Sitpah Selvaratnam
LLB. LLM. DipICArb. FCIArb. FMIArb
Hon. Fell (Cardiff University), United Kingdom
Independent Arbitrator

arbitrator@sitpah.com

PROFESSIONAL ASSOCIATIONS

- Honorary Fellow of Cardiff University, United Kingdom.
- Member of the Singapore International Arbitration Centre (SIAC) Panel of Arbitrators.
- Member of the Singapore Chamber of Maritime Arbitration (SCMA) Panel of Arbitrators.
- Member of the Hong Kong International Arbitration Centre (HKIAC) Panel of Arbitrators.
- On the London Court of International Arbitration (LCIA) List of Arbitrators.
- Supporting Member of the London Maritime Arbitrators Association (LMAA) accepting arbitrator appointment.
- Member of American Arbitration Association, International Centre for Dispute Resolution (ICDR) Panel of Arbitrators.
- Member of the General and Maritime Panel of Arbitrators of the Kuala Lumpur Regional Centre for Arbitration (KLRCA), now known as the Asian International Arbitration Centre (AIAC).
- Member of the Dubai International Arbitration Centre, Panel of Arbitrators (DIAC).

- Member of the Delhi International Arbitration Centre, Panel of Arbitrators (DelhiIAC).
- Fellow of the Australian Centre for International Commercial Arbitration (ACICA).
- Member of the Shanghai Arbitration Commission Panel of Arbitrators (SHAC).
- Member of ICC Institute of World Business Law.
- Member of ICC Global Commission on Arbitration and ADR.
- Founding President of the International Malaysian Society of Maritime Law (IMSML).
- Founding Chair of the Shipping and Admiralty Law Committee of the Malaysian Bar Council.
- Committee Member of the ERA Pledge Global Steering Committee.
- Fellow of the Chartered Institute of Arbitrators.
- Fellow of the Malaysian Institute of Arbitrators.
- Accredited Mediator with the Malaysian Mediation Centre.
- Member of ArbitralWomen.

ARBITRATOR PRACTICE

Sitpah Selvaratnam has had extensive experience as Presiding Arbitrator, Co-Arbitrator and Sole Arbitrator. She has been appointed in more than 50 disputes and has dealt with expedited as well as emergency processes.

Ms. Selvaratnam is regularly appointed by arbitral institutions, parties and co-arbitrators in commercial arbitrations including under the AIAC, SIAC, HKIAC, ICC, LMAA, SCMA and DIAC Rules, and in *ad hoc* arbitrations seated in Delhi, London, Singapore and Malaysia.

Her appointments in international arbitrations often involve:

- Charterparties, ship sale, shipbuilding, ship repair, ship services agreement, construction of maritime facilities, and other maritime-related issues, including issues on sanctions;

- International trade and commodities disputes including demurrage claims, loss from failure to deliver or take delivery of cargo, entailing market price evaluation, restitution and unjust enrichment considerations, and other determination of loss;

- Commercial contracts including disputes between shareholders, over the sale of shares in a company, transfer of business goodwill and assets, and sale and development of property.

She has handed down numerous awards, especially as Sole and Presiding Arbitrator.

Some of her notable arbitration cases are :

1. Dispute over the sale and purchase of vessels, and the termination of the contracts by reason of sanction regulations, including issues of proper construction of sanction laws, the terms of the relevant contracts and the evaluation of damages (LMAA arbitrations, London seat).

2. Shareholders dispute over the validity of the appointment of the chairperson of a private company and claim for damages *inter alia* for unfair prejudice, breach of fiduciary duties, breach of good faith obligation and/or buy-out of shares (HKIAC Case No: HKIAC/A24121, Hong Kong seat).

3. Dispute arising out of a contract for re-fit and conversion of a vessel for heavy lift capabilities and DP3 as offshore service barge for pipe-laying, and the exercise of lien over the vessel for non-payment of yard charges (HKIAC Case No: HKIAC/A21118, Hong Kong seat).

4. Dispute over commission payable for sale of commodities with issues on the requirement for futures hedging, and deduction of hedging costs in computing the commission (SIAC Case No: ARB092/23/SXG, Singapore seat).

5. Dispute in relation to the failure to make payment of the balance purchase price of the Cargo, involving allegations of hacking of IT systems, and payment on a forged invoice (SIAC Case No : ARB030/22/PLN, Singapore seat).

6. A dispute over the performance of a subcontract pertaining to the provision of decommissioning, relocation, modification and commissioning of a wellhead, and payments for engineering, mobilisation and demobilisation work (SIAC Case No : ARB394/19/JTA, Singapore seat).

7. Dispute over a sale and purchase of commodities with allegations of duress and coercion in relation to an agreed price increment, and whether the price variation was valid and binding, considering principles of unjust enrichment and dishonest conspiracy (SIAC Case No. ARB090/14/MV, Singapore seat).

8. Dispute in relation to business portfolio transfer of legal and beneficial ownership in a general insurance business, and the fair valuation of the price of liabilities considering the actuarial valuation parameters (AIAC Case No : ADM-72-2012, Kuala Lumpur seat).

9. Dispute in respect of performance of a shareholders agreement with regard to the failure to allocate the agreed shares, and evaluation of the consideration given for the shares in the form of the transfer of goodwill, trademark and stock in trade (AIAC Case No : AIAC/D/ADM-910-2020, Kuala Lumpur seat).

10. A claim for variation orders under a re-measurement contract in a PLEM Fabrication and Marine Equipment Installation Package for the Marine Import Facilities involving issue of *Force Majeure* and delay due to movement control regulation in the course of the COVID-19 pandemic (AIAC Case No: IAC/D/ADM-1099-2022, Kuala Lumpur seat).

Schedule A provides other details of some of her arbitration cases.

PRIOR COUNSEL PRACTICE

Prior to committing her full professional time to be an independent arbitrator, Ms. Selvaratnam practiced as a maritime and commercial Counsel for over 33 years in Malaysia in the areas of:

- Admiralty, shipping and maritime law, and international trade;
- Corporate receivership, liquidation and special administration; and
- Banking, company and commercial litigation.

She has gained experience in a wide array of disputes including:

- Arrest and release of vessel and claims for wrongful arrest; claims and defence in relation to collisions between vessels and with wharfs; damage, contamination and mis-delivery of cargo; breach of charterparty including sanctions issues; bunker claims; marine insurance claim, subrogation and repudiation of insurance.

  Receiving instructions from shipowners, cargo interests, charterers, P&I Clubs, financial institutions, mortgagees, shipyards, ports, petroleum and telecommunication companies, insurers, container yards.

- Oppression petitions in shareholders' disputes, appointment of Liquidators and Receivers and Managers, and injunctions to restrain a winding-up; restructuring of debts by schemes of arrangements, pursuant to statutory vesting and under judicial management.

  Receiving instructions from banks and financiers, liquidation practitioners and accountants, National Asset Management Corporation, shareholders and companies.

Schedule B list some of her highlights as Counsel.

PRIOR EXPERT ENGAGEMENTS

Appointed as an expert to render Expert Opinion on:

(i) Malaysian commercial and banking laws in Singapore seated arbitrations, in 2019/2020 and 2022/2023;

(ii) Malaysian shipping laws for proceedings before the High Court of Singapore, in 2012 and 2022/2023; and

(iii) Malaysian shipping law in proceedings before the Durban Court in South Africa, in 2005.

PRIOR PROFESSIONAL APPOINTMENT

- Appointed to the ICC International Court of Arbitration as Court Member for Malaysia in June 2018 for a term of 3 years, and re-appointed in June 2021 for a further 3-year term ending June 2024.

- Appointed to the Permanent Court of Arbitration in July 2019 for a term of 6 years, until June 2025.

- Co-Chair of the Asia Pacific (APAC) Sub-Committee of Equal Representation in Arbitration Pledge (ERA Pledge) [2021-2024].

- Appointed by the Bar Council of Malaysia on a 3-person panel of inquiry in May 2023, ending December 2023.

- Co-Chair of the International Arbitration Committee of the International Association of Defense Counsel (IADC) [2016 to 2018].

- Chair of the Maritime Law Committee of the Inter-Pacific Bar Association (IPBA) (2015 – 2017).

- Chair of the Maritime Arbitration Working Committee of the KLRCA empaneled in August 2011 to consider and recommend facilitative measures to promote maritime arbitration in Malaysia.

- Chair of the Women Business Lawyers Committee of the IPBA (2009 -2011).

- Member of the Admiralty Court and Maritime Law Reform Taskforce empaneled by the Malaysian Judiciary in October 2010 to consider and facilitate the workings of the Malaysian Admiralty Court and reform of Malaysian maritime laws.

- Member of the Combined Rules of Court Committee of the Bar Council, to review amendments to the Rules of Court; especially designated to draft and review the amendments to the Admiralty and Arbitration provisions.

- Appointed in June 2007 by the Attorney General's Chambers of Malaysia to the Consultative Committee on the review of the Malaysian *Arbitration Act* 2005.

- Member of the Committee established by Maritime Insitute of Malaysia (MIMA) (2004 – 2005) to consider the need for an Admiralty Court in Malaysia.

- Appointed in March 2000 to the Consultative Committee established by the Securities Commission on asset securitization.

- Consultant to Danaharta Managers Sdn Bhd, national asset management corporation, at its inception from March to May 1999.

PUBLICATIONS & SPEAKING ENGAGEMENTS

- Author of these books:

  (i) *The Arrest of the Superyacht Equanimity – How Malaysia reclaimed what was hers*, published in April 2021.

  (ii) *Resolved! 8 Strategies to be a Fiery Lawyer Without Violating Your Integrity and Personality,* published in February 2023.

- Co-Author of the Admiralty Chapter to Bullen & Leake & Jacob's Malaysian Precedents of Pleadings.

- Contributor to Malaysian Chapter of the book "*Recognition and Enforcement of Judgments in Civil and Commercial Matters*" edited by Anselmo Reyes and published by Hart Publishing in 2019.
- Country reporter for Malaysia to the Asia Pacific Arbitration Reporter of Singapore (2014 – 2017).

- Articles reproduced in the Malaysian Law Journal, Bar Council and KLRCA's publications, of papers presented at various fora and interviews by local and foreign media.

- Numerous speaking (including teaching) and moderating engagements for international and domestic conferences, webinars, seminars, and workshops organised by ICC, SIAC, AIAC, ICMA, Malaysian Bar, IMSML, IADC, IPBA, CIArb, ArbitralWomen, and the ERA Pledge on various topics including arbitration, maritime insolvency, women in arbitration and cross-cultural diversity.

QUALIFICATIONS

Diploma	(2008)	Diploma in International Commercial Arbitration – Chartered Institute of Arbitrators, Keble College, Oxford
Professional	(1990)	Advocate & Solicitor of the High Court of Malaya
	(1989)	Degree of Utter Barrister Honourable Society of Lincoln's Inn
Degree	(1991)	LLM University of Cambridge, Cambridge Queens' College Second Class Honours (Upper Division)
Degree	(1988)	LLB University of Wales, Cardiff First Class Honours

EDUCATION

Sept 1990 - June 1991	University of Cambridge, Cambridge
Sept 1988 - June 1989	Holborn School of Law, London
Sept 1985 - June 1988	University of Wales, Cardiff
Mar 1983 - Dec 1984	Raffles Junior College, Singapore
Jan 1978 - Dec 1982	Bukit Nanas Convent, Kuala Lumpur

AWARDS AND SCHOLARSHIPS

June 1990	British High Commissioner's Award Kuok Foundation Scholarship
June 1988	University of Wales Maxwell Award for Best Student, Law Faculty

June 1987	University of Wales Philip E Philip Award for Law of Trusts

RELEVANT EMPLOYMENT

January 2024 - ongoing	Independent Arbitrator
Jan 2012 – Dec 2023	Consultant, Tommy Thomas, Kuala Lumpur
Jan 2000 - Dec 2011	Founding Partner, Tommy Thomas, Kuala Lumpur
Apr 1999 - Dec 1999	Partner, Skrine & Co., Kuala Lumpur
Aug 1991 - Mar 1999	Legal Assistant, Litigation Department Skrine & Co, Kuala Lumpur

TESTIMONIALS

Lexology Index

1. 2025 – Arbitration

*"Sitpah is a shinning star. Sitpah Selvaratnam is a **standout international arbitrator specializing in complex maritime disputes**. She is extremely capable and really knows her stuff."*

Who's Who Legal Southeast Asia

1. 2023 – Arbitration National leader / Global leader

*"**An excellent shining star** whose practice is rooted in maritime arbitrations."*

2021/2022– Arbitration category

*"Tommy Thomas' Sitpah Selvaratnam secures extensive endorsements for **her top-tier work in maritime arbitrations** on behalf of charterparties, shipowners and insurers."*

2. 2022 – Transport category

*"Sitpah Selvaratnam is a **well-respected name** in the shipping sector, **held in high esteem** for his(sic) excellence in shipping litigation and disputes."*

Chambers Asia Pacific

1. 2021 – Shipping category

*Sitpah Selvaratnam of Tommy Thomas Advocates & Solicitors is an experienced consultant with a **strong reputation** in Malaysian maritime disputes. Her legal expertise extends to collisions, ship arrests and cargo disputes.*

2. 2020 – Shipping category

*Sitpah Selvaratnam is recognised among sources for her notable experience handling admiralty disputes. She has expertise in matters concerning collisions, ship arrests and charter party disputes, and **she is also noted for her work as an arbitrator**.*

3. 2018 – Shipping category

*The **"outstanding"** Sitpah Selvaratnam is lauded by market commentators, with additional sources praising her as **"probably the best maritime lawyer in Malaysia**". Her broad contentious practice covers cargo and charter party disputes, marine insurance and ship arrests, while she also acts as an arbitrator. Clients appreciate her **"quick response"**, describing her approach as **"to the point"**.*

4. 2017 – Shipping category

*Notable practitioner Sitpah Selvaratnam is highly respected in the market, with expertise covering ship arrests, contentious cargo matters and insurance disputes, as well as arbitration. She is singled out for praise by a client, who says: **"The way she handled the case was very effective and I was personally very satisfied with her – I trusted her."***

The Legal 500 Asia Pacific

1. Shipping and Dispute Resolution categories.

2020, 2021 and 2022 – **Hall of Fame** for Shipping in recognition of the constant praise from clients for continued excellence.

Schedule A – List of Selected Arbitration Cases as Arbitrator

1. Dispute over the sale and purchase of vessels, and the termination of the contracts by reason of sanction regulations, including issues of proper construction of sanction laws, the terms of the relevant contracts and the evaluation of damages (LMAA arbitrations, London seat).

2. Shareholders dispute over the validity of the appointment of the chairperson of a private company and claim for damages *inter alia* for unfair prejudice, breach of fiduciary duties, breach of good faith obligation and/or buy-out of shares (HKIAC Case No: HKIAC/A24121, Hong Kong seat).

3. A dispute arising under a Material Package Contract in respect of material and equipment supplied for the construction of vessels (SIAC Case No: ARB180/24/VKH, Singapore seat).

4. Dispute over commission payable for sale of commodities with issues on the requirement for futures hedging, and deduction of hedging costs in computing the commission. (SIAC Case No: ARB092/23/SXG, Singapore seat)

5. Dispute arising out of a contract for re-fit and conversion of a vessel for heavy lift capabilities and DP3 as offshore service barge for pipe-laying, and the exercise of lien over the vessel for non-payment of yard charges (HKIAC Case No: HKIAC/A21118, Hong Kong seat).

6. A dispute over the performance of a subcontract pertaining to the provision of decommissioning, relocation, modification and commissioning of a wellhead, and payments for engineering, mobilisation and demobilisation work (SIAC Case No: ARB394/19/JTA, Singapore seat).

7. Jurisdiction challenge under a Fixture Note as to the proper parties to a voyage charterparty, demurrage and detention claims, and assertions of overpaid freight (SIAC Case No: ARB077/13/AL, Singapore seat).

8. A claim for variation orders under a re-measurement contract in a PLEM Fabrication and Marine Equipment Installation Package for the Marine Import Facilities involving issue of *Force Majeure* and delay due to movement control regulation in the course of the COVID-19 pandemic (AIAC Case No: IAC/D/ADM-1099-2022, Kuala Lumpur seat).

9. Dispute in respect of performance of a shareholders agreement with regard to the failure to allocate the agreed shares, and evaluation of the consideration given for the shares, in the form of the transfer of goodwill, trademark and stock in trade (AIAC Case No: AIAC/D/ADM-910-2020, Kuala Lumpur seat).

10. Dispute in respect of the sale of goods and supply of services for a steel plant (ICC Case No: 29550/ICA 11, Delhi seat).

11. Dispute arising from a fire affecting the performance of the cash and security management and maintenance services (ICC Case No: 29739/ICA 11, Kuala Lumpur seat).

12. Dispute over a sale and purchase of commodities with allegations of duress and coercion in relation to an agreed price increment, and whether the price variation was valid and binding, considering principles of unjust enrichment and dishonest conspiracy (SIAC Case No: ARB090/14/MV, Singapore seat).

13. Several charterparty disputes over early termination, and failure to provide substitute vessel (DIAC Case No: A 250062, DIFC seat) and (AIAC Case No: AIAC/D/ADM/1472-2025, Kuala Lumpur seat).

14. Charterparty dispute for off-hire due loss of anchor, and claim for price of bunker on redelivery (*Ad hoc*, Singapore seat).

15. Dispute over 12 contracts for sale and supply of commodities involving proof and calculation of demurrage, quality of cargo and method of sampling, assertions of fabrication of documents and the right of set-off (SIAC Case No: ARB032/17/KRW, Singapore seat).

16. Dispute in relation to business portfolio transfer of legal and beneficial ownership in a general insurance business, and the fair valuation of the price of liabilities considering the actuarial valuation parameters (AIAC Case No: ADM-72-2012, Kuala Lumpur seat).

17. Charterparty dispute over unpaid hire, breakdown of DP system, and the lawfulness of deductions of hire and termination of the charterparty (KLRCA Ref No: KLRCA/INT/FTR-3-2012, Kuala Lumpur seat).

18. Dispute under a time charterparty for off-shore service vessels in relation to the commissioning of a pipeline project, the applicable terms in relation to the barge management system and tug management system, and whether on back to back terms with the employer's contract (KLRCA Ref No: KLRCA/D/FTR-190-2013, Kuala Lumpur seat).

19. Dispute over the supply of pilot boats involving issues of fraudulent representation, breach of insurance obligation, failure to supply suitable substitute boats, the validity of the termination of the relevant contracts and assessment of damages. (*Ad hoc*, Kuala Lumpur seat)

20. Dispute over the hire of a supply vessel for use under a production sharing contract with an oil major, involving issues of re-delivery of tanks free of cargo, and the standard of cleaning before re-delivery (AIAC Case No: ADM-428-2016, Kuala Lumpur seat).

21. Dispute in relation to the failure to make payment of the balance purchase price of the Cargo involving allegations of hacking of IT systems, and payment on a forged invoice. (SIAC Case No: ARB030/22/PLN, Singapore seat)

22. Contracts for the sale and purchase of commodities and a dispute over the failure to accept nomination of a vessel and have cargo ready for loading within the laycan. (SIAC Case No: ARB056/15/KJ, Singapore seat) and (SIAC Case No: ARB390/23/SXG, Singapore seat)

23. Dispute over the failure to nominate load port for the delivery of cargo, and the proper measure of loss. (SIAC Case No: ARB185-12-KN, Singapore seat)

24. Dispute over the sale and purchase of commodities and obligations pertaining to the opening of letter of credit, *force majeure*, entitlement to defer shipment and assessment of market price. (SIAC Case No: ARB237/15/MTI, Singapore seat) and (SIAC Case No: ARB238/16/JC, Singapore seat)

25. Several disputes in relation to sales contract with regard to the failure to make payment of the value of commodities supplied and/or demurrage. (SIAC Case No: ARB334/17/LSJ, Singapore seat),(SIAC Case No: ARB100/19/ALG, Singapore seat) and (SIAC Case No: ARB386/24/HTD, Singapore seat)

26. Dispute in relation to sales contract with regard to the failure to make payment of the value of commodities supplied in the context of "no set-off" clause. (SIAC Case No: ARB300/19/AYP, Singapore seat)

27. Several disputes in connection with the failure to open Letter of Credit, and/or to make payment in accordance with the terms of the Contract, resulting in termination or avoidance of the Contract, and claims for loss and damage. (SIAC Case No: ARB157/18/CHB, Singapore seat); (SIAC Case No: ARB195/21/HTD, Singapore seat) and SIAC Case No: ARB023/22/PLN, Singapore seat)

28. Dispute in connection with medical negligence that resulted death and a claim made by the estate of the deceased. (SIAC Case No: ARB326/16/CHB, Singapore seat)

29. Dispute in connection with the failure to adhere to the payment terms specified in various Purchase Orders (DIAC Case No: 230229, Dubai seat).

30. Charterparty dispute pertaining to dead freight, demurrage and detention at load port. (*Ad hoc* – Singapore seat)

31. Dispute over the sale and purchase of machinery, seeking a refund of payment and/or restitution for breach of contract. (*Ad hoc* – Delhi seat)

Schedule B –List some of her highlights as Counsel

Ms. Selvaratnam's particularly noteworthy cases as Counsel include:

- Complex multi-party, multi-contract, multi-forum disputes over the carriage of goods and charter of vessels involving allegations of UN Sanctions, with jurisdictional challenges and arrests of ships, in court and in arbitration.
- Highly contested judicial management of an off-shore service provider.
- The high-profile historic arrest of the superyacht, "Equanimity" in August 2018 based on constructive trust and tracing rights; and realizing USD126 million for the Government of Malaysia in one of the biggest recoveries in the 1MDB global fraud.
- Judicial review of the Federal Court decision pertaining to the MH370 airline tragedy, on grounds of corum failure and breach of natural justice.
- Litigating a multi-million USD dispute under a Power Purchase Agreement.
- A shareholder's dispute over the largest hydroelectric dam project in Southeast Asia.
- A complex collision case that resulted in the sinking of a vessel, involving towage and pilotage principles, and a knock-for-knock clause under a charterparty.
- Acting for a shipowner and its holding company in their groundbreaking and precedent setting litigation to secure an injunction against the arrest of their ships, in circumstances of a complicated novation of charterparty rights and set-off of claims.
- Obtaining an urgent injunction before the Malaysian Admiralty Court to prevent dealings with cargo that was the subject of arbitration in London, and parallel Court proceedings in China.
- Representation for a concessionaire whose right to manage advertising sites over a 20 year period was repudiated by a local authority.
- Acting for ING/OWB, successfully securing judgment for payment of the price of the bunker supplied, in the intricate challenge between the contractual

supplier and physical supplier to the right of payment, and in the context of 2 sets of arrest proceedings.

- Appearance in precedent-setting case, involving the carriage of dangerous cargo by sea, that caused the explosion on and sinking of the vessel; that delineated the respective duties of care and indemnity of the shipper and IMDG cargo carrier.

- Successfully limiting liability under the 1957 Limitation Convention for the owners of the offshore supply vessel 'Red Gold', which collided with an offshore oil platform.

- Representing a bunker supplier, successfully securing damages in excess of USD30 million for breach of a Fixed Price Bunker Contract, against one of the world's largest tanker owners.

- Acting for an Indonesian subsidiary of a major Japanese company, in an international dispute for the misdelivery of cargo in the Middle East involving switched Bills of Ladings.