



**Mubashir bin Mansor**  
Partner

Fellow  
CIArb, MIArb, AIADR

Arbitrator  
AIAC, AIADR, BICAM, BDAC, DIAC,  
OCAC, Chamber of Arbitrators,  
APIAC, MIAC, OIC-AC

Mediator  
AIADR

Contact Details:  
T +603 2081 3999 ext. 818  
M +6012 215 1966  
E mbm@skrine.com

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**Mubashir** was called to the Malaysian Bar on 23.6.1989. He has been a commercial and civil litigator for over 35 years. His portfolio comprises a wide variety of laws on domestic and international disputes. This includes fraud and asset recovery, cross-border disputes and transactions, cyber-law, blockchain disputes, investors' claims, corporate disputes, shareholders' disputes, aviation, insurance and re-insurance, contract, tort (particularly defamation and media law), constitutional and administrative laws and land laws.

He now mainly acts as lead counsel for trials and hearings at the Malaysian High Court, Court of Appeal and Federal Court, as well as for domestic and international arbitrations. He has worked closely with clients from various jurisdictions including the United Kingdom, Germany, South Korea, Japan, Singapore and the United States.

He is also a Fellow of the Chartered Institute of Arbitrators (CIArb), Malaysian Institute of Arbitrators (MIArb) and the Asian Institute of Alternative Dispute Resolution (AIADR). He is empanelled as an arbitrator in the Asian International Arbitration Centre (AIAC), Asian Institute of Alternative Dispute Resolution (AIADR) Borneo International Centre for Arbitration and Mediation (BICAM), Brunei Darussalam Arbitration Centre (BDAC), Dubai International Arbitration Centre (DIAC), Oman Commercial Arbitration Centre (OCAC), Chamber of Arbitrators, Asia Pacific International Arbitration Chamber (APIAC), Maldives International Arbitration Centre (MIAC), as well as Organisation of Islamic Cooperation Arbitration Centre (OIC-AC). He is a mediator too in AIADR. In addition, he has been a member of the Disciplinary Committee appointed by the Malaysian Advocates and Solicitors' Disciplinary Board since 21.4.2003. He has sat as Chairman of various Disciplinary Committees. Finally, he is a member of Global Advisory Council for Global Legal Association (GLA).

### **Key Practice Areas**

Domestic and International Arbitration  
Fraud and Asset Recovery  
Cross-border Disputes  
Contractual Disputes (including construction disputes)  
Blockchain Disputes  
Aviation Disputes (including inquests on air accidents)  
Company Law (particularly Corporate and Shareholders' Disputes)

Commercial and Contractual Disputes  
Tort (particularly Defamation)  
Media Law  
Administrative Law and Constitutional Law  
Insurance and Reinsurance  
International Organisations – Privileges and Immunities

## **Qualifications & Professional Affiliations**

### **Qualifications:**

Advocate and Solicitor, High Court of Malaya (1989)  
Barrister-at-Law (Middle Temple) (1988)  
LL.B (Hons) University of Essex (1987)

### **Professional Affiliations:**

- Fellow - The Chartered Institute of Arbitrators (CIArb)
- Fellow - Malaysian Institute of Arbitrators (MIArb)
- Fellow - Asian Institute of Alternative Dispute Resolution, Kuala Lumpur (AIADR)
- Arbitrator – Asian International Arbitration Centre, Kuala Lumpur (AIAC)
- Arbitrator - Asian Institute of Alternative Dispute Resolution, Kuala Lumpur (AIADR)
- Arbitrator – Dubai International Arbitration Centre (DIAC)
- Arbitrator - Borneo International Centre for Arbitration and Mediation (BICAM)
- Arbitrator – Brunei Darussalam Arbitration Centre (BDAC)
- Arbitrator - Oman Commercial Arbitration Centre (OCAC)
- Arbitrator – Chamber of Arbitrators
- Arbitrator – Asia Pacific International Arbitration Chamber (APIAC)
- Arbitrator - Maldives International Arbitration Centre (MIAC)
- Arbitrator - Organisation of Islamic Cooperation Arbitration Centre (OIC-AC)
- Mediator - Asian Institute of Alternative Dispute Resolution, Kuala Lumpur (AIADR)
- Member of Global Advisory Council for Global Legal Association (GLA)
- Member – Disciplinary Committee under The Malaysian Advocates and Solicitors’ Disciplinary Board
- Member - Honourable Society of Middle Temple

## **Selected Experience**

### **Commercial Litigation & Arbitration**

- ❖ Acted as counsel against a State Government in respect of claims arising out of water concession agreements amounting to approximately RM3 billion.

- ❖ Acted as counsel in a long-drawn arbitration on commercial dispute at the then KLRCA and under its Rules (now known as AIAC).
- ❖ Advising a statutory body of State Government on dispute involving a development agreement worth approximately RM500 million.
- ❖ Acted as lead counsel for a company limited by guarantee, which was an agency of the Federal Government, in a commercial dispute worth approximately RM52 million.

### **Fraud and asset recovery**

- ❖ Advised a member of a foreign royal family in relation to one of the largest fraud scandals in Malaysia, on instructions by a leading London firm of solicitors.
- ❖ Acted in a claim against several individuals and companies based on fraudulent trading for dissipation of assets in anticipation of judgment.
- ❖ Acting in a claim against several individuals and companies for fraudulent misrepresentations made to induce an individual to join the group of companies.
- ❖ Advised a local bank on potential fraud claims which may have involved its own officers.

### **Aviation disputes**

- ❖ Acted as counsel for Augusta SpA, the manufacturer of the A109E helicopter, upon instruction by London re-insurers' solicitors, in the inquest on the untimely demise of Tan Sri Yahaya (the founder of DRB-HICOM Berhad), his wife, Puan Sri Rohana, and the pilot, Major Azlizan, in the helicopter crash.
- ❖ Acted as counsel and defended Airport Authorities in respect of claims arising from the heist of gold bars by robbers.
- ❖ Advised a leading London firm of solicitors on certain insurance and re-insurance aspects of the missing MH370 flight.
- ❖ Acted as counsel and defended a contracting carrier under the *Montreal Convention 1999* (incorporated as laws by the Malaysian *Carriage by Air Act 1974*) against claims arising from carriage of cargo.

## **Administrative Law & Constitutional Law.**

- ❖ Acted as counsel for a local religious council in opposing petition to seek for a declaration that section 49 of the *Administration of the Religion of Islam (Selangor) Enactment 2003* and sections 7, 8(a), 10(b), 12(c) and 13 of the *Syariah Criminal Offences (State of Selangor) Enactment 1995* were invalid and void.
- ❖ Acted as counsel for a local religious council for an order that the issue of whether the charges brought against an individual under the *Syariah Criminal Offences (Selangor) Enactment No 9 of 1995* were in accordance with precepts of Islam as provided by Paragraph 1, State List of the Ninth Schedule of the Federal Constitution must be decided by the Syariah High Court as provided by Article 121 (1A) of the Federal Constitution.
- ❖ Acted as counsel for a local religious council in applying for leave to intervene in judicial review proceedings against the decision of local council which allowed a piece of land in Kota Kemuning, Shah Alam, Selangor to be used as Muslim burial ground.
- ❖ In 1996, acted as junior counsel for the then Sultan of Pahang in the first case before the Special Court established under Article 182 of the *Federal Constitution* for Malaysian rulers, whereby his Majesty was sued in his personal capacity for alleged libel and damages.

## **Landlord & Tenant**

- ❖ Acted as counsel in a landlord and tenant dispute in the High Court of Malaya involving interpretation of section 28(4)(a) of the *Civil Law 1956* in respect of double rentals for holding over.
- ❖ Have been advising and acting for a company landlord of several commercial premises on various aspects of the laws of Landlord and Tenant since early years of practice.

## **Tort & Privacy**

- ❖ Acted as counsel for a vernacular newspaper for alleged negligence and breach of confidentiality in respect of reporting on a kidnapping case.

## **Defamation**

- ❖ Acted for several local newspapers in defamation suits.

## Employment Law

- ❖ Advised a subsidiary of a large local construction company in relation to an employment dispute at managerial level.

## International Organisation

- ❖ Advised an international body on recognition as international organisation under the *International Organizations (Privileges and Immunities) Act 1992*, as well as on privileges and immunities under the Act.

## Articles & Talks

### Articles

- Co-author - "*Psychological injury equals bodily injury? Takeaways for Asian airlines from the Court of Justice of the European Union's decision*" - November 2022.
- Co-author - "*Why contracts should always state the law applicable to the arbitration agreement: lessons from the French and UK apex courts applied to Malaysia and beyond*" - December 2022.
- Co-author - "*The US\$ 17 billion loss in Credit Suisse and available avenues for Malaysian investors: a preliminary overview*" - March 2023.
- Co-author - "*Non-payment of deposits does not automatically render arbitration agreement inoperable (JKP Sdn Bhd v Anas Construction Sdn Bhd)*" - May 2023.
- Co-author - "*Linsun Engineering: experts owe implied duties to the court. Are there any implications for arbitration proceedings?*" - June 2023.
- Co-author - "*Updated rules at the SCCA - perspectives and opportunities for Malaysian parties*" - June 2023.

### Talks

- "*Admissibility of Image Documents in Court Proceedings*" at the conference on "Information Management: Expect the Unexpected" - Kuala Lumpur, Malaysia - September 2005.
- "*The Role of In-house Legal Counsel in respect of Preparation for Documentary Evidence and Admissibility of Image Documents in Court Proceedings*" - to legal officers of various local universities - Port Dickson, Negeri Sembilan, Malaysia - January 2006.
- "*What can in-house counsel do to achieve an efficacious, economical and expeditious handling of litigation*" - Kuala Lumpur, Malaysia - September 2013.
- Panel Speaker - "*Connecting AIAC I-Arbitration Rules 2021 With The Industry*" - Kuala Lumpur, Malaysia - August 2022.
- Panel Speaker - "*Roundtable Forum on International Arbitration*" - Kuala Lumpur, Malaysia - October 2022.

- Panel Speaker - “*How to Avoid and Efficiently Resolve Cross-border Disputes. Lessons for Malaysian and Foreign Companies*” -Kuala Lumpur, Malaysia - February 2023.
- Panel Speaker - “*How to Succeed at Dispute Resolution: From Avoiding Disputes to Getting the Upper Hand and Enforcing Judgements and Arbitral Awards*” - AIAC Kuala Lumpur, Malaysia - September 2023.
- Panel Speaker - “*Official Launch of AIAC Islamic Standard Form of Building Contract (i-SFC) 2024 - Session 1, Shariah in Construction: Overview and Potential of Shariah Usage in the Construction Industry*” - AIAC Kuala Lumpur, Malaysia - January 2024.
- Panel Speaker - “*Whether Parties Should Go For Court Litigation or Arbitration Proceedings*” - Dubai Global Legal Association Litigation Conference 3 - 4 February 2025.
- Panel Speaker - “*Streamlining Arbitration and Litigation Processes: Expedited Procedures*” - 6<sup>th</sup> Global Legal Association Conference, Kuala Lumpur, Malaysia - 26 May 2025.
- Delivery of Keynote Address (Including on AI, 3<sup>rd</sup> party funding, ESG, Illegality of Contract and Effects of Sanctions by USA) - 6<sup>th</sup> Global Legal Association Conference, Kuala Lumpur, Malaysia - 27 May 2025.
- Panel Speaker - “*i-SFC: Contractual Harmony and Construction Dispute Prevention*” - AIAC Kuala Lumpur, Malaysia - 31 July 2025.
- “*The Role of In-House Counsel: Why Winnable Cases Are Lost?*” - presented to PETRONAS in-house legal department - PETRONAS Twin Towers - 20 August 2025.
- Panel Speaker - “*Litigation vs Arbitration: How General Counsel Decide the Best Forum in 2026*” - Bespoke Global Litigation Summit, Kuala Lumpur, Malaysia - 14 January 2026.
- Panel Speaker - “*Plenary: Litigation & Arbitration 2030 - Shaping the Future*” - 8<sup>th</sup> Global Legal Association Annual Arbitration & Litigation Summit, Kuala Lumpur, Malaysia - 22 January 2026.
- Panel Speaker - “*Third-Party Litigation Funding in Asia*” - 8<sup>th</sup> Global Legal Association Annual Arbitration & Litigation Summit, Kuala Lumpur, Malaysia - 23 January 2026.

#### ***Reported cases***

- *Benjamin Wong Peng Yan V. Genting Bhd. & Anor [1994] 1 CLJ 351*
- *KPM Khidmat Sendirian Berhad v Tey Kim Suie [1994] 1 MLRA 195*
- *Faridah Begum Bte Abdullah v Sultan Haji Ahmad Shah Al Mustain Billah Ibni Almarhum Sultan Abu Bakar Ri' Ayatuddin Al Mu' Adzam Shah [1996] 1 MLJ 617*
- *American International Assurance Co Ltd v See Ah Yu [1996] 3 CLJ 566*

- *Adarsh Pandit v. Viking Engineering Sdn Bhd [1996] 4 MLRH 250*
- *American International Assurance Co. Ltd. v Koay Fong Eng (Administrator of The Estate of Ho Moh Koay, Deceased) [1996] 1 MLRH 28*
- *Guinness Anchor Marketing Sdn Bhd lwn Lim Seng Lee [1996] 6 MLRH 437*
- *Kwong Hing Realty Sdn. Bhd. v Malaysia Building Society Bhd. & Anor [1997] 1 CLJ SUPP 167*
- *Menteri Sumber Manusia & 2 Ors v Kesatuan Kebangsaan Pekerja-pekerja Hotel, Bar and Restaurant Semenanjung Malaysia [1997] 4 AMR 3841*
- *Oscam Spa v Overseas Union Bank (M) Bhd [1999] 3 CLJ 399*
- *Ku Pon & Ors V. Pemandangan Sinar Sdn Bhd & Ors [2004] 3 CLJ 466*
- *Audiovox Communication (Malaysia) Sdn Bhd & Anor v Marina Abdul Majid [2005] 3 CLJ 370*
- *Tan Kah Khiam v Liew Chin Chuan & Anor [2007] 2 MLJ 445*
- *Irene Fernandez v Utusan Melayu (M) Sdn Bhd & Anor [2008] 2 CLJ 814*
- *Abdul Kahar bin Ahmad v Kerajaan Negeri Selangor (Kerajaan Malaysia, intervener) & Anor [2008] 3 MLJ 617*
- *Majlis Agama Islam Selangor v Bong Boon Chuen & Ors [2008] 6 MLJ 488*
- *Dato' Abd Rahim Mohamad v Abdul Farish Rashid [2009] 1 CLJ 395*
- *Sulaiman bin Takrib v Kerajaan Negeri Terengganu (Kerajaan Malaysia, intervener) and other applications [2009] 6 MLJ 354*
- *Asia Control Systems Impac (M) Sdn Bhd V PNE PCB Berhad [2010] 4 MLJ 332*
- *Lembaga Kumpulan Wang Simpanan Pekerja v Ong Lian Chee [2010] 5 CLJ 23*
- *Karisma Wira (M) Sdn Bhd V. Salleh Abdul Majid & Anor [2013] 1 MLRA 94*
- *Titular Roman Catholic Archbishop of Kuala Lumpur V. Menteri Dalam Negeri & Ors [2014] 6 CLJ 541*
- *In the estate of Tunku Abdul Rahman Putra Ibni Almarhum Sultan Abdul Hamid [2015] 1 SHLR 61*
- *State Government of Negeri Sembilan & Ors v Muhammad Juzaili Mohd Khamis & Ors [2015] 8 CLJ 975*
- *ZI Publications Sdn Bhd & Anor v Kerajaan Negeri Selangor (Kerajaan Malaysia & Anor, Intervener) [2016] 1 MLJ 153*
- *Wisma Perkasa Sdn Bhd v Weatherford (M) Sdn Bhd & Anor [2017] 10 MLJ 758*
- *Tekun Nasional v Plenitude Drive (M) Sdn Bhd (and Another Appeal) [2021] 8 AMR 427*
- *TNT Express Worldwide (M) Sdn Bhd V. Mega Security Devices (M) Sdn Bhd [2022] 7 CLJ 490*
- *Azhar Harun v Dato' Muthukumar Ayarpadde & Ors [2022] 1 CLJ 390*

***Unreported cases***

- *American International Assurance Co Ltd v Ch'ng Eong Cheang [1995] 1 LNS 10*
- *Adjanto & Ors v Tay Choo Foo [1999] MLJU 422*
- *Citibank Berhad V. Ambang Warna Sdn Bhd & 2 Ors [2006] 1 LNS 317*
- *Soo Sim Siong (a sole proprietor trading in the name and style of Soo Sim Siong) v Yap Tian Leong & Ors [2022] MLJU 2681*