



Eric Gabriel Gomez
Senior Associate

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Eric is a litigation and arbitration lawyer in the firm's Construction and Engineering practice. His portfolio includes construction litigation, arbitration and adjudication on a wide array of projects including major infrastructure works such as airports and highways.

Eric also has extensive experience in aviation disputes and has acted in landmark aviation cases at all tiers of the Malaysian courts.

Eric is named as an expert contributor for the Aviation Law chapter in Bullen & Leake & Jacob's Malaysian Precedents of Pleadings (3rd Edition) and recently served as the Chairperson of the Young Society of Construction Law Malaysia.

Key Practice Areas

Civil Litigation
Commercial Litigation and Arbitration
Aviation Disputes
Construction Litigation, Arbitration and Adjudication

Selected Experience

Civil Litigation

- ❖ Acted as lead counsel in successfully opposing an application to set aside an arbitration award valued in excess of RM30 million related to a mixed development project in Penang (*BM City Realty v Merger Insight (M) Sdn Bhd [2023] MLJU 2664*).
- ❖ Acted for Petronas Gas Bhd in a successful negligence trial involving the unlawful discharge of industrial effluent which caused the corrosion and leakage of a gas pipeline (*Petronas Gas Bhd v DWZ Industries (Johor) Sdn Bhd [2020] 2 CLJ 694*).
- ❖ Acted for the concessionaire of the SUKE Expressway in successfully opposing numerous judicial review applications associated with the expressway's construction (*Aman Wangi Development Sdn Bhd v Ampang Jaya Municipal Council & Anor [2024] MLJU 2252* and *Tan Wei Mia & Ors v Pentadbir Tanah Daerah Gombak [2024] 10 MLJ 232*).

- ❖ Acted for a leading highway developer in successfully opposing a civil suit which sought to challenge a compulsorily land acquisition based on purported non-compliance with the Land Acquisition Act 1960.
- ❖ Acted for a private limited company in opposing an *ex-parte* injunction order which restrained the calling of an irrevocable and unconditional bank guarantee valued at RM12 million.
- ❖ Acted for a private limited company in opposing civil suits involving the alleged frustration of advertising concession agreements due to the Covid-19 pandemic.
- ❖ Acted for a municipal council in successfully opposing a judicial review application.
- ❖ Various interlocutory and execution proceedings including, amongst others, summary judgment, striking out, stay of execution, third party intervention, fresh evidence, garnishee and further and better particulars.

Aviation Disputes

- ❖ Acted as co-counsel for an airport operator in a successful civil suit against a major airline company involving outstanding aeronautical charges in excess of RM17 million.
- ❖ Acted for Malaysia Airports (Sepang) Sdn Bhd in multiple successful high-profile civil suits against AirAsia involving outstanding passenger services charges in excess of RM40 million (*Malaysia Airports (Sepang) Sdn Bhd v AirAsia X Bhd [2020] 11 MLJ 709*).
- ❖ Acted for an airport operator in successfully opposing the first judicial review leave application filed by major airline companies against the nation's economic aviation regulator, the Malaysian Aviation Commission (*AirAsia Berhad & Anor v Malaysian Aviation Commission & Anor [2019] 1 LNS 1317*).
- ❖ Acted for a private limited company in defending a civil suit involving claims valued at RM480 million from a major airline company for alleged breach of contract and negligence.
- ❖ Acted for an airport operator in opposing the first ever case in Malaysia involving a mandatory injunction for the grounding of an aircraft.

Construction and Engineering

- ❖ Acted for Malaysia Airports Holdings Bhd in a successful trial involving claims valued at approximately RM70 million in relation to the upgrading works at the Penang International Airport (*Syarikat Pembinaan Anggerik Sdn Bhd v Malaysia Airports Holdings Bhd [2022] 9 MLJ 391*).
- ❖ Acted for a main contractor in a successful arbitration for a claim in excess of RM20 million against an employer for unlawful termination relating to a mixed development project in Penang.
- ❖ Acted for a main contractor in an ongoing arbitration for a claim in excess of RM7 million against a sub-contractor for purported unpaid value of works, loss of profits and loss & expense relating to a high-profile project in Kuala Lumpur. As part of this arbitration, successfully obtained one of the first ever Summary Determination Awards in Malaysia pursuant to the AIAC Arbitration Rules 2021, which was subsequently upheld by the High Court (*Ideaworks Resources Sdn Bhd v Oakland Holdings Sdn Bhd [2024] MLJU 210*).
- ❖ Acted for a large multinational company in an ongoing civil suit related to the development of one of the most well-known theme parks and entertainment hotspots in Malaysia.
- ❖ Acted for an employer in a CIPAA 2012 adjudication involving a dispute arising from the construction of a hotel in Johor Bahru.
- ❖ Provided extensive project management services for a leading highway developer in relation to the construction of a high-profile expressway.
- ❖ Provided extensive project management services for a leading airport operator in relation to a project for the upgrading of an aerotrain.
- ❖ Provided project management services for a private limited company in relation to the construction of an audio-visual system for an auditorium.

**Qualifications
& Professional Affiliations**

& Qualifications:

Advocate and Solicitor, High Court of Malaya (2018).
 Barrister-at-Law (Lincoln's Inn) (2017).
 LLB (First Class Honours), University of Reading (2015).

Professional Affiliations:

- Committee Member, Society of Construction Law Malaysia

(2023-2025).

- Chairman, Young Society of Construction Law Malaysia (2022-2023).
- Member, Bar Council Constitutional Law Committee (2021-2022).

Publications & Talks

Publications

- Author, Aviation Law Chapter, Bullen & Leake & Jacob's Malaysian Precedents of Pleadings (3rd Edition) (September 2023).
- Author, "Clear Skies Ahead: Navigating Your New Air Travel Rights - the Malaysian Aviation Consumer Protection (Amendment) Code 2024" (10 October 2024).
- Author, "MAVCOM to go under the wings of CAAM" (8 August 2024).
- Author, "Acceleration Costs: The Essentials for Making a Successful Claim" (9 April 2024).
- Author, "Court of Appeal provides guidance on back-to-back contracts, conditional payment and breach of natural justice" (3 January 2023).
- Author, "The AIAC issues one of its first awards via Summary Determination" (26 October 2022).
- Author, "MAVCOM sets out its proposals for key aviation charges" (22 August 2022).
- Author, "Game of Drones: Part 2" (26 November 2021).
- Author, "What can MAVCOM do if AirAsia X does not reimburse its passengers for the value of tickets purchased?" (19 November 2021).
- Author, "MAVCOM greenlights Malaysia's first airline competition-related merger case" (27 September 2021).
- Author, "Merger Control within the Malaysian Aviation Industry" (18 August 2021).
- Author, "Refusal of Recusal: High Court reaffirms high threshold for recusal applications" (17 June 2021).
- Author, "Star Laws - The Bill Awakens" (17 March 2021).
- Author, "Court of Appeal determines that the deadline for the delivery of an arbitral award is jurisdictional" (18 February 2021).
- Author, "High Court orders the release of Pakistan International Airlines aircraft" (29 January 2021).
- Author, "Game of Drones" (14 July 2020).
- Author, "High Court Issues Key Judgment for Aviation Service Providers" (3 July 2020).
- Author, "Air passenger rights curtailed by COVID-19 pandemic" (13 May 2020).

- Author, “High court clarifies aviation regulator's dispute resolution jurisdiction” (18 July 2019).

Talks

- Moderator, "Introduction to Arbitration: Fundamental and Practical Insights - Setting Aside and Enforcement of Arbitral Awards", Bar Council Arbitration and Construction Law Committee (6 December 2024).
- Speaker, “Building Bridges: Legal Insights in Construction”, Young Society of Construction Law Malaysia in collaboration with ALSA BAC and BAC Law Society (1 April 2024).
- Speaker, “Arbitration – Fast Track and Summary Procedures”, Skrine Professional Development & Knowledge Management Programme (28 November 2023).
- Speaker, "Building A Career In Construction Law", Young Society of Construction Law Malaysia in collaboration with ALSA BAC and BAC Law Society (29 November 2022).
- Speaker, “Debunking Myths in ADR”, Skrine Professional Development & Knowledge Management Programme (7 October 2022).
- Moderator, “Construction Tool Kit – Tips for Overcoming the Pandemic”, SkrineCast Episode 2 on Spotify (February 2022).
- Moderator, "CIPAA Simplified: A Practical Guide to Construction Adjudication", Young Society of Construction Law Malaysia in collaboration with the AIAC (May 2020 & June 2021).
- Moderator, "An Overview of the Construction Industry in Malaysia", Young Society of Construction Law Malaysia in collaboration with the AIAC and the University of Westminster (January 2020).
- Speaker, "Introduction to Aviation Law", Skrine Professional Development & Knowledge Management Programme (December 2019, April 2021 & November 2024).