

Curriculum Vitae of Datuk Professor Sundra Rajoo Nadarajah

I. CONTACT DETAILS:



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II. EDUCATION & QUALIFICATIONS

- Advocate & Solicitor, Malaysia (2004).
- Certificate of Legal Practice of Malaysia (2003).
- Hon Doctor of Laws (LLD) (Leeds Beckett) (2014).
- Masters of Philosophy in Law (Manchester) (1996).
- LLB Hons (London) (1995).
- Master of Science in Construction Law and Arbitration (with Merit) (LMU) (1997).
- Grad Dip in Architecture (TCAE) (1983).
- Grad Dip in Urban & Regional Planning (TSIT) (1984).
- Bachelor of Science (Housing, Building & Planning) Hons (USM) (1979).
- Diploma in International Commercial Arbitration (CIArb) (2001).
- Registered Architect (1986).
- Registered Town Planner (1988).
- Chartered Arbitrator (1999).
- Certified International ADR Practitioner (AIADR) (2019).
- Fellow of the Chartered Institute of Arbitrators (CIArb) (1996).
- Fellow of the Asian Institute of ADR (FAIADR) (2018).
- Fellow of Malaysian Institute of Arbitrators (FMIArb) (1997).
- Life Fellow of Indian Council of Arbitration (FICA) (1998).
- Fellow of Royal Institution of Chartered Surveyors (FRICS), United Kingdom (2010).
- Fellow of the Malaysian Institute of Architects (FPAM) (2006)
- Member of the Malaysian Institute of Town Planners (APPM) (1999)
- Council Member of the Malaysian Institute of Architects (1990-1992, 1993-2001, 2017-2018).
- Approved Course Director of the Diploma in International Commercial Arbitration, Chartered Institute of Arbitrators, England.

- Member of the Advisory Committee of the International Commercial Dispute Prevention and Settlement Organisation (ICDPASO).
- Expert Advisory Committee of the International Dispute Prevention and Settlement, Beijing Institute of Technology.
- Past Member of the International Commercial Expert Committee of the International Commercial Court of the Supreme People's Court of China.
- Pioneer member of the Monetary Review Committee (2016-2019) as appointed by the Malaysian Finance Minister under the Banking & Financial Institutions Act, 1989 (BAFIA).
- Independent and Non-Executive Director of Malaysian Cement Sdn Bhd for 2 terms.
- Member of the Sulu Arbitration Task Force appointed by the Malaysian Government in 2022 to advise and strategise to set aside and prevent enforcement of the Partial and Final Award arising from an ex parte arbitration held in Spain and France.
- As Expert Consultant working jointly to update and also, draft new suite of standard form of contracts (total of 11) for use by Government of the South East Asian country.

III. CAREER

- Founding President, Asian Institute of Alternate Dispute Resolution (AIADR) (2018 to date).
- Director, Asian International Arbitration Centre (AIAC) (March 2010 - November 2018 and March 2023 to June 2024).
- Advocate & Solicitor called to the Malaysian Bar in 2004.
- Chairman, Asian Domain Name Dispute Resolution Centre (2018).
- Deputy Chairman, FIFA Adjudicatory Chamber (2018).
- President, Chartered Institute of Arbitrators (2016).
- President, Asian Pacific Regional Arbitration Group (APRAG) (2011).
- Founding President, Society of Construction Law Malaysia.
- Founding President Malaysian Society of Adjudicators.
- Founding President, Sports Law Association of Malaysia.
- Deputy-President of the Malaysian Institute of Arbitrators (1999-2002).
- Visiting Professor at the Law Faculty, GuangXi University, People's Republic of China (PRC).
- Research Fellow, Hainan University, PRC.
- Adjunct Professor at the Faculty of Built Environment, University of Technology Malaysia.
- Past Visiting Professor at the Faculty of Law, National University of Malaysia.
- Past Adjunct Professor at the Faculty of Law, University of Malaya, and the School of Housing, Building and Planning, Universiti Sains Malaysia.
- Head of Building Division, Bank Negara Malaysia (1979–1997).
- First full-time arbitrator in Malaysia starting in 1997.

IV. ARBITRATION EXPERIENCE

Appointed as arbitrator since 1990. Has served as Presiding Arbitrator, Co-arbitrator of three-member panels and sole arbitrator in over 300 international and domestic arbitrations including ad hoc and institutional arbitrations.

Experience and empaneled with Arbitration Centres:

- International Chamber of Commerce, ICC.
- Singapore International Arbitration Centre, SIAC.
- Hong Kong International Arbitration Centre, HKIAC.
- Permanent Court of Arbitration, PCA.
- Korea International Arbitration Centre, KIAC.
- China International Economic and Trade Arbitration Commission, CIETAC.
- Shanghai International Arbitration Centre, SHIAC.
- Shenzhen Court of International Arbitration Centre, SCIA.
- Beijing International Arbitration Commission, BIAC.
- Nanning International Arbitration Commission, NIAC.
- Hainan International Arbitration Commission, HIAC.
- Korean Commercial Arbitration Board, KCAB.
- Asian International Arbitration Centre, AIAC.
- Hong Kong AALCO Arbitration Centre,
- Kigali International Arbitration Centre, KIAC, Rwanda.
- Dubai International Arbitration Centre, DIAC.
- The Arbitration Foundation of South Africa.

Some recent arbitral appointments:

As Presiding Arbitrator

Presiding Arbitrator in a HKIAC arbitration between 2 Cayman Islands companies and a BVI company in a dispute relating to a Shareholders Agreement. The arbitration seat is Hong Kong and the governing law is Hong Kong law. The arbitration language is English and the amount in dispute is over USD 12 million.

Presiding Arbitrator in an ICC arbitration between 3 companies (from Italy and India) and an Indian Public Undertaking in a dispute relating to a Steel Mill EPC contract. The arbitration seat is India and the governing law is India. The arbitration language is English and the amount in dispute is over USD 65 million.

Presiding Arbitrator in an ICC arbitration between Indian company and a U.S.A. company in a dispute relating to a supply and distribution agreement. The arbitration seat is London and the governing law is Indian law. The arbitration language is English and the amount in dispute is over USD 21 million.

Presiding Arbitrator in an UNCITRAL Arbitration Rules 1976 arbitration as administered by SIAC between a Chinese State-owned company and a Mauritius company in a dispute relating to a contract for steam turbines for a thermal power plant, Chhattisgarh, India. The arbitration seat is Singapore and the governing law is English law. The arbitration language is English and the amount in dispute is over USD 12 million.

Presiding Arbitrator in a Kigali International Arbitration Centre (KIAC), Rwanda administered arbitration between a Luxembourg incorporated company and a Rwandan Statutory Board in a dispute relating to the supply, testing, commissioning and maintenance of an e-social security system. The arbitration seat is Kigali, Rwanda and the governing law is Rwandan law. The arbitration language is English. The amount in dispute is over 5,300,000,000 Rwf.

Presiding Arbitrator in a HKIAC, Hong Kong arbitration between a Chinese PRC company and a BVI company in a dispute relating to the contract for drilling equipment. The Respondent was a Specially Designated Nationals (SDS) under current US sanctions concerning Iran. The arbitration seat is Hong Kong. The law of the *situs* was the applicable *lex arbitri*. Matter was settled with the issue of a termination order.

Presiding Arbitrator in an India Council of Arbitration Rules amended to an ICC arbitration between 2 companies in joint venture incorporated in India and Netherlands and Public Undertaking in India. The dispute related to an expansion of a steel mill. The arbitration seat is India and the governing law was Indian. The amount in dispute was over USD 8 million.

Presiding Arbitrator in an Ad hoc UNCITRAL Arbitration Rules 2010 arbitration between an Indian construction company and Sri Lanka State entity in a dispute relating to a contract for design, construction, installation and rehabilitation of waste water pumping stations in Colombo, Sri Lanka. The arbitration seat is Colombo, Sri Lanka and the governing law is Sri Lankan law. The arbitration language is English and the amount in dispute is over USD 8 million.

As Co-Arbitrator:

Co-Arbitrator in an ICC arbitration between 3 companies (from Netherlands and India) and an Indian Public Undertaking in a dispute relating to a EPC contract for a steel mill. The arbitration seat is Hyderabad, India and the governing law is India. The arbitration language is English and the amount in dispute is over USD 102 million.

Co-arbitrator in an ICC arbitration between an Indian company and an African State Road Authority in a dispute relating to a highway construction contract. The seat is Paris, France and the governing law Ethiopian Law. The amount in dispute is over USD 37 million

Co-arbitrator in 3 PCA arbitrations between a Joint venture Netherlands and Indian company and an African State Road Authority in a dispute relating to a

highway construction contract. The seat is Hague, Netherlands and the governing law Tanzanian Law.

Co-arbitrator in a Kigali International Arbitration Centre (KIAC), Rwanda administered arbitration between a joint venture of 2 companies incorporated in Dubai and Rwanda with an Energy company incorporated in Rwanda in a dispute relating to civil works for a hydropower project in Rwanda. The arbitration seat is Kigali, Rwanda and the governing law is Rwandan law. The arbitration language is English.

As Sole Arbitrator:

Sole Arbitrator in a PCA arbitration under the UNCITRAL Arbitration rules 2010 between a Malawi, Africa company and Indian company in a dispute arising from an agency agreement. The seat is India or *“any other UNCITRAL following countries to be decided mutually and the governing law be of the country where arbitration will be conducted...”*

Sole Arbitrator in an Ad Hoc case between a Malaysian company and Chinese subsidiary company incorporated in Malaysian in a dispute arising from an construction agreement. The seat is Malaysia and the governing law is Malaysian. The arbitration language is English. The amount in dispute is over RM 171,000,000.00

Sole Arbitrator in an Ad Hoc case between a Malaysian company and subsidiary company of a government linked corporation in a dispute arising from a construction agreement. The seat is Malaysia and the governing law is Malaysian. The arbitration language is English. The amount in dispute is over RM 28,000,000.00

Sole Arbitrator in an Ad Hoc case between 2 Malaysian companies in a dispute arising from a construction agreement. The seat is Malaysia and the governing law is Malaysian. The arbitration language is English. The amount in dispute is over RM 32,000,000.00

Sole Arbitrator in an Ad Hoc case between a Malaysian company and subsidiary company of a government linked corporation in a dispute arising from a construction agreement. The seat is Malaysia and the governing law is Malaysian. The arbitration language is English. The amount in dispute is over RM 9,000,000.00

V. PUBLICATIONS AS AUTHOR AND CO-AUTHOR

- Law, Practice and Procedure of Adjudication (2023) Lexis Nexis.
- Standard Form of Building Contracts Compared (2022) Lexis Nexis.
- Law Practice and Procedure of Arbitration of India (2021) Thomas Reuters.
- UNICITRAL Model Law & Arbitration Rules (2019) Sweet & Maxwell.

- A Practical Guide to Statutory Adjudication in Malaysia, 4th Edition, 2018, AIAC.
- Law, Practice and Procedure of Arbitration, 2nd Edition, 2016, Lexis Nexis.
- Arbitration in Malaysia: A Practical Guide, 2016, Sweet & Maxwell.
- Construction Law in Malaysia, 2012, Sweet & Maxwell.
- The Malaysian Arbitration Act 2005 (Amended 2011) – An Annotation, 2013, Lexis Nexis.
- The PAM 2006 Form, 2010, Lexis Nexis.
- The Arbitration Act 2005 – UNCITRAL Model Law as Applied in Malaysia, 2007, Sweet & Maxwell.
- The Malaysian Standard Form of Building Contract (The PAM 1998 Form), 1999, Malayan Law Journal.
- The chapter on Annulment of Investment Arbitration Awards in The Investment Treaty Arbitration Review (2016 and 2017) edited by Barton Legum.
- Construction Adjudication Reports 2018, Sweet & Maxwell, including:
 - “Repeal of Section 42: Question of Law arising out of an award by the amended Arbitration Act (2005)” [2019] 6 MLJ civ.
 - “Arbitration and its development in Malaysia” [2020] 1 MLJ Iv.
 - “Trends in ISDS in the Asia Pacific” [2020] 3 MLJ cxvi.
 - “The Asian International Arbitration Centre: Transformation, growth and prospects” [2020] 4 MLJ i.
 - Embracing the Dawn: Navigating Opportunities in the Modern Asian Arbitration Landscape. AIADR Journal on International ADR Forum, Vol. 2, Issue 9.

VI. RECOGNITION

- Conferred the Panglima Jasa Negara, which carries the title "Datuk," by His Majesty the Malaysian King on 2nd June 2012 for distinguished services and contributions to the State and Nation - Malaysia.
- Awarded the Leading International Arbitrator Award 2023 by the Asia Pacific Centre for Arbitration and Mediation (APCAM).
- Datuk Sundra Rajoo has been described as follows:

“Sundra Rajoo Nadarajah is himself a man of no little distinction. In professional and academic terms, he is a genuine polymath. There cannot be many lawyers who have qualifications covering every phase of development; planning, architecture, construction, and arbitration.”
 Professor Anthony Lavers, LL.B, M.Phil, Ph.D, D.Litt, MCI.Arb, FRICS
 Barrister Counsel, White & Case LLP, London Visiting Professor, Law, King’s College, London.

“Sundra is a force to reckon with in the field of arbitration, not only in Malaysia or in Asia, but world over.”
 Justice A.K. Sikri, Former Judge, Supreme Court of India, Presently International Justice, Singapore International Commercial Court.