



Sitpah Selvaratnam  
LLB, LLM, DipICarb, FCIArb, FMIArb  
Counsel, Arbitrator  
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## COUNSEL PRACTICE

Sitpah Selvaratnam is a leading maritime and commercial litigator, with 30 years' experience as Counsel in

- admiralty, shipping and maritime law, and international trade;
- corporate receivership, liquidation and special administration; and
- banking, company and commercial litigation.

Such experience has been gained from a wide array of disputes including :

- arrest and release of vessel, claims for wrongful arrest; claims and defence in relation to collisions with vessel, wharf and immovable, disruption of pipelines and telecommunication lines; damage and contamination to, and short/misdelivery of cargo; breach of charterparty and supply contracts; bunker claims; damage to ship and port; death/injury to crew; carriage/delivery/discharge of cargo including dangerous cargo and limitation of liabilities; sub-bailment on terms; exercise of lien; mandatory and mareva injunctions; marine insurance, subrogation, repudiation of insurance - upon instructions of shipowners, cargo interests, charterers, P&I Clubs, mortgagees, agents, suppliers, shipyards, ports, petroleum and telecommunication companies, insurers, hauliers, container yards;

- Oppression Petitions under the Companies Act relating to shareholders' disputes, appointment of liquidator, liquidator's directions, injunction restraining a winding-up; claims, defence and injunctions relating to removal of directors, delivery of company documents and assets; recovery of banking debts, realization of security, priority of competing claims, documentary credit obligations, restraining appointment of Receivers and Managers; restructuring of debts by schemes of arrangements under the Companies Act; recovery of debts pursuant to statutory vesting under the Pengurusan Danaharta Nasional Berhad Act 1998; restraining performance by Special Administrators; and work-out proposals under the purview of the nation asset management corporation.

Her recent cases as Counsel include :

- the high profile historic arrest of the superyacht, "Equanimity" in August 2018 based on constructive trust and tracing rights; obtaining Court Order for sale of the Vessel and advising on all matters ancillary thereto including the appointment of internationally reputed Vessel Manager; Central Broker, and Appraiser for valuation of the Vessel to assist with the Judicial Sale of the Vessel; and realizing USD126 million for the Government of Malaysia in one of the biggest recovery in the 1MDB global fraud.
- judicial review of the Federal Court decision pertaining to the MH370 airline tragedy, on grounds of corum failure and breach of natural justice.
- appearance for a landowner in the Federal Court on the constitutional right to seek interest for delayed release in compensation, upon a land acquisition.
- a complex collision case that resulted in the sinking of a vessel. Involved towage and pilotage principles, port authority regulations, and an indemnity claim under a knock-for-knock clause under a charterparty.
- representing the Indemnity provider under a Charterparty, in a litigation against the shipowner by cargo interests for alleged wrongful delivery of cargo without the presentation of the bills of lading.
- acting for a shipowner and its holding company in their ground breaking and precedent setting litigation to secure an injunction against the arrest of their ships, in circumstances of a complicated novation of charterparty rights and set-off of claims.

- obtaining an urgent injunction before the Malaysian Admiralty Court to prevent dealings with cargo that was the subject of arbitration in London, and parallel Court proceedings in China. This Injunctive Order was instrumental in achieving the settlement of multiple proceedings over the purchase and sale of commodities.
- representation in numerous arrests, and release of vessels from arrest, including one where expedited Sheriff's consent was procured for the ship to ship transfer of cargo of fuel oil within hours of the tanker's arrest.
- acting for ING/OWB, successfully securing judgment for payment of the price of the bunker supplied, in the intricate challenge between the contractual supplier and physical supplier to the right of payment, and in the context of 2 sets of arrest proceedings.
- appearance in the Court of Appeal in a precedent setting case, involving the carriage of dangerous cargo by sea, that caused the explosion on and sinking of the vessel; that delineated the respective duties of care and indemnity of the shipper and IMDG cargo carrier.
- successfully limiting liability under the 1957 Limitation Convention for the owners of the offshore supply vessel 'Red Gold', which collided with an offshore oil platform.
- representing a bunker supplier, successfully securing damages in excess of USD30 million for breach of a Fixed Price Bunker Contract, against one of the world's largest tanker owners.
- acting for an Indonesian subsidiary of a major Japanese company, in an international dispute for the mis-delivery of cargo in the Middle East involving switched Bills of Ladings.
- a shareholder's dispute over the largest hyroelectric dam project in Southeast Asia.
- representation for a concessionaire whose right to manage advertising sites over a 20 year period was repudiated by a local authority.
- a Power Purchase Agreement, where the total claim and counterclaim was in the region of USD40 million.

Appointed as expert to tender Expert Opinion on :

- (i) Malaysian commercial and banking laws in a Singapore seated arbitration, in January 2020;
- (ii) Malaysian shipping law in the High Court of Singapore, in 2012; and
- (iii) Malaysian shipping law in the Durban Court in South Africa, in 2005.

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## ARBITRATION

Sitpah was appointed to the ICC International Court of Arbitration in June 2018.

In July 2019, she was appointed a member of the Permanent Court of Arbitration.

Sitpah is regularly appointed in both *ad hoc* and institutional commercial arbitration under the KLRCA/AIAC and SIAC Rules as sole, party nominated, and presiding arbitrator. She has been nominated by co-arbitrators as presiding arbitrator in 2 HKIAC administered arbitrations, and as sole arbitrator by HKIAC in 1 arbitration. She has also been appointed by SIAC as Emergency Arbitrator.

She has been appointed as arbitrator in more than 30 disputes. Her appointments are in international, regional and domestic references and involve charterparties, ship building, ship services agreement, international trade, commodities and commercial contracts including one for the sale of an insurance business.

She has handed down numerous awards in relation to SIAC and KLRCA/AIAC administered arbitration.

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## PROFESSIONAL ASSOCIATIONS

- Appointed to the Permanent Court of Arbitration in July 2019.
- Appointed to the ICC International Court of Arbitration as Court Member for Malaysia on 21 June 2018 for a term of 3 years.
- Member of General and Maritime Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration (KLRCA), now known as the Asian International Arbitration Centre (AIAC).

- Member of the Singapore International Arbitration Centre (SIAC) Panel of Arbitrators.
- Member of the Singapore Chamber of Maritime Arbitration (SCMA) Panel of Arbitrators.
- Member of the Hong Kong International Arbitration Centre (HKIAC) Panel of Arbitrators.
- Member of American Arbitration Association, International Centre for Dispute Resolution (ICDR) Panel of Arbitrators.
- Member of the Emirates Maritime Arbitration Centre (EMAC) Panel of Arbitrators.
- On the London Court of International Arbitration (LCIA) List of Arbitrators.
- Supporting Member of the London Maritime Arbitrators Association (LMAA).
- Founding President of the International Malaysian Society of Maritime Law (IMSML).
- Chair of the Shipping and Admiralty Law Committee of the Bar Council.
- Co-Chair of the International Arbitration Committee of the International Association of Defense Counsel (IADC) [2016 to 2018].
- Chair of the Maritime Law Committee of the Inter-Pacific Bar Association (IPBA) (2015 – 2017).
- Chair of the Women Business Lawyers Committee of the Inter-Pacific Bar Association (IPBA) (2009 -2011).
- Fellow of the Chartered Institute of Arbitrators (CIArb).
- Fellow of the Malaysian Institute of Arbitrators (MIArb).
- Fellow of the Asian Institute of the Alternate Dispute Resolution (AIADR).
- Accredited Mediator with the Malaysian Mediation Centre (MMC).
- Member of the ArbitralWomen.

- Chair of the Maritime Arbitration Working Committee of the Kuala Lumpur Regional Centre of Arbitration (KLRCA) empaneled in August 2011 to consider and recommend facilitative measures to promote maritime arbitration in Malaysia.
- Member of the Admiralty Court and Maritime Law Reform Taskforce empaneled by the Malaysian Judiciary in October 2010 to consider and facilitate the workings of the Malaysian Admiralty Court and reform of Malaysian maritime laws.
- Member of the Combined Rules of Court Committee of the Bar Council, to review amendments to the Rules of Court; designated to draft and review the amendments to the Admiralty and Arbitration provisions thereof.
- Appointed in June 2007 by the Attorney General's Chambers of Malaysia to the Consultative Committee on the review of the Malaysian *Arbitration Act* 2005.
- Member of the Committee established by Maritime Institute of Malaysia (MIMA) (2004 – 2005) to consider the need for an Admiralty Court in Malaysia.
- Appointed in March 2000 to the Consultative Committee established by the Securities Commission on asset securitization.
- Consultant to Danaharta Managers Sdn Bhd, national asset management corporation, at its inception from March to May 1999.

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## PUBLICATIONS

- Contributor to Malaysian Chapter of the book "*Recognition and Enforcement of Judgments in Civil and Commercial Matters*" soon to be published by Hart Publishing
- Co-Author of the Admiralty Chapter to Bullen & Leake & Jacob's Malaysian Precedents of Pleadings.
- Country reporter for Malaysia to the Asia Pacific Arbitration Reporter of Singapore (2014 – 2017).

- Articles reproduced in the Malaysian Law Journal, Bar Council and KLRCA's publications, of papers presented at various fora and interviews by local and foreign media.

## TEACHING AND SPEAKING ENGAGEMENTS

### 2020

- Equal Representation in Arbitration (ERA) Pledge - AIAC Special Webinar on gender diversity (Malaysia)      Opening Remarks to introduce the ERA Pledge
- SIAC Webinar (Singapore)      Presenting on "*Post-Covid : The Future of International Arbitration in Malaysia*"
- AIAC Webinar (Malaysia)      Presented on "*Statutory Rescue : Whether Introducing a COVID-19 Act Can Save The Economy?*"
- Sage 3 Webinar (Malaysia)      Panelist on "*What is my best Restructuring Option?*"
- AIAC Webinar (Malaysia)      Presenting on "*Exploring the Intersection of Insolvency and ADR*"
- 21st International Congress of Maritime Arbitrators (ICMA) (Rio De Janeiro, Brazil)      Presenting on "*Why Arbitrators Don't Arrest Ships & 7 Maritime Lessons from the Superyacht, Equanimity*"
- IADC Midyear Meeting (Pebble Beach, California, USA)      Panelist on "*Effective Appellate Advocacy - A Multi-Jurisdictional Perspective*"

### 2019

- ICC-THAC Arbitration Conference (Thailand)      Presenting on "*The Role of an Arbitral Institution and Emerging Trends in International Arbitration*"

- IADC Regional Meeting (Singapore) Presenting on "*Legal updates from Malaysia*"
- SIAC – KL Academy (Malaysia) Panelist on "*Hearing of An Application for Early Dismissal*"
- Inaugural Arbitral Women (AW) Panel in Malaysia on Career Development in International Arbitration (Malaysia) Presented on "*Women in Arbitration: Be A Rising Star*"
- 3rd AIAC-ICC Pre Moot for the Willem C. Vis International Commercial Arbitration Moot (Malaysia) On the panel of Arbitrators for the Finals
- Superyacht Investor Conference (London) Presented on "*I want it back – repossession update*"

## 2018

- World Maritime Week Conference (Malaysia) Presented on "*Challenges of Maritime Law in Malaysia : How Maritime Laws Can Drive Maritime Malaysia*"
- International Malaysia Law Conference (IMLC) (Malaysia) Moderated session on "*Shattering the Glass Ceiling : Significant Roles for Women In Law*"
- IADC Asian Regional Meeting (Lisbon) Presented on "*Multi-Party and Multi-Contract Disputes in International Arbitration*"
- IMSML's Certificate Course as An Introduction to Maritime Law (Kuala Lumpur & Kota Kinabalu) Lectured on "*Admiralty Law and Enforcement of Maritime Claims*"; "*Maritime Law and Sources*"; "*Bills of Lading*"; "*Dispute Resolutions : Litigation, Mediation and Arbitration*"
- Selangor Bar Committee (Malaysia) Presented on "*Admiralty Jurisdiction - The Peculiarities & The Charm*"



## 2017

- Bar Council Women Lawyers Conference (Malaysia) Presented on "*Finding Your Niche : Female Perspectives*"
- IMSML's 2<sup>nd</sup> Maritime Law Conference (Malaysia) Presented on "*Malaysian Admiralty Jurisdiction – Where we are and ... where we should head?*"
- 20<sup>th</sup> ICMA (Copenhagen) Presented on "*The Right of Arrest – Are we making it too difficult? A Common Law Perspective*"
- IMSML's Certificate in Maritime Law (Malaysia) Lectured on "*Admiralty Law and Enforcement of Maritime Claims*"; "*Maritime Law and Sources*"; "*Bills of Lading*"; "*Dispute Resolutions : Litigation, Mediation and Arbitration*"
- Legal Plus Injunction Seminar (Malaysia) Presented on "*Injunction in Admiralty Cases*"
- Kuala Lumpur International Arbitration Week (KLIAW) (Malaysia) Moderated session on "*ADR & Women : Bridging the Gender Gap*"
- IPBA 27<sup>th</sup> Annual Meeting and Conference, Maritime Law Committee Session (Auckland) Moderated session on "*Growing Convergence in Asia Pacific Maritime Jurisprudence*"

## 2012 – 2017

- Diploma in International Commercial Arbitration, conducted by CI Arb (Malaysia) Lectured on Maritime arbitration

## 2016

- IMSML's 1<sup>st</sup> Maritime Law Conference (Malaysia) Presented on "*Crafting the Claim*"
- IADC Asian Regional Meeting (Hong Kong) Presented on "*The Insolvency and The Right to Arbitrate*"

- IADC International Corporate Counsel College (Brussels) Presented on "*Can I lie about the Facts before the State Courts?*"
- Malaysia World Maritime Day Conference (Malaysia) Presented on "*Maritime Arbitration – Are We There?*"
- IPBA 26<sup>th</sup> Annual Meeting and Conference, Maritime Law Committee Session (Malaysia) Moderated session on "*Future of Maritime Security, 2015-2020*"
- 8<sup>th</sup> Asian Law Conference (Singapore) Presented on "*Claims Management*"
- IMSML Evening Series – KLRCA (Malaysia) Presented on "*Maritime Arbitration : Exercising Choice*"

## 2015

- IPBA-KLRCA Arbitration Day 2015 (Malaysia) Presented on "*Blind Spots in Maritime Arbitration*"

## 2014

- IADC Asian Regional Meeting (Hong Kong) Presented on "*Rethinking the Notion of Confidentiality – The Need for greater Arbitral Accountability*"
- KLRCA International Arbitration Conference (Malaysia) Presented on "*Rethinking the Notion of Confidentiality – The Need for greater Arbitral Accountability*"

## 2013

- IPBA 23<sup>rd</sup> Annual Meeting and Conference, Dispute Resolution Committee Session (Korea) Moderated session on "*Women in Arbitration*"

## 2012

- IPBA 22<sup>nd</sup> Annual Meeting and Conference, Maritime Committee Session (New Delhi) Participated in debate on "*Limitation of Liability Convention 1957 vs. 1976*"

## 2010

- ArbitralWomen Forum (Singapore) Presented on "*Cultural Bias*"

## 2009

- 2<sup>nd</sup> Asian Maritime Law Conference (Singapore) Presented on "*Maritime Arrests, Attachments, Pre-emptive Remedies and Insolvency in a Global Shipping Crisis*"

## 2007

- National Maritime Conference (Malaysia) Presented on "*Maritime Legal Reform*".

## 2006

- Bonds Investors' Workshop (Malaysia) Addressing participants on "*Legal issues of the Bonds Market*"
- Advanced Advocacy Workshop (Malaysia) Joint trainer - Witness Statement preparation, objections and cross-examination

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 TESTIMONIALS
**Chambers Asia**

2020 – Shipping category

*Sitpah Selvaratnam is recognised among sources for her notable experience handling admiralty disputes. She has expertise in matters concerning collisions, ship arrests and charter party disputes, and she is also noted for her work as an arbitrator.*

2018 – Shipping category

*Notable practitioners*

The **"outstanding"** Sitpah Selvaratnam is lauded by market commentators, with additional sources praising her as **"probably the best maritime lawyer in Malaysia"**. Her broad contentious practice covers cargo and charter party disputes, marine insurance and ship arrests, while she also acts as an arbitrator. Clients appreciate her **"quick response"**, describing her approach as **"to the point"**.

2017 – Shipping category

*Notable practitioners*

Sitpah Selvaratnam is highly respected in the market, with expertise covering ship arrests, contentious cargo matters and insurance disputes, as well as arbitration. She is singled out for praise by a client, who says : **"The way she handled the case was very effective and I was personally very satisfied with her – I trusted her."**

2015 – Shipping category

*Notable practitioners*

Sitpah Selvaratnam is a well-known name in this space and is noted for her strong track record in maritime and shipping disputes. She is also frequently called upon to act as an arbitrator for international trade disputes in the Kuala Lumpur and Singapore arbitration centres."

2014 – Shipping category

*"Tommy Thomas Advocates & Solicitors*

*What the team is known for* A widely recognized litigation boutique with a highly respected shipping arm. Frequently involved in landmark cases and regularly instructed on an array of matters, including dangerous cargo and bunker disputes and ship arrests.

*Notable practitioners*

Consultant Sitpah Selvaratnam is a pre-eminent shipping litigator in Malaysia, described as **"an extremely hard-working and savvy advocate with a first-rate brain and the technical ability to match."** She is also regularly appointed as an arbitrator in international trade and shipping cases."

2013 – Shipping category

*"Tommy Thomas Advocates & Solicitors*

*THE FIRM This premier litigation boutique continues to play an important role in the market and is regularly sought after for its outstanding disputes litigation offering. Its enviable portfolio of clients includes Steamship Insurance Management Services, Shipowners Protection, Northport Malaysia and Pacific Richfield Group.*

*KEY INDIVIDUALS Co-founding partner Sitpah Selvaratnam is a consultant at the firm and has more than 20 years' experience in dealing with maritime disputes. She is particularly experienced in handling cases relating to damages at ports or in transit, and in international trade issues and marine insurance matters."*

2011 – Shipping category

*"Key Individuals Sources describe Sitpah Selvaratnam as a leading light in the shipping market. Specialising in dispute advisory work, she has 20 years of experience under her belt. Both peers and clients praise her diligent and professional approach."*

2010 – Shipping category

*"This compact practice of five practitioners exclusively handles dispute resolution matters. The shipping specialist at the firm is Sitpah Selvaratnam, a **"skilled and professional litigator"**. She represents both international and domestic clients in charter party and cargo claims, and in collision and insurance claims. She also regularly writes and speaks on the reform and development of shipping law in Malaysia. Banking and insolvency matters also make up an important part of her practice."*

**The Asia Pacific Legal 500** – Sitpah received the following endorsements in the Shipping and Dispute Resolution categories.

2020 and 2021 – **Hall of Fame** for Shipping in recognition of the constant praise from clients for continued excellence.

2014 – Dispute Resolution category

*"Consultant Sitpah Selvaratnam is highly regarded for shipping matters."*

2014 – Shipping category

*"Sitpah Selvaratnam of Tommy Thomas is highly regarded for her shipping expertise. Recent matters include successfully limiting liability for damages for shipowner clients at the Court of Appeal. Selvaratnam has also been advising clients on vessel arrests, acting for several bunker supply clients to secure arrest for the recovery of monies."*

2010/2011 – Shipping category

*"Sitpah Selvaratnam is a respected shipping specialist, with charterparty disputes and collision claims a key part of her practice."*

2007/2008 – Dispute Resolution category

*"Tommy Thomas is a very well thought of litigation boutique, boasting the 'foremost' Tommy Thomas and the 'brilliant' Sitpah Selvaratnam."*

2007/2008 – Shipping category

*"Sitpah Selvaratnam at Tommy Thomas enjoys a good reputation in contentious and non-contentious shipping-related matters."*

2006/2007 – Dispute Resolution category

*"Sitpah Selvaratnam is also seen as an exceptionally able lawyer."*

2006/2007 – Shipping category

*"Tommy Thomas has in Sitpah Selvaratnam one of its most technical and experienced partners for shipping-related issues, particularly on the contentious side."*

Also ranked in **Who's Who Legal Transport (Shipping)** and singled out by Shipping Transport International published in London in 2008, as a significant maritime personality.

## QUALIFICATIONS

Diploma	(2008)	Diploma in International Commercial Arbitration – Chartered Institute of Arbitrators, Keble College, Oxford
Professional	(1990)	Advocate & Solicitor of the High Court of Malaya
	(1989)	Degree of Utter Barrister Honourable Society of Lincoln's Inn
Degree	(1991)	LLM University of Cambridge, Cambridge Queens' College Second Class Honours (Upper Division)
Degree	(1988)	LLB University of Wales, Cardiff (UWIST) First Class Honours

## EDUCATION

Sept 1990 - June 1991	University of Cambridge, Cambridge
Sept 1988 - June 1989	Holborn School of Law, London
Sept 1985 - June 1988	University of Wales, Cardiff (UWIST)
Mar 1983 - Dec 1984	Raffles Junior College, Singapore
Jan 1978 - Dec 1982	Bukit Nanas Convent, Kuala Lumpur

## AWARDS AND SCHOLARSHIPS

June 1990	British High Commissioner's Award Kuok Foundation Scholarship
June 1988	University of Wales (UWIST) - Maxwell Award for Best Student, Law Faculty
June 1987	University of Wales (UWIST) - Philip E Philip Award for Law of Trusts

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## RELEVANT EMPLOYMENT

Since Jan 2012	Consultant, Tommy Thomas, Kuala Lumpur
Jan 2000 - Dec 2011	Partner, Tommy Thomas, Kuala Lumpur
Apr 1999 - Dec 1999	Partner, Skrine & Co., Kuala Lumpur
July 1990 - Sept 1990 and Aug 1991 - Mar 1999	Legal Assistant, Litigation Department Skrine & Co, Kuala Lumpur