



Hri Kumar Nair, SC

Director, Dispute Resolution

LL.B. (Hons), National University of Singapore (1991)

Admitted to the Singapore Bar (1992)

Appointed Senior Counsel (2008)

Admitted to the Roll of Solicitors of the Supreme Court of England & Wales (2008)

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ABOUT HRI

Hri has more than 20 years of extensive dispute resolution experience across multiple legal disciplines. He is recognised by the market as an expert in dispute resolution with industry publications lauding him as one of Singapore's best in both litigation and arbitration. He was appointed Senior Counsel in 2008.

Hri acts in a wide range of litigation and arbitration matters for major international and local companies and financial institutions. His main areas of expertise include contract and tort, banking, trust, libel, corporate/commercial disputes, shareholder disputes, insolvency, and professional negligence. He has also advised on regulatory issues and has led teams to investigate fraud and other issues which have arisen in both private and listed companies.

Hri has handled some of the firm's most high-profile cases of late and is valued by both local and international clients. Hri also sits as an arbitrator and is on the SIAC's Panel of Arbitrators.

EXPERIENCE

Hri has handled many high profile matters. Here are just a few:

- **Arbitration concerning major waterfront project** – Hri is representing a foreign public listed company in a US\$3 billion dollar arbitration against a State Government for breach of a development agreement relating to the construction of a major waterfront project.
- **Arbitration against state government** - Hri is representing a private land developer in a US\$130 million dollar arbitration against a state government for breach of an agreement relating to the alienation and development of state land for the construction of a large-scale residential development.
- **Arbitration concerning power plant in Indonesia** - Hri is representing a subsidiary of a leading Indonesian chemical producer in a US\$200 million ICC arbitration against a Chinese multinational power-generation and electrical manufacturing company relating to breach of contract for the construction of a power plant in Indonesia.
- **Arbitration over ownership of mining project** – Hri represented shareholders of an Indonesian company in a multi-billion dollar arbitration commenced by an Australian listed minerals exploration company over the ownership of a copper / gold mining project in Indonesia.
- **Arbitration concerning breach of confidence and breach of consultancy agreement** – Hri represented a private equity firm which manages over US\$400m in assets in a claim against its former Chief Executive Officer. Hri successfully obtained interim relief for the firm by emergency arbitration.
- **Arbitration concerning sale and purchase of iron ore fines** – Hri is representing a leading global steel producer in a multi-million dollar claim by a buyer for breach of contract
- **Litigation concerning breach of ISDA Master Agreement [2016] 2 SLR 906** – Hri successfully defended UBS AG in a suit brought by Global Yellow Pages chief executive Stanley Tan for more than S\$133m of losses allegedly suffered on account of various accumulators he invested in. This is the first case in Singapore which involved issues relating to the interpretation of the ISDA Master

Agreement and its application to the unwinding of financial products.

- **Ong & Ong Pte Ltd v Fairview Developments Pte Ltd [2015] SGCA 5; [2014] 2 SLR 318** - Hri represented Fairview, a developer which is part of the Tong Eng Group, in a claim by an architect for wrongful termination. This marked a landmark decision on the offer to settle regime in Singapore - an important aspect of modern day litigation.
- **Sim Chay Koon and others v NTUC Income Insurance Co-operative Ltd [2015] SGHC 43** – Hri is representing a leading Singapore insurance company in a representative action brought by insurance agents of the company for breach of contract.
- **Chandra Winata Lie v Citibank N.A. [2015] 1 SLR 875** – Hri is representing Citibank in a claim by an Indonesian investor to recover losses he suffered on allegedly unauthorised transactions.
- **Bank of China Limited (Singapore Branch) v Huang Ziqiang [2014] SGHC 245** - Hri successfully represented Bank of China in a claim of over US\$66 million against a Chinese businessman under a personal guarantee. The case involved issues of fraudulent misrepresentation, promissory estoppel and breach of contract.
- **Representative action regarding membership in Sijori Resort Club, Sentosa** – Hri acted for the new owners of the Sentosa resort in defending a representative action brought by more than 200 members of a club managed by the former owners of the resort.
- **PT Bakrie Investindo v Global Distressed Alpha Fund 1 Ltd Partnership [2013] 2 SLR 228; [2013] 4 SLR 1116** – Hri successfully represented a company which invests in distressed commercial and sovereign debt claims in enforcing a judgment obtained in the United Kingdom. The case involved complex issues of conflicts of law and civil procedure.
- **Als Memasa and another v UBS [2012] 4 SLR 992; [2012] SGHC 30** – Hri acted for UBS AG in a multi-million dollar Suit brought by two Indonesian customers. The customers alleged that their investments, which included structured products, dual currency investments and bonds, were made without authority and that the bank acted negligently.
- **UBS AG v Telesto Investments Ltd and others and another matter [2011] 4 SLR 503** – Hri successfully obtained an anti-suit injunction to restrain a foreign customer and its guarantor from pursuing a claim in Australia for over AUD34 million against the bank’s Australian branch. Hri subsequently successfully represented the bank in Singapore proceedings to recover US\$12 million and other declaratory relief against the customer.
- **Skandinaviska Enskilda Banken AB (Publ), Singapore Branch v Asia Pacific Breweries (Singapore) Pte Ltd and another and another appeal [2011] 3 SLR 540; [2009] 4 SLR(R) 788; [2007] 2 SLR 367; [2006] 3 SLR 441** – Hri successfully defended Asia Pacific Breweries in a claim by four foreign banks in relation to unauthorized accounts / facilities opened by the company’s ex-finance manager. The case involved fraud and forgery perpetrated by the finance manager and issues of agency, vicarious liability, bankers’ duties, negligence and restitution. The action also involved an interlocutory hearing which resulted in a landmark decision by the Singapore Court of Appeal on the law on legal professional privilege.
- **Merrill Lynch Pierce, Fenner & Smith Inc v Prem Ranchand Harjani and another [2010] SGHC 249** – Hri successfully represented Merrill Lynch in a claim of over US\$11 million against a Singapore company and its shareholder involving the purchase of shares in an Indonesian company listed on the Jakarta Stock Exchange. The claim involved issues of conspiracy, fraudulent misrepresentation, vicarious liability, and breach of contract.
- **Shanghai Electric Group Co Ltd v PT Merak Energi Indonesia and another [2010] 2 SLR 329** - Hri successfully represented an Indonesian chemical producer in an application to set aside an ex parte injunction obtained a Chinese company restraining clients from receiving the proceeds under a performance bond.

- **George Raymond Zage III and another v Ho Chi Kwong and another [2010] 2 SLR 589 and [2009] 2 SLR(R) 479** – Hri successfully defended a well-known Singapore jeweller in a claim for alleged knowing receipt, and/or dishonest assistance in the dissipation, of trust monies, as a result of the alleged misappropriation of monies by a rogue lawyer for his own use including to purchase precious stones and jewellery.
- **Ching Chew Weng Paul v Ching Pui Sim and others [2010] 2 SLR 76** – Hri successfully resisted an application to set aside High Court judgment of US\$16 million arising from a dispute relating to the administration of a multi-million dollar estate. The matter involved key questions of trust law and civil procedure.
- **Lehman Brothers claims** – Hri acted for an international bank in relation to more than 30 different complaints involving allegations of mis-selling, misrepresentation and fraud, arising from investment products linked to Lehman Brothers. Legal proceedings were commenced in respect of some of these complaints, whereas others were the subject of investigations by MAS or adjudication by the Financial Industry Dispute Resolution Centre (FIDReC).
- **Shareholders' Disputes** – Hri has represented minority shareholders in various companies, including the Goldbell Engineering group and Singapore ice company Tuck Lee in minority oppression actions.

PUBLICATIONS

- Co-writer of "Subpoenas in arbitration – the Singapore perspective" - IBA Arbitration News, March 2011
- Conference of the International Bar Association Madrid, Spain 2009 – "Internet blogging, state responses and free expression"
- Contributor to Singapore Precedents of Pleadings (2006 Ed; 2010 Ed)
- Conference on Detecting & Preventing Corporate Fraud, March 2006 – "Fraud And The Corporate Police"
- Co-writer of "The Law of Torts" for "Developments in Singapore Law between

2001 and 2005" for the Singapore Academy of Law Conference 2006

- Contributor to Singapore Court Practice 2005
- SAL Seminar 2006 – "Forensics, E-Discovery & Technology"
- Civil Advocacy Round-Table Talks 2005 – "Discovery"
- IBA Auckland Conference 2004 – "Consumer Protection in Singapore"
- Co-writer of chapter on Singapore law in Cross Frontier Insolvency of Insurance Companies; 2001 (Gabriel Moss QC – Editor in Chief)

ACCOLADES

The Asia Pacific Legal 500

Dispute Resolution 2017 – Leading lawyer for 7 consecutive years

International Arbitration 2017 – Leading lawyer for 5 consecutive years



Chambers Asia-Pacific and Chambers Global

Dispute Resolution: Litigation: Domestic Firms 2017 – Band 2



"There are few senior counsels and teams in other major firms who can rival the prowess of Hri Kumar and his team, a market source enthuses."

"an excellent lawyer' who is 'really client focused' and 'very commercial and gives very sound advice.'"

"a 'well-established leading litigator in banking and finance matters'."

"Widely acknowledged as an astute lawyer who is 'one of the leaders for banking and insolvency matters'. Clients particularly appreciate his ability to 'advise not just from the legal point of view, but in layman's terms'."

"Very grounded, practical, and commercial in his advice"

"He is held in high regard for his contentious work. He is particularly valued for the depth of knowledge he brings to the table in banking disputes."

“Hri Kumar, SC earns client praise for his expertise on banking disputes; he has handled some of the firm’s most high-profile cases.”

“Hri Kumar, SC is particularly active in the banking arena, where he is hailed as an extremely attentive and impressive litigator.”

Who’s Who Legal

Investigations 2016 – Recommended lawyer for 2 consecutive years

Commercial Litigation 2014 – Recommended lawyer for 2 consecutive years

Asialaw Leading Lawyers

Dispute Resolution 2016 – Leading lawyer

Asialaw Profiles

Dispute Resolution 2016 – Leading individual

“A name of note in this group”

Best Lawyers International: Singapore

Litigation 2016 – Endorsed individual for 4 consecutive years

Criminal Defense 2016 – Endorsed individual for 3 consecutive years

International Arbitration 2016 - Endorsed individual

India Business Law Journal

In the India Business Law Journal, June 2016, a client described Hri Kumar as an “*able and diligent advocate.*”

Asia IP Experts 2016

Leading individual in IP Litigation

APPOINTMENTS/MEMBERSHIPS

- SIAC, Panel of Arbitrators
- Member, Panel of Presidents of Disciplinary Tribunal, Supreme Court of Singapore
- Member, Fourth Committee On The Supply of Lawyers
- Member, Law Society of Singapore
- Advisor, Singapore Indian Development Association (SINDA)
- Member, Rules of Court Working Party (2002 – 2008)

OTHER POSITIONS

- Member of Parliament (Bishan – Toa Payoh GRC) (2 Nov 2006 – 25 Aug 2015)

- Chairman, Government Parliamentary Committee for Home Affairs and Law (23 Sep 2011 – 25 Aug 2015)

DIRECTORSHIPS

- Director, NTUC Income (3 Sep 2015 – present)
- Director, NTUC Foodfare Co-operative Ltd (21 Sep 2012 – 25 May 2015)
- Director, Media Development Authority of Singapore (1 Jan 2007 – 31 Dec 2012)
- Director, NTUC Choice Homes Co-Operative Ltd (23 Aug 2006 – 13 Sep 2012)
- Director, Riviera Properties Pte. Ltd. (23 Aug 2006 – 13 Sep 2012)
- Director, Bishan EC Pte Ltd (11 Sep 2008 – 21 Feb 2012)
- Member, People’s Association Board of Management (1 Jan 2007 – 31 May 2011)