



Rakesh Kirpalani

*Director, Dispute Resolution & Information Technology
Chief Technology Officer*

LL.B. (Hons), National University of Singapore (2006)

Admitted to the Singapore Bar (2007)

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ABOUT RAKESH

Rakesh is the Chief Technology Officer of Drew & Napier. He has an active practice in complex commercial dispute resolution, including litigation and arbitration. He is engaged in appellate and trial advocacy at all levels of the Singapore Courts and also advises on risk management and disputes concerning technology, electronic evidence, employment, compliance with technology-related regulatory issues and cybersecurity.

He has extensive skills and knowledge in the information technology field and manages the interface between legal and technological issues for clients, regulators, judges and arbitrators.

The clients he has advised include various multi-national corporations, multi-jurisdictional private equity funds and listed companies both in Singapore and other jurisdictions.

As a student, Rakesh was a speaker on the winning team that represented NUS in the Manfred Lachs Space Law Moot Court Competition Asia-Pacific Regional Rounds in Sydney, Australia, in April 2005 and went on to represent NUS at the World Finals in Fukuoka, Japan in October 2005 where he appeared before members of the International Court of Justice. He was also the winner of the Law Society Prize for the Best Student in Advocacy in the Postgraduate Practical Law Course in 2006.

Rakesh also teaches advocacy and coaches moot teams at the NUS Law Faculty on a voluntary basis.

EXPERIENCE

Dispute Resolution and Disputes Advisory

- Lead counsel in a 2017 ICC arbitration in London in a claim by a Chinese state-owned entity against an African counterparty for dispute over a seismic data acquisition contract.
- Acting for an Indonesian state-connected financial institution in an investment dispute in an arbitration held under the rules of International Islamic Center for Reconciliation and Arbitration.
- Acted for Celestial Nutrifoods Ltd (in liquidation), an s-chip company listed on the Singapore Stock Exchange, against former directors for breach of directors' duties.
- Acting for Oceanus Group Limited, which is listed on the SGX, in respect of a claim against Oceanus by a creditor, and for Oceanus in its debt restructuring.
- Acting for a Chinese state-owned entity in a high-profile debt claim against companies associated with a wealthy former Australian politician.
- Successfully defended a High Court claim against Performance Motors Ltd by a customer in respect of allegations of a defective BMW car. The claim was successfully dismissed in the High Court. (**Chan Chee Kien v Performance Motors Ltd** [2015] SGHC 54)
- Represented BP Singapore in an action commenced in 2010 against 6 of its former employees for breach of their fiduciary duties and duties of fidelity, and misuse of confidential information.

This matter also involved the execution of Search Orders against the Defendants and the delivery up of images of electronic devices containing evidence in electronic form by the Defendants as well as an injunction restraining misuse of confidential information. (**BP Singapore Pte Ltd v Quek Chin Thean & Others** [2011] 2 SLR 541)
- Acted for an insurance brokerage in a claim for breach of confidentiality and deceit against a sub-charterer of shipping vessels.
- Successfully Represented Schroder Asian Properties Fund ("**SAP**") and its subsidiary

companies in a dispute with Silverlink Resorts Limited (formerly known as Silverlink Holdings Limited ("**Silverlink**"), the parent company of the Amanresorts group, a chain of luxury resorts. The dispute involved a claim against Silverlink for breach of contract for non-issuance of secured convertible notes and a claim for specific performance or damages. The case involved multiple jurisdictions and various cross-border issues including directors' duties, conflicts of interests, and procurements of breaches of contract. In August 2010, the Court upheld SAP's claim and ordered Silverlink to pay more than USD 32 million in damages. Silverlink subsequently filed and originating summons, which the Court dismissed in January 2011. (**Rockline Ltd & Another v Silverlink Holdings Ltd and another (Schroder Venture Managers Inc. and Another as Third Parties)** [2010] SGHC 127 and **Rockline Ltd & Another v Silverlink Holdings Ltd and another (Schroder Venture Managers Inc. and Another as Third Parties)** [2010] SGHC 251 for the High Court's judgment in the suit, and **Silverlink Holdings Ltd v Rockline Ltd and Others** [2011] SGHC 10 for the High Court's decision in the originating summons)

- Represented the abovesaid fund and its subsidiary companies in an action against the investee company, the holding company of a chain of leading luxury resorts, and its directors for breach of contract and conspiracy. The dispute was satisfactorily resolved in 2010.
- Successfully represented the preference and majority shareholders of a company owning the Singapore Flyer in its claim for removal of a director pursuant to the shareholders agreement. The removal was upheld by the Court. (**Purcell Peter Francis v Singapore Flyer Pte Ltd and others** [2010] 3 SLR 1181)
- Successfully defended a major transport company listed on the Singapore Stock Exchange against a multi-million dollar claim by its former subcontractor in relation to vehicle repair services. This case involved issues of alleged breach of contract, negligence and reconciliation of accounts.

(City Ken Pte Ltd v ComfortDelGro Engineering Pte Ltd [2010] SGHC 29)

- Successfully represented a reputable financial information services company in an action against former employees for, among other things, breaching their contractual obligations to their employer, breach of confidence and misuse of confidential information.
- Successfully represented the shareholders of a reputable local company on disputes on the board of directors and their nominating shareholders.
- Represented and advised an oil major against The Collector of Land Revenue in respect of compensation for compulsorily acquired land.
- Represented an oil major in a debt recovery matter against a Singaporean shipping company.
- Represented a subsidiary of a major Japanese conglomerate on a personal injury claim brought by a former employee.
- Successfully represented a New Zealand company in Singapore in respect of the registration of a New Zealand judgment in the High Court of Singapore and advising in the enforcement of the registered judgment.
- Acting for a reputable distributor/dealer of luxury motor vehicles in claims for breach of contract and misrepresentation brought by a disgruntled customer.
- Representing a company listed on the Taiwanese stock exchange in an arbitration concerning a shareholders' dispute over a joint venture in the solar panel industry.
- Advised a reputable Singaporean department store on disputes with a former employee.
- Advised a listed Singapore company on its rights and obligations with regard to the termination of an underwriting agreement in respect of raising capital via a rights and warrants issue.
- Advised a distributor of resale high-end automobiles on issues of negligent misrepresentation.

- Advised subsidiaries of a reputable global conglomerate on tenancy and debt recovery matters.
- Part of a team which advised a major US financial institution on restraint of trade issues in Singapore.
- Advised a UK company on the recognition of a winding up order made by the UK Courts in the Singapore Courts.
- Acting for Asia Pulp & Paper Co. Ltd in connection with notices served on it by the National Environment Agency under the Transboundary Haze Pollution Act.
- Successfully acted for a distributor of Caterpillar equipment in a multi-million dollar claim against a buyer who refused to take delivery of ordered equipment. (**Tractors Singapore Ltd v Pacific Ocean Engineering & Trading Pte Ltd** [2020] SGHC 60)
- Successfully defended a majority shareholder in an up-and-coming commodities trading firm against an action for minority oppression. (**Ronnie See Eng Siong v Sassax Pte Ltd & Anor** [2020] SGHC 96)
- Successfully acted for liquidators in resisting an application by creditors claiming security over substantial assets in the Company in liquidation. (**Aavanti Offshore Pte Ltd (in creditors' voluntary liquidation) v BAB Al Khail General Trading and Anor** [2020] SGHC 50)

Information Technology

- Represented a client in a matter involving allegations of fabrication of electronic mails and proving the authenticity of electronic mails.
- Advised and acted for a major media company on its dispute with its system integrator in respect of the deployment of a new media platform.
- Represented a group of investment companies in an arbitration brought by its information technologies contractor over the failed deployment of its IT systems in a failed joint venture project.
- Advised an insurance major on compliance with Singapore cybersecurity law in offering cybersecurity services.

- Advised an insurance major on compliance with Monetary Authority of Singapore technology compliance regulations.
- Advised and acted for a company listed on the Singapore Exchange on a dispute with its technology service provider concerning migration issues to a new platform.
- Advised a major financial institution on regulatory and risk issues arising out of a significant ransomware attack.
- Advised a major financial institution on risk and regulatory issues arising out of the roll-out of a new app.

ACCOLADES

Legal 500 Asia Pacific
Dispute Resolution 2021 – Recommended lawyer

International Arbitration 2021 – Recommended lawyer

Rakesh Kirpalani is a “fantastic litigator” in the realm of technology and intellectual property.

He is “a person of integrity and he always provides wise, deliberate, and prompt advice.”

“He is proficient both in English and Chinese, which makes very smooth, thorough, and clear communication. Furthermore, he is skilled in debate and has a clear mind and a wide range of knowledge.”

He “thinks very fast in the courtroom and is not fazed by any curve ball thrown at him in court.”

“Rakesh Kirpalani is an excellent lawyer as he is very detailed. Goes the extra mile to provide prompt advice when time is of the essence.”

ALB Asia Super 50 TMT Lawyer

Listed as one of the standout lawyers in the field of Technology, Media and Telecommunications in Asia by Asian Legal Business in 2021.

“Rakesh is fast, practical and solution-based with the ability to achieve a good response combining technical knowledge and legal ability,” says a client.



Benchmark Litigation Asia-Pacific (2021 edition)

“Commercial-minded, practical legal solutions. Keen understanding of clients' business needs and challenges. Thorough analysis and balanced judgment on novel issues, including useful comparisons with legal reform efforts in other common law jurisdictions.”

Global Arbitration Review 9th edition (2016)

A client praised Rakesh for his “professional and efficient service.”

Singapore Business Review

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

PUBLICATIONS

- Co-author, Chambers and Partners Global Practice Guides – Litigation 2019 (Singapore chapter)
- Bring Your Own Device programmes are a win-win, but do the groundwork (The Business Times, 12 July 2019)
- Co-author, “Presentation of Computer Forensic Evidence”, appeared in the 2012 International Conference on Electronic Litigation, published by the Singapore Academy of Law

APPOINTMENTS/MEMBERSHIPS

- Assessor, Panel of Assessors for COVID-19 Temporary Relief, Ministry of Law
- Member, Law Society of Singapore
- Member, Singapore Academy of Law, Legal Education Committee
- Industry Reviewer, LawTech.Asia's Associate Authorship Programme