



Mahesh Rai

*Deputy Head, Construction & Engineering
Director, Dispute Resolution*

LL.B. (Hons), National University of Singapore (2008), Shaw Foundation Scholar

LL.M. International Arbitration & Litigation, University College London (2009)

B.Sc. (1st Class Hons) Politics & International Relations, London School of Economics, External (2006)

Advocate & Solicitor of the Supreme Court of Singapore (2011)

Attorney-at-law of the state of New York (2011)

Solicitor of England & Wales (2013)

International Lawyer, Bar Association of the Kingdom of Cambodia (2013)

Acc. Spec. (Building & Construction), Singapore Academy of Law

Fellow, Chartered Institute of Arbitrators

Fellow, Singapore Institute of Arbitrators

Panel Arbitrator, Singapore International Arbitration Centre, Reserve Panel

T: +65 6531 2584 F: +65 6220 0324 E: mahesh.rai@drewnapier.com

ABOUT MAHESH

Mahesh is the Deputy Head of our Construction & Engineering practice. He acts for clients in litigation, international arbitration, construction and investigation matters. He has particular expertise in construction, infrastructure, information technology, telecommunications, oil & gas, shipping and commodities disputes.

Mahesh's expertise has been recognised by several publications. The Asia Pacific Legal 500 recommends Mahesh for International Arbitration and Projects & Energy (2019 edition). He won the Young Lawyer of the Year Award at the Asian Legal Business SE Asia Law Awards 2019. He is ranked as a Future Leader by Who's Who Legal (Investigations) in 2018 and 2019, and by the Global Arbitration Review in 2016. He has been praised by clients for being a lawyer who *"is quick on his feet, pays attention to detail and is clear and concise in his explanations"*. Asialaw ranked him as a Leading Lawyer in Dispute Resolution & Litigation in 2017 and 2018. Asia Legal Business identified Mahesh as an outstanding young lawyer in the "40 under 40" survey in 2018 and the Singapore Business Review selected Mahesh as one of the most influential lawyers under 40 in 2017.

In 2014, Mahesh was selected by the Supreme Court to be placed in the Young *Amicus Curiae* list and he appeared as

amicus curiae in a High Court matter involving money laundering.

Mahesh's experience also includes stints at two 'magic circle' barristers' chambers, Fountain Court Chambers (as a Singapore Academy of Law Scholar) and Essex Court Chambers (as the first winner of the Essex Court Singapore moots), where he worked on complex commercial litigation and arbitration matters.

Mahesh graduated from the National University of Singapore (NUS) as a Shaw Foundation Scholar. He earned an LL.M. in International Arbitration & Litigation from University College London (UCL) where he represented the United Kingdom as an oralist in the UCL team that was the runner-up in the prestigious Philip C. Jessup International Law Moot Court Competition.

For his pro bono work and increasing access to justice, Mahesh was highlighted as one of Asia-Pacific's Innovative Lawyers at The Financial Times' annual FT Innovative Lawyers Asia-Pacific 2018 awards. He was also shortlisted for the 2018 IBA Outstanding Young Lawyer Award for his *pro bono* representation of accused persons facing the death penalty in Singapore and civil party victims before the United Nations Khmer Rouge Tribunal.

EXPERIENCE

The following are some of the matters Mahesh has handled:

Construction

- Representing a Korean multinational conglomerate in an UNCITRAL arbitration against an Indian state-owned company over claims amounting to US\$210 million arising out of the construction of a petrochemical plant.
- Representing the international contractors in two UNCITRAL arbitrations against a sovereign government for claims amounting to over US\$150 million and relating to expropriation and delays to the construction of houses.
- Representing the employer in a construction dispute over a multitude of defects affecting a S\$400 million project.
- Representing the employer in claims against a contractor for defects affecting a S\$35 million property.
- Represented a Vietnamese government entity in an EPC construction and engineering US\$160 million arbitration over a hydropower project in central Vietnam.
- Represented a Malaysian public-listed company in a US\$21 million ICC arbitration, where Thai law applied, against a Thai public-listed company over the design, construction and commissioning of an industrial steam boiler for the palm oil industry.
- Advised a Turkish manufacturer in a dispute over the supplier of plant machinery against a leading German supplier of machinery.

IT, Technology and Telecommunications

- Represented a leading multinational information technology and telecommunications company in an SIAC arbitration against the telecommunications arm of a Malaysian conglomerate over contractual disputes relating to the design, commissioning and operation of a telecommunications network, and the supply of hardware and software.
- Represented a Filipino public listed company in an ICC arbitration against an American multinational corporation over a

dispute involving the setup of a voice and data telecommunications network for maritime vessels and seafarers.

- Represented a leading telecommunications tower infrastructure provider over a series of disputes relating to breaches of supply and installation agreements.
- Advised a multinational company in its international arbitration against the developers of a CRM system.

Shipping

- Represented Swiber Holdings Ltd and Swiber Offshore Construction Pte Ltd in proceedings before the Singapore High Court and the Singapore Court of Appeal. Successfully struck out a frivolous claim by Likpin International, a Middle Eastern corporation.
- Represented a major shipping company listed on the SGX in two arbitrations valued at a total of USD12 million under the SIAC Rules against a marine construction company registered in Dubai and a Vietnamese state-owned petrochemical company for breach of charter party agreements.
- Represented a €6 billion Norwegian company in a US\$20 million maritime arbitration, where Swiss law and Chinese law applied, against a Chinese public-listed company for project delays arising from a tug and tow accident in the South China Sea. The dispute involved issues of seaworthiness of vessels, obligations under the International Convention for the Safety of Life at Sea 1974 and gross negligence.
- Representing a leading Japanese conglomerate in a shipping dispute involving fraudulent switch bills of lading and conversion.
- Represented a shipping engineer in resisting a claim by the leading supplier of inert gas systems over the misuse of alleged confidential information and restraint of trade.

Companies and Insolvency

- Representing a marine engineering company in a minority oppression action against a majority shareholder of a joint venture company.

- Representing the managing director and a shareholder of Southeast Asia's leading pipe trading company in a number of High Court suits involving minority oppression, derivative claims, trusts and receivership.
- Representing a tycoon in a series of suits and an arbitration emanating from disputes over shareholders of a leading oil and gas equipment supplier.
- Advising shareholders on disputes arising out of a joint-venture company which operates clinics and surgery centers.
- Represented the majority shareholder in resisting an application to wind up a multimillion dollar electronics fabrication company. A successful buyout was negotiated.
- Represented a shareholder of a leading events company in a potential winding up matter. A successful buyout of our client's shares with minimal exit obligations was negotiated.

Contract

- Representing a Chinese investor in High Court claims against two doctors for misrepresentation and breaches of contract.
- Representing the part-owner of one of Vietnam's largest coffee empires in a suit before the Singapore High Court involving conspiracy, contractual breaches and tortious claims.
- Represented a shareholder of airlines-services company in resisting a suit in the Singapore High Court over claims of misrepresentation and contractual breaches.
- Represented a German multinational automotive corporation in an ICC arbitration against a Singaporean joint venture investment company over losses accruing from a failed semi-professional racing series project in South-East Asia.
- Represented the Government of the UAE in a S\$50 million claim against a healthcare group for exorbitant charges.

Employment

- Represented a broker in an employment dispute against a leading commodities and energy trading company.

- Advised the SEA-Pacific General Manager of Gameloft SE, a leading global video game developer, in an employment matter arising out of the takeover of Gameloft by Vivendi.
- Represented a regional executive in claims against a global manufacturer and designer of high-end office furniture.

Crime

- Representing civil parties / victims before the United Nations Khmer Rouge Tribunal in Case 002/02 against Nuon Chea ("*Brother Number Two*", second-in-command to Pol Pot) and Khieu Samphan (president of Democratic Kampuchea 1976– 1979).
- Appointed by the Supreme Court of Singapore as *Amicus Curiae* (friend of the court) in an appeal to the Singapore High Court in a novel case involving money-laundering and Li Huabo (the No. 2 individual on China's 100 "most wanted" corrupt officials list).
- Defended a number of indigent accused persons *pro bono* in criminal proceedings under the Criminal Legal Aid Scheme.

PUBLICATIONS

- Co-author, Chambers and Partners Global Practice Guides – Litigation 2019 (Singapore chapter)
- Contributing author, Global Investigations Review, The Practitioner's Guide to Global Investigations 2017 and 2018 (1st and 2nd edition)
- Contributing author, Global Investigations Review's Practitioner's Guide to Global Investigations (Edition 2) newsletter (2018)
- Contributing author, 'FIDIC around the world – Singapore', appeared in the 2017 Construction Law International Vol.12 Issue 3; published by the International Bar Association.
- Contributor to Singapore Civil Procedure (2014 (Supplement) & 2015)

ACCOLADES

The Asia Pacific Legal 500

International Arbitration 2019 – Recommended lawyer (debut)



Projects & Energy 2019 - Recommended lawyer (debut)

"wonderfully engaging to deal with and has an incredibly relaxed manner"

Asian Legal Business SE Asia Law Awards 2019

Young Lawyer of the Year – Mahesh Rai



Asian Legal Business

Identified as one of 40 bright legal minds in the region under the age of 40 – "40 Under 40 list" (October 2018 issue)

Financial Times Innovative Lawyers APAC 2018 awards

Mahesh was commended for his commitment to pro bono advocacy, highlighting his work with HOME (Humanitarian Organisation for Migration Economics) and AWARE (Association of Women for Action and Research) that led him to challenge laws that disadvantage migrant and refugee workers.

Who's Who Legal: Investigations – Future Leaders

Ranked as an eminent lawyer under 45 in the field of investigations, anti-corruption and white-collar crime in the 2018 and 2019 editions.

Mahesh Rai is "truly a leader in this area"...He provides specialist insight into disputes in the telecommunications and energy sectors.

"Mahesh is quick on his feet, pays attention to detail and is clear and concise in his explanations."

Asialaw Leading Lawyers

Dispute Resolution & Litigation 2018 – Leading Lawyer for 2 consecutive years



Global Arbitration Review 9th edition (2016)

A client said Mahesh *"expressed a commendable level of personal engagement and was always available to provide support, guidance and direction from start to end."*

Global Investigations Review 100 (GIR 100) 5th edition (2019)



Recognised as a leading individual for investigations. The GIR 100 identifies top 100 firms worldwide that handle complex cross-border government-led and internal investigations.

Asia Business Law Journal

Identified as one of Singapore's Top 100 lawyers 2019

Singapore Business Review

Singapore's 70 most influential lawyers aged 40 and under in 2016 – Listed lawyer

Excellence in Advocacy Award (2012)

Awarded by the Singapore International Arbitration Academy

Winner of Essex Court Chambers-Singapore Academy of Law Moot Competition for Singapore lawyers (2012)

MEMBERSHIPS

- Arbitrator, AIAC Panel
- Arbitrator, SIAC Reserve Panel
- Panel of Arbitrators, Thailand Arbitration Centre (THAC)
- Regional Representative, ICC Young Arbitrators Forum
- Accredited Specialist (Building and Construction), Singapore Academy of Law
- Member, Inter-Pacific Bar Association
- Member, International Bar Association
- Member, Law Society of Singapore
- Committee Member, International Relations Committee of Law Society of Singapore
- Committee Member, Criminal Legal Aid Scheme
- Member, Singapore Academy of Law
- Member, Young International Arbitration Group
- Member, Young International Council for Commercial Arbitration
- Lead Counsel, Legal Assistance Scheme for Capital Offences