

Name : SITPAH SELVARATNAM

Date of Birth : 27 MAY 1965

Nationality : MALAYSIAN

Country of Residence: MALAYSIA

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Profession : Lawyer

Academic & Professional Qualification(s) :

- 1) Diploma in International Commercial Arbitration –Chartered Institute of Arbitrators (CIArb), Keble College, Oxford [April 2008];
- 2) LLM University of Cambridge, Queens' College [June 1991];
- 3) Advocate & Solicitor, West Malaysia [July 1990];
- 4) Degree of Utter Barrister, Honourable Society of Lincoln's Inn [July 1989];
- 5) LLB University of Wales, Cardiff (UWIST), First Class Honours [June 1988].

Professional Membership(s):

- (i) Panel of Arbitrators, Kuala Lumpur Regional Centre for Arbitration [KLRCA];
- (ii) Panel of Arbitrators, Singapore International Arbitration Centre [SIAC];
- (iii) Panel of Arbitrators, Singapore Chamber of Maritime Arbitration [SCMA];
- (iv) Supporting Member of the London Maritime Arbitrators Association [LMAA];
- (v) President, International Malaysian Society of Maritime Law [IMSML];
- (vi) Chair, Shipping and Admiralty Law Committee of the Malaysian Bar Council;
- (vii) Chair, Maritime Law Committee of the Inter-Pacific Bar Association [IPBA];
- (viii) Co-Chair, International Arbitration Committee of the International Association of Defense Counsel [IADC];
- (ix) Fellow, Chartered Institute of Arbitrators [CIArb];
- (x) Fellow, Malaysian Institute of Arbitrators [MIArb];
- (xi) Accredited Mediator, Malaysian Mediation Centre [MMC];
- (xii) Member, ArbitralWomen, The International Network of Women in Dispute Resolution;
- (xiii) Chair, Maritime Arbitration Working Committee of the KLRCA (2011-2012);
- (xiv) Member, Admiralty and Maritime Law Reform Taskforce empanelled by the Malaysian Judiciary (2010 – 2012);
- (xv) Chair, Women Business Lawyers Committee of IPBA (2009 – 2011).

Career & Professional Experience:

In excess of 25 years of experience in dispute resolution. Settling cause papers, appearing in superior and appellate Courts in Malaysia and in arbitration as Counsel; and advising on :

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

Concentrated practice in shipping and insolvency.

High Court trials and applications. Appellate Court motions and appeals, as lead and junior Counsel; numerous reported and unreported cases; opinions and advice; all largely in relation to:

Arrest and release of vessel, claims for wrongful arrest; claims and defence in relation to collisions with vessel, wharf and immovables; disruption of pipelines and telecommunication lines; damage and contamination to, and short/misdelivery of cargo; breach of charterparty and supply contracts; 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 pursuant to cargo interest's undertakings; marine insurance, subrogation, repudiation of insurance; representing claimants, defendants, third parties and interveners, upon instructions of shipowners, cargo interests, charterers, P&I Clubs, mortgagees, agents, suppliers, shipyards, ports, petroleum and telecommunication companies, insurers, hauliers, container yards;

Petitions under Section 181 and Section 218 Companies Act, 1965 relating to shareholders' disputes, appointment of liquidator; liquidator's directions, injunction restraining a winding-up petition; 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, or performance by, Receivers and Managers; restructuring of debts under Section 176 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 pursuant to the Pengurusan Danaharta Nasional Berhad Act 1998.

Appointed in December 2010 as expert on Malaysian admiralty laws and procedure to tender evidence in the High Court of Singapore, and in February 2005 as expert on Malaysian international trade and shipping laws in the High Court of Durban, South Africa.

Appointed in August 2008 by PIDM, the Malaysia Deposit Insurance Corporation, to review and advice on special legislative provisions on bank insolvency.

Co-Counsel in a Bond dispute referred to arbitration at the Kuala Lumpur Regional Centre of Arbitration before The Rt. Hon. Lord Millett, Y. Bhg. Dato' K.C. Vohrah and Dr. Gavan Griffith QC, in June 2005.

Advising on international laws governing transit passage in the Straits of Malacca.

Arbitration

- (1) 6 appointments by the KLRCA as Sole Arbitrator in domestic disputes involving a charterparties, medical consultancy service contract, and sale of insurance business assets and liability contract, respectively.
- (2) 12 appointments by the SIAC as Sole Arbitrator in international charterparty and trade disputes.
- (3) 2 parties' nomination in international and domestic charterparty disputes, administered by the KLRCA.

(4) Presiding Arbitrator in a 3 member Tribunal on an international ship building dispute.

Handed down 10 awards; 7 in relation to SIAC appointments, and 3 in relation to KLRCA administered arbitration. 4 references pending hearing, at various stages of progress.

Legal Knowledge relating to Shipping, Arbitration Practice and Procedure:

LLB and LLM in Maritime and Admiralty Law; International Trade and Finance; Carriage of Goods by Sea and Marine Insurance.

CIArb Diploma in International Commercial Arbitration including Award Writing, with Fellowship pre-requisites.

Publications:

Publication in the Malaysian Law Journal, Bar Council and KLRCA publications of papers presented at various fora and interviews by local media.