



Nimalan Devaraja
Partner

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Nimalan is a commercial litigator with a broad practice encompassing civil and commercial litigation, company law and shareholders' disputes, international arbitration, restructuring and insolvency, and regulatory enforcement. He has appeared at all tiers of the Malaysian Courts.

He has acted in a wide range of high-value and complex commercial disputes, including claims involving breaches of contracts, directors' and officers' duties, and trustee duties. He has particular experience in shareholders' disputes, including oppression actions and in winding-up proceedings.

Nimalan has also appeared as co-Counsel in international arbitrations, under both the AIAC Rules and SIAC Rules. He work also includes arbitration-related court proceedings such as applications to set aside and enforce arbitral awards, and to stay court proceedings pending arbitration.

In addition, Nimalan regularly acts for Bursa Malaysia Securities Berhad including in enforcement actions against listed issuers and their directors, as well as in resisting judicial review proceedings brought against the Stock Exchange.

Key Practice Areas

International Arbitration
Commercial Litigation and Arbitration
Company Law and Shareholders' Disputes
Regulatory Enforcement
Restructuring and Insolvency

Selected Experience

International Arbitration

- ❖ Successfully acted as co-counsel in an AIAC arbitration in resisting a claim by a minority shareholder of a Malaysian private limited company forming part of a multinational group, arising from alleged oppressive conduct, including alleged diversion of business opportunities.
- ❖ Acted as junior counsel for a foreign client in an SIAC arbitration, governed by English law, involving a crude oil quality dispute

against one of the worlds' largest integrated energy and commodity trading companies in the world.

- ❖ Acted as junior counsel for Thai-Lao Lignite and Hongsa Lignite against the Government of Lao in order to uphold an arbitral award exceeding USD 57 million, with related enforcement proceedings in the US, the UK and France. The Federal Court decision is reported at Thai-Lao Lignite Ltd & Anor v Government of the Lao People's Democratic Republic [2017] 9 CLJ 273.
- ❖ Successfully acted for the foreign subsidiary of a leading global oil and services company in obtaining a stay of an oppression petition pending arbitration. This case is notable as there were no reported cases in Malaysia at the time, where the stay of an oppression action has been allowed due to an arbitration clause, or which dealt with the applicability of the Arbitration Act 2005 to a stay application premised on an arbitration agreement under the Arbitration Act 1952.
- ❖ Successfully obtained a stay of proceedings pending arbitration on behalf of a foreign licenced institution in respect of shareholder claims against a local financial institution. The High Court decision is reported at RUSD Investment Bank Inc & Ors v Qatar Islamic Bank & Ors [2015] 1 LNS 231.
- ❖ Successfully registered and enforced an arbitral award issued by the Danish Institute of Arbitration in Malaysia.

Commercial Litigation and Arbitration

- ❖ Successfully acted as counsel for Port Klang Authority, at all tiers of the Courts, in civil proceedings brought against the former contractor for the Port Klang Free Zone Project to declare an agreement valued approximately RM 50 million void for want of consideration. The Federal Court's decision is reported at Kuala Dimensi Sdn Bhd v Port Kelang Authority [2025] 2 MLJ 238.
- ❖ Acted as co-counsel for Ann Joo Steel Bhd at the Federal Court in successfully preserving the validity of a High Court Order issued 1995, in defeating a collateral attack. The Federal Court found that as the Order was valid in law, any challenge to the validity of the same should have been done independently i.e., an application to set aside the said Order instead of framing it within a defence of another suit. The ensuing assessment of damages valued the claim in excess of RM 30 million. The Federal Court decision is reported at Ann Joo Steel Berhad v

Pengarah Tanah dan Galian Negeri Pulau Pinang & Anor and another appeal [2020] 1 MLJ 689.

- ❖ Successfully acted as counsel for a private limited company in recovering a loan exceeding of RM 13 million which was advanced pursuant to an oral agreement, against the holding company, and operator of the largest lifestyle mall in Seremban.
- ❖ Successfully acted as counsel in upholding an oral loan exceeding RM 2.5 million, against the holding company of the operator of the largest lifestyle mall in Seremban. The High Court's decision is reported at Tay Mary v Capitol Prosper Sdn Bhd [2024] MLJU 3232.
- ❖ Successfully acted as counsel at the Court of Appeal for the administrator of an estate in challenging fraudulent land transfers effected through a forged trust deed.. The High Court's decision is reported at Leong Kim Fond v Chong Kooi Heng & Ors [2023] MLJU 2592.
- ❖ Acting as counsel for one of the largest wholesale gold jewellery suppliers in Malaysia in a claim for recovery of gold jewellery products in excess of RM 20 million.
- ❖ Acting as counsel for the former CEO and President of a multinational company in resisting a claim in excess of RM 30 million for breach of an investment agreement.
- ❖ Successfully acted as counsel for AIA Public Takaful Berhad in resisting claims brought by more than 100 former policy holders in respect of purported breaches of the insurance plans purchased by them.
- ❖ Acted as co-counsel for the Malaysian subsidiaries of a leading global oil and services company in an action brought against a former employee for breaching her confidentiality obligations owed to the company. Among other, successfully resisted applications by the Defendant at both the High Court and Court of Appeal to vary the confidentiality obligations imposed on her and her solicitor [the High Court decision is reported at Aker Solutions Malaysia Sdn Bhd Dan Satu Lagi v Seetha A/P Kumarasamy [2020] MLJU 91] and to set-aside the ex-parte injunction and Anton Piller Order imposed on her. We also successfully resisting a novel application filed by the Malaysian Anti-Corruption Commission to intervene in the proceedings (the High Court decision is reported at Aker Solutions Malaysia Sdn Bhd & Anor v Seetha A/P Kumarasamy (Malaysian Anti-Corruption Commission, Proposed Intervener) [2020] MLJU 2636).

- ❖ Successfully acted as co-counsel for the local subsidiaries of a foreign public listed oil and services company in striking out an action brought by a former employee founded on the tort of abuse of process. The High Court's decision is reported at Seetha A/P Kumarasamy v Aker Solutions Malaysia Sdn Bhd & Ors [2021] MLJU 1572 and Seetha A/P Kumarasamy v Aker Solutions Malaysia Sdn Bhd [2022] MLJU 3277.
- ❖ Successfully acted as co-counsel for Port Klang Authority in civil proceedings brought against its' former General Manager for breaches of contractual, fiduciary and common law duties relating to the Port Klang Free Zone Project. The Kuala Lumpur High Court ordered damages in excess of RM 3.5 billion to be paid by the former General Manager to Port Klang Authority. The High Court decision is reported at Port Kelang Authority v Datin Paduka Phang Oi Choo @ Phang Ai Tu [2018] 1 LNS 2196.
- ❖ Successfully acted as counsel for Damansara City Sdn Bhd in resisting a claim for commission by a prospective purchaser.
- ❖ Successfully acted as junior counsel for the Danish Tax Authority in resisting an application to set aside a Writ of Summons and/or service thereof out of jurisdiction. The High Court's decision is reported at The Customs and Tax Administration of The Kingdom of Denmark v Timothy Paul Murphy [2022] MLJU 2956.
- ❖ Acted as co-counsel for a public listed real estate investment trust in a tenancy dispute against a major hypermarket premised on whether parties had entered into a binding tenancy agreement.
- ❖ Successfully acted as counsel for an American corporation, which holds the license for the Ironman Triathlon, in obtaining a stay of proceedings filed against it by a Malaysian company for alleged breach of contract. This case is significant as it deals with the effect of an exclusive jurisdiction clause and governing law clause in a contract. The Court of Appeal's decision is reported at World Triathlon Corp v SRS Sports Centre Sdn Bhd [2019] 4 MLJ 394.
- ❖ Acted as counsel for a foreign beneficiary in successfully obtaining an order for an administrator of an estate to account for trust proceeds in excess of RM 100 million. Thereafter, successfully acted for the foreign beneficiary in having an
- ❖ Successfully acted as counsel for Kenanga International Bank Berhad in resisting, at both the High Court and Court of Appeal, a discovery application filed by a financial planning institute for documents pertaining to the trading of shares carried out

through Kenanga International Bank Berhad. The High Court's decision is reported at *Opes Capital Bhd v Ng King Hoo & Anor* [2021] MLJU 369.

- ❖ Acted as counsel for a Singaporean corporation in obtaining a summary judgment in excess of USD 1.5 million against a Malaysian public listed company.
- ❖ Successfully acted as counsel before the High Court and Court of Appeal in striking out a defamation claim on the grounds that a complaint to a disciplinary body is protected by absolute privilege. The High Court decision is reported at *Rathimalar A/P Gnanasundram v Dato' NKS Tharmaseelan A/L NK Sinnadorai Dan Lain-Lain* [2019] MLJU 2156
- ❖ Acted as junior counsel for Intel Capital Corporation, a division of Intel Corporation, of the world's largest and highest valued 5 semiconductor chip makers against a Malaysian company listed on the Bursa stock exchange. This case is significant for the large quantum involved and that the order was for specific performance obtained by way of a summary judgment order.
- ❖ Acted as junior counsel for a Consortium comprising two leading global engineering, construction and services corporations (one of which is ranked on the Fortune 500 List of Largest Corporations) and three Malaysian engineering and contracting companies in Malaysia. The Federal Court decision is reported at *Lembaga Pembangunan Industri Pembinaan Malaysia v Konsortium JGC Corp & Ors* [2015] 6 MLJ 612.
- ❖ Part of the legal team for an investment holding company (a subsidiary of an Australian company listed on the stock exchanges of Australia and New Zealand with leading outdoor advertising businesses in Australia and New Zealand, and with growing businesses in Hong Kong and Indonesia) in successfully resisting a claim that there was a concluded contract for the transfer of 30% shares in a local outdoor advertising company in Malaysia between the plaintiff and the shareholders of the said company. The High Court decision is reported at *Capital Billboards Sdn Bhd v Asia Posters Sdn Bhd & Ors* [2012] 1 LNS 724.
- ❖ Acting as counsel for Kenanga Investment Bank Berhad in various claims against its unit trust consultants and/or customers for breaches of contract.
- ❖ Acting as counsel for the Cargill Group of Companies in various claims initiated by it for breaches of contract.

- ❖ Acting as counsel for Property Guru, and its related companies, in various claims initiated by them for breaches of contract.

Company Law and Shareholders' Disputes

- ❖ Acting as co-Counsel for the shareholders and directors of an investment holding company (with excess of 50 subsidiaries) in resisting an oppression action brought against them for the removal of a director on the grounds of quasi-partnership.
- ❖ Acting as Counsel for a trustee group in resisting an action brought to declare a redeemable preference share scheme to be void. The trustee group is both the security trustee for the entire scheme, and the trustee for various subscribers of the redeemable preference shares.
- ❖ Advised and acted for a German incorporated holding company in removing a director and company secretary of its Malaysian subsidiary.
- ❖ Successfully acted as counsel for the foreign subsidiary of a Chinese conglomerate and investment company in various shareholder disputes pertaining to the composition of the Board of Directors of the Malaysian subsidiary and the validity of directors' resolutions passed.
- ❖ Acted as co-counsel for shareholders of a Malaysian company in applying for a just and equitable winding up on the grounds that the company was no longer carrying out the business it was originally incorporated for, and that the directors of the company had been dissipating the company's profits.
- ❖ Acted as co-counsel for minority shareholders of an electrical engineering company in an oppression action filed against the majority shareholders/directors premised on, among others, grounds of failure to declare dividends and dissipation of the company funds by way of payment of directors' fees.
- ❖ Acted as co-counsel for shareholders of a Malaysian shipping company in an oppression action filed to challenge their removal as directors and the dilution of their shareholding. The High Court decision is reported at *Seah Eng Tog Daniel & Anor v Kingsley Khoo Hoi Leng & Ors* [2016] 2 CLJ 695.
- ❖ Acted as junior counsel for minority shareholders in opposing just and equitable winding up proceedings filed by a fellow minority shareholder of a public company. The High Court decision is reported at *Siti Nur Aishah Binti Ishak v Golden Plus Holdings Berhad* [2018] MLJU 2165.

- ❖ Acted as junior counsel for the majority shareholder of a licensed financial institution in a board of directors and shareholders disputes involving a detailed examination of the law of conduct of meeting and interplay between articles of association and shareholders' agreement. The High Court decision is reported at *Qatar Islamic Bank v Asian Finance Bank Bhd & Ors* [2015] 7 MLJ 445

Regulatory Enforcement

- ❖ Acted as counsel for Rakuten Trade Sdn Bhd in judicial review proceedings initiated to challenge the decision of the Securities Industry Dispute Resolution Center.
- ❖ Acting as co-counsel for Bursa Malaysia Securities Berhad in resisting judicial review proceedings filed by the former directors of Serba Dinamik Holdings Berhad in respect of fines imposed against them for breaches of the Listing Requirements.
- ❖ Acting as counsel for Bursa Malaysia Securities Berhad in resisting judicial review proceedings filed by Zetrix AI Berhad and its directors.
- ❖ Acting as counsel for Bursa Malaysia Securities Berhad in resisting judicial review proceedings filed by Iqzan Holding Berhad and its directors.
- ❖ Successfully acted as counsel for Bursa Malaysia Securities Berhad, before both the High Court and Court of Appeal, in resisting a judicial review filed by a public listed company in challenging its de-listing. The High Court's decision is reported at *Wintoni Group Bhd v Bursa Malaysia Securities Berhad* [2022] 1 LNS 1487.
- ❖ Successfully acted as counsel for Bursa Malaysia Securities Berhad, before both the High Court and the Court of Appeal. in successfully striking out a writ action filed against it for, among others, an order that Bursa Securities Malaysia's powers to fine directors of public listed companies is unconstitutional. The High Court's decision is reported at *Ahmad Amryn Bin Abd Malek & Ors v Bursa Malaysia Securities Berhad* [2021] 8 MLJ 948.
- ❖ Successfully acted as counsel for Bursa Malaysia Securities Berhad in resisting judicial review proceedings filed by a director of a public listed company which dealt with the obligation of said director to ensure that all the necessary information was provided to the holding company by its subsidiaries to allow the holding company to comply with the Listing Requirements. The High Court's decision is reported at Lo

Man Heng v Bursa Malaysia Securities Berhad [2017] 8 CLJ 596 which was upheld by the Court of Appeal.

- ❖ Successfully acted as junior counsel for Bursa Malaysia Securities Berhad in resisting a judicial review application filed by the liquidator of a public listed company premised, among others, on the grounds that a public listed company must be immediately delisted upon winding-up. The Federal Court overturned the decision of both the Court of Appeal and High Court and conclusively set out the principles of interpretation to be applied to the Listing Requirements. The Federal Court's decision is reported at Bursa Malaysia Securities Berhad v Mohd Afrizan Bin Husain [2022] 3 MLJ 450.
- ❖ Successfully acted as co-counsel for Bursa Malaysia Securities Berhad in committal proceedings filed against the former directors of a public listed company for their failure to make restitution of monies which had been wrongfully paid out by said directors from the company's resources. The Federal Court's decision is reported at Tengku Dato' Kamal Ibni Sultan Sir Abu Bakar & Ors v Bursa Malaysia Securities Berhad [2022] 3 MLJ 294.
- ❖ Successfully acted as junior counsel for Bursa Malaysia Securities Berhad in all tiers of the appellate courts in resisting judicial review proceedings filed by a public listed company and its' directors which dealt with the issue of disclosure of corporate developments which caused the company to experience unusual market activity. The High Court's decision is reported at Can-One Berhad & Ors v Bursa Malaysia Securities Berhad [2013] MLJU 1640.
- ❖ Successfully acted as counsel at the Court of Appeal for Pertubuhan Keselamatan Social in resisting an appeal brought against the dismissal of a challenge against a decision of the Social Security Appellate Board.

Restructuring and Insolvency

- ❖ Acting as counsel for purchasers of units in a development project in Selangor in seeking to remove the Court-appointed liquidator of the developer.
- ❖ Acted as co-counsel for purchasers of units in a development project in Selangor in successfully opposing the creditors' voluntary winding-up, and judicial management of the developer.

- ❖ Acted as counsel, at the Court of Appeal and Federal Court, for a creditor in challenging the sanction order granted in respect of a scheme of arrangement on the grounds of non-disclosure of material facts, and material amendments made to the explanatory statement without prior disclosure to the creditors’.
- ❖ Successfully acted as counsel, in both the High Court and the Court of Appeal, for a secured creditor in resisting a judicial management application brought by a public listed company. The High Court decision is reported at *Re Scomi Group Bhd* [2022] 7 MLJ 620 and dealt, for the first time, with the issue of whether a public listed company is precluded from applying for a judicial management order.
- ❖ Successfully acted as counsel for a judgment creditor in proceedings brought against the directors of a wound-up company for fraudulent trading. The High Court’s decision is reported at *Huatah Sdn Bhd v Yap Chee Kian & Ors* [2020] 8 MLJ 98.
- ❖ Successfully acted as counsel for a judgment creditor in winding-up proceedings. This case is notable as it dealt with, among others, the issue of whether a winding-up petition could be defeated because the judgment debtor had an existing counterclaim against the judgment debtor, and whether public interest was a ground to defeat a winding-up petition. The High Court’s decision is reported at *Midflex Advisory Sdn Bhd v Alamrio Properties Sdn Bhd* [2018] 1 LNS 1435.
- ❖ Successfully acted as counsel for a judgment creditor in successfully obtaining an order for leave to continue with assessment of damages which was heavily opposed by the liquidator on the basis, among others, that the determination on assessment of damages should be left exclusively to the liquidator. The High Court’s decision is reported at *Re CMN International Sdn Bhd (In Liquidation)* [2020] MLJU 2356.
- ❖ Successfully acted as junior counsel for the liquidator of a Malaysian company in a review application filed before the Federal Court premised on the argument that there was a quorum failure in light of the alleged unconstitutional appointment of the Chief Justice and President of the Court of Appeal. The Federal Court’s decision is reported at *Yong Tshu Khin & Anor v Dahan Cipta Sdn Bhd & Anor* and other appeals [2021] 1 MLJ 478.

Qualifications & Professional Affiliations

Qualifications:

Advocate and Solicitor, High Court of Malaya (2012)
Barrister-at-Law (Inner Temple) (2011)
LL.B (Hons), King's College London (2010)
Fellow, Chartered Institute of Arbitrators (FCIArb)

Professional Affiliations:

- Chairman, Kuala Lumpur Bar Committee 2025/2026
- Honorary Secretary, Kuala Lumpur Bar Committee 2023/2024 & 2024/2025
- Co-Chairperson, Kuala Lumpur Bar Civil Practice and Court Liaison Committee 2021/2022 to 2024/2025
- Co-Chairperson, Kuala Lumpur Bar Technology Committee 2021/2022 to 2022/2023
- Deputy Chairperson, Bar Council's Publications Committee 2024/2025 & 2025/2026
- Deputy Chairperson, Bar Council's Arbitration and Construction Law Arbitration Committee 2025/2026
- Deputy Chairperson, Bar Council's Committee on Reform to Legal Sector
- Treasurer, Malaysian Inner Temple Alumni Association 2024/2025 & 2025/2026
- Committee Member, Malaysian Inner Temple Alumni Association 2021/2022 to 2023/2024
- Committee Member, Malaysian Institute of Arbitrators 2024/2025 & 2025/2026
- Panel Member, Disciplinary Committee, Advocates & Solicitors Disciplinary Board
- Trainer, Advocacy Training Course, Bar Council, Malaysia

Publications & Talks

Publications:

- Co-Author of the Malaysian Litigation Series- Disclosure (2022 Edn)
- Contributing Editor to the Annotated Statues of Malaysia, Companies Act 2016
- Contributing Editor to the Annotated Statues of Malaysia, Limitation Act 1953, and Partnership Act 1961
- Contributing Editor to the Malaysian Court Practice (Trial Courts)
- Author, Malaysia Country Update, Asian Dispute Review, April 2018.
- Author, Caster Semanya: Penalised For The Way She Was Born – Where Does Mankind Stand [2020] 1 LNS(A) xcvi.
- Author, Pardon Me, I'm Going Home, Skrine's Legal Insights, 4/2018; [2019] 1 LNS(A) xci.
- Author, Malaysia: A New Hope (And Some Legal Issues That Came With It), Skrine's Legal Insights, 2/2018; [2019] 1 LNS(A) ci

- Author, The Coke Light of Injunctions, Skrine’s Legal Insights, 3/2016; [2019] 1 LNS(A) lxxxviii.
- Author, Fraudsters Beware- Sinnaiyah & Sons Sdn Bhd v Damai Setia Sdn Bhd, Skrine’s Legal Insights, 4/2015; [2019] 1 LNS(A) lxxxiii.
- Author, Bargaining in a Bazaar? – Tun Datuk Haji Mustapha v Tun Mohamed Adnan Robert & Anor, Skrine’s Legal Insights, 1/2015; [2019] 1 LNS(A) lxxix.
- Author, He Had 99 Problems – Durkin v DSG Retail Ltd, Skrine’s Legal Insights, 2/2014; [2019] 1 LNS(A) lxxvi.
- Author, Skrine e-Alert 2024: Strate Management: Operation of Car Park Facility – Tenancy or Licence?
- Author, Skrine e-Alert 2023: Related Party Creditors and 3rd Party Creditors To Be Classified Differently In A Scheme Of Arrangement
- Author, Skrine e-Alert 2021: To be held Solvent or Insolvent: This is the Test.
- Author, Skrine e-Alert 2021: High Court: Public Listed Companies Cannot Apply For Judicial Management Under The Companies Act 2016.
- Author, Skrine e-Alert 2020: Insolvency Relief For Malaysian Companies
- Author, Skrine e-Alert 2020: Proposed interim reliefs for financially distressed companies and individuals.

Talks:

- Panellist on SkrineCast: Litigation or Arbitration
- Moderator at Skrine Conference 2024: Fraudulent Fiduciaries – When Trust Is Betrayed
- Moderator for Kuala Lumpur Bar Committee Webinar: Trial Advocacy
- Speaker for Bar Council Seminar: Limited Liability Law Partnerships
- Speaker for Johor Bar Committee Webinar: Claims for LAD in the Time of Covid-19
- Speaker for Federation of Manufacturers Malaysia Webinar: Covid-19 Act: Impact on Manufacturers
- Speaker for AIAC Webinar: A Young Lawyer’s Wellbeing and Mental Health – The Impact of Covid-19 Pandemic
- Speaker for Universiti Malaya Constitutional Team Webinar: Stop the Hop!: Is anti-hopping law the solution forward?
- Moderator for Bar Council Constitutional Law Committee Webinar: Anti-Hopping Laws or Recall Elections

Accolades

- Listed as one of ALB Malaysia Rising Stars 2021
- Ranked as “Next Generation Partner” for Dispute Resolution - Legal 500 Asia-Pacific (2025 & 2026)