewage treatment plants in Singapore.
- Representing the contractor in disputes arising out of the construction of a major sewage outfall.
- Advising the contractor in relation to marine engineering and dredging outfall works in Brunei.
- Advising the main contractor in claims against the Government of Hong Kong arising out of a contract for a portion of the Strategic Sewerage Diversion Scheme.
- Representing the main contractor against a government entity in connection with a granite quarry contract involving removal of overburden and issues of incorrect information supplied at the time of tender.
- Advising on procurement issues and tendering procedures for bids to provide services pertaining to wastewater treatment and discharge in Singapore.

6. *Offshore & Marine Engineering*

- Representing the main contractors in various disputes pertaining to jetty construction, reclamation works, laying of sub-marine pipelines, dredging and trenching works, in Singapore.
- Representing the main contractor in proceedings against the piling sub-contractor in relation to defective submarine piling for the construction of a jetty in Singapore.
- Representing a major international contractor in UNCITRAL arbitration proceedings arising out of a large contract for the design, supply and installation of an overhead bridge crane system.
- Advising an international oil company on disputes arising out of construction of a submarine pipeline due to damage to a fibre optics cable.

- Advising the main contractor on a reclamation contract in relation to issues of impossibility and inaccurate soil information furnished at the time of tender.

7. Ports & Airports

- Representing several specialist contractors in disputes arising out of contract packages pertaining to international airports in Singapore, Hong Kong and Brunei.
- Representing the main contractors in disputes arising out of the construction of a major cargo terminal and handling facility in Hong Kong with related dredging and reclamation works.
- Representing the contractor in disputes arising out of the construction of a large container terminal and handling facility in Singapore.
- Advising the main contractor in connection with claims arising out of the approach roadways package for a major international airport in the ASEAN region.

8. Commercial / Corporate Disputes

- Acted for high net worth Malaysian investor clients in claims against one of the world's leading investment banks and successfully recovered substantial securities and investment funds misappropriated by a fugitive senior bank executive in a banking scandal in Hong Kong and South East Asia.
- Representing the American Investor Group in disputes relating to the control and subsequent disposal of the Britannia Group of Companies.
- Representing a leading Singapore company in disputes arising out of a joint venture agreement with a Japanese party.
- Representing a group of shareholders in disputes relating to control of a company engaged in the printing business.
- Representing an Indonesian company in disputes arising out of a share swap and a joint venture agreement with an European company for the development of a joint business.
- Representing the owner of a major hotel in disputes arising out of a hotel management agreement.
- Lead counsel to the Inspectors, Judicial Managers and Liquidators of Barings Futures Singapore Pte Ltd.
- Representing Indonesian stakeholders in recovery proceedings relating to an investment project in Mauritius.
- Lead advisor to an international finance company in

connection with an alleged patent infringement involving proprietary software for international foreign currency transactions and conversions.

- Lead counsel for an American investor group in SIAC arbitration proceedings with a Korean counterpart arising out of a joint venture in a financial services company.
- Counsel to a US multinational company in disputes arising out of a contract for the sale and purchase of an investment in Thailand.
- International counsel to the Special Auditors appointed by the Singapore Exchange to investigate the circumstances surrounding the losses incurred for oil derivatives trading by China Aviation Oil.
- Advising the concessionaire under a BOT contract for two highway packages in India in relation to claims against the National Highways Authority of India.
- Advising an international oil company in respect of its rights against a contractor for damage caused to a pipeline in the course of marine operations.
- Advising a Hong Kong listed contractor in a substantial HKIAC arbitration in Hong Kong involving disputes valued at more than HK\$100 million, that arose out of the construction of a residential development in Hong Kong.