

Vijay Raj  
Partner

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**Vijay** has close to 25 years of experience in commercial disputes before the courts and he appears as counsel in arbitrations as well.

Of note is his work in rates and valuation actions in court, having acted for oil & gas companies in challenging the imposition of rates by local governments upon pipelines and refineries. These actions often involve complex asset-valuation exercises.

He is also experienced in land acquisitions, having acted for both acquirers and landowners. He has represented State Authorities and State-owned conglomerates in such matters.

Vijay is also part of the Aviation Disputes practice.

**Key Practice Areas**

Commercial Litigation and Arbitration  
Rates, Assessments and Valuations  
Land Acquisition and Land Law  
Aviation & Shipping Disputes

**Selected Experience**

**Commercial Litigation and Arbitration**

- ❖ Acted in an international arbitration for a corporation incorporated in Germany in a claim relating to services rendered within the Oil and Gas industry.
- ❖ Acting as co-counsel for a foreign governmental authority in litigation in Malaysia relating to a worldwide fraud, where the authority's claim is close to a billion ringgit within the Malaysian jurisdiction alone. This dispute required the obtaining of urgent injunctive and search orders to preserve assets and evidence.
- ❖ Acted against the Government of Malaysia in an arbitration relating to contracts to computerise certain systems of one its Ministries (settled).
- ❖ Acted in legal proceedings for the water supply company which serves the state of Selangor, KL and Putrajaya.
- ❖ Acted for an insurance company in legal proceedings involving fraud.
- ❖ Acted for a large purified terephthalic acid (PTA) producer

against a transportation services provider in litigation and arbitration proceedings for the purposes of recovering (specialised) assets and claiming damages.

- ❖ Acted for DBKL (KL City Hall) in proceedings relating to its termination of the lease of the then prominent Klang Bus Station (a large multi-tiered bus station serving the Klang Valley).
- ❖ Acted for one of the leading global producers of a type of natural sweetener (Malaysian branch) in a civil suit for failure to process and supply a controlled raw material, and separately in an arbitration relating to a contract to supply liquefied gas (settled).
- ❖ Acted for and against minority shareholders in oppression actions.
- ❖ Advised a local telecommunications company and its ultimate parent company about breaches of fiduciary duties by its employee and officer.
- ❖ Acted for one of the sides in a joint venture relating to a water supply privatisation project in one of the States within Malaysia, specifically, in defending them against claims for breach of fiduciary duties and breach of the governing agreement.
- ❖ Acted for a national asset management company in various proceedings relating to recovery of debts.
- ❖ Acted in various legal proceedings for receivers & managers/companies in receivership, liquidator, and banks in relation to recovery of large sums of money and/or realisations of securities with high value.
- ❖ Involved in a series of litigation and appeals on behalf of a prominent public listed company for the purpose recovering monies owing to them and defending them in a counter suit where the amounts at stake exceeded RM100 million, and where the proceedings and appeals therefrom spanned from West to East Malaysia (making it necessary to also instruct East Malaysian solicitors and counsel on behalf of client).
- ❖ Acted for a main contractor (who was appointed to design and build a gas and steam turbine power plant) in resisting a claim that arose from deliveries made to the site premised on certain bills of lading.
- ❖ Acted for one of the State Governments in Malaysia in an action relating to one of the largest if not largest commercial projects in the Malaysia (at the time of litigation).
- ❖ Acted for one of the largest (and possibly the largest) electricity

utility company in Southeast Asia in Judicial Reviews relating to inadequate compensation for land-usage.

- ❖ Acted for newspapers in civil suits and advisory matters relating to libel.
- ❖ Acting for an Indian development finance institution owned by the Ministry of Finance, India in resisting an appeal to the Court of Appeal after successfully defending it in the trial of a suit filed in the High Court wherein breach of obligations under a promissory note transaction and the insurance cover thereon, and other wrongdoings, were alleged.
- ❖ Acting for a large public listed property developer in resisting an appeal to the Court of Appeal after successfully defending the developer in the trial of a suit filed in the High Court over a development project comprising ninety acres.
- ❖ Acting for a respondent-bank in a Federal Court appeal relating to an alleged impairment of a surety's eventual remedy and recourse to security.
- ❖ Representing a corporate landowner in its claim at the High Court which is premised on a diversion of a major river in central KL, against governmental authorities.
- ❖ Representing a state-owned Malaysian investment management company which is one of the largest fund management companies in Malaysia, in a High Court action relating to easements and the sale of lands.

### **Rates, Assessments and Valuations**

- ❖ Acted for the leading gas infrastructure and utilities company within the country which is also one of the largest companies on the local bourse (in terms of market capitalisation) in a considerable number of appeals against the imposition of rates by various local authorities within the country including one where it was successfully argued at the apex Court that rates could not be imposed upon an occupier in respect of lands occupied.
- ❖ Acted for the same company (above) in two Judicial Reviews against unrelated local authorities to set aside retrospective rates (both proceedings were successful despite a previous Court of Appeal decision which suggested that retrospective rates were justifiable).
- ❖ Acted for one of the largest (if not largest) petroleum refinery within the country in an appeal against the imposition of rates by a local authority.
- ❖ Acted for large corporations within the oil and gas industry in 6 separate rating appeals at the Johor Bahru High Court between

2019-2021 that may very well be, the first set of rating appeals from the prominent petroleum refining and petrochemical complex/hub in Pengerang, Johor (all settled). The value of the facilities in these rating appeals were large, in the hundreds of million Ringgit Malaysia in most of the proceedings, and therefore, the annual savings in respect of the reduction of the assigned values were considerable.

- ❖ Acted for two oil & gas companies in three rating appeals at the Johor Bahru High Court wherein the valuations under challenge exceed, in total, RM 800 million.
- ❖ Acted for an oil & gas company in an application for leave to commence Judicial Review at the Johor Bahru High Court wherein the disputed values fixed by the local authority concerned exceeds, in total, RM 2.5 billion.
- ❖ Acted/acting for many oil & gas companies in numerous rating appeals and judicial reviews commenced during the period 2023 to 2024. 22 High Court actions have since been successfully settled, and 11 High Court actions remain pending.

## **Land Acquisition**

- ❖ A relatively recent example of experience in Land Reference proceedings that involved issues of severance and injurious affection is KL High Court Land Reference No. WA-15-28-07/2018 which entailed Vijay cross-examining the Government's Valuer. As a result of orders made by the High Court and, on appeal, the Court of Appeal in favour of Vijay's client, the Land Administrator's award was increased more than 11 fold for severance and more than 19 fold for injurious affection. Appeals to the Court of Appeal from Land References are not easy as the Court of Appeal will only entertain questions of law, but we succeeded. The Land Administrator, through the AG, being dissatisfied, then appealed to the Federal Court against the Court of Appeal's increases, and on 18 October 2024, Vijay acting for the client successfully resisted the Appeal at the Federal Court after a full oral hearing. The Appeal at the Court of Appeal was numbered W-01(A)-184-04/2021 and the Appeal at the Federal Court was numbered O1(f)-32-07/2022 (W). The client was a Management Corporation of a commercial development who was aggrieved by an acquisition of land for a highway project.
- ❖ Acted for the national oil company in acquisitions where the total value of claim that was resisted was more than RM 500 million.
- ❖ Acted for one of the of the State Governments in Malaysia in resisting seven appeals relating to the acquisitions of approximately 2,800 acres of land (from High Court till the Federal Court).

- ❖ Acted for a large land-holding company in Land References where the market value of the lands was, in total, put forward as being more than RM 130 million of which a substantial amount was awarded.
- ❖ Acted for a large palm oil plantation company where the value of claim was more than RM 75 million.
- ❖ Acting for the principal development institution of one of the States in Malaysia in a series of inter-related litigation (an originating summons, judicial review and writ action) arising from an attempted acquisition of lands centrally located in one of the major cities of West Malaysia, and wherein the amount at stake is approximately RM 1.7 billion.
- ❖ Acted for one of the District Land Administrators from one of the States in Malaysia in appeals at the Court of Appeal and the Federal Court including one where a novel decision in relation to late payment charges was made in favour of, *inter alia*, the District Land Administrator.
- ❖ Acted for one of the District Land Administrators from one of the States in Malaysia in an appeal at the Federal Court against the Court of Appeal's decision to increase compensation based on adjustments to comparable transactions without the input of assessors (had not been acting for the District Land Administrator concerned in the courts below), and thereafter resisted an application to review the decision given by the Federal Court in the said appeal (which decision had been in favour of the District Land Administrator).
- ❖ Acted for a State-owned conglomerate in resisting a proposed Judicial Review relating to a large (land acquisition) project being undertaken by them.
- ❖ Acted for an investment holding company of one of the States in Malaysia and one of the said State's Land Administrators in resisting a Judicial Review to set aside land acquisitions.

### **Additional Public Law Matters**

- ❖ Represented one of the State Governments in Malaysia, its Director of Land and Mines, one of its Land Administrators and its National Park Authority in an appeal arising from a High Court decision which allowed claims based on native customary rights (settled).
- ❖ Represented one of the State Governments in Malaysia and its Director of Land and Mines in two appeals arising from a High Court decision which allowed claims based on native customary rights.
- ❖ Acted for billboard companies in Judicial Reviews against local authorities in respect of refusals to grant licences and permits

for billboards.

- ❖ Acting for a telecommunications company in a Judicial Review at the High Court against the relevant regulator and the Appeal Tribunal set up under the governing statute in what is possibly the first action of its kind under the said statute.
- ❖ Acting for a prominent statutory body in Judicial Review proceedings commenced by the National Union of Bank Employees at the Kuala Lumpur High Court.

### **Aviation & Shipping**

- ❖ Rendered advice to the main operator of airports in Malaysia regarding the status of certain Passenger Service Charges.
- ❖ Advised an air carrier conducting operations in more than 180 countries regarding the compliance and regulatory aspects of the civil aviation industry in Malaysia.
- ❖ Represented an air carrier at an inquiry/hearing before the Malaysian Aviation Commission pursuant to Section 81 of the Malaysian Aviation Commission Act 2015.
- ❖ Acted in legal proceedings for a technology company (which provides on-board retail solutions) against a long-haul airline.
- ❖ Acted for the main operator of airports in Malaysia in a High Court Suit relating to three highly publicised abandoned aircraft at the largest airport in the country (settled).
- ❖ Acted for the owner of a private jet in a High Court Suit against aircraft service providers for damage done to the said jet.
- ❖ Defended the main contractor who designed and built a gas and steam turbine power plant against a claim for detention of containers used to deliver cargo to the site pursuant to bills of lading.
- ❖ Acted for a bidder in a tender exercise to purchase a crude oil and chemical tanker arrested by the Admiralty High Court.

### **Qualifications & Professional Affiliations**

#### **Qualifications:**

Advocate and Solicitor, High Court of Malaya (2001)  
LL.B. (Hons.) (London), C.L.P. (2000)