



## Mohan R Pillay

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Mohan is a Singapore and UK qualified dispute resolution lawyer with more than 20 years experience in advisory, commercial litigation and regional arbitration work, particularly in the area of construction and engineering projects.

He is the Managing Partner of the Singapore law firm of MPillay and Singapore Consultant to the international law firm of Pinsent Masons, which ranks in the top 15 of UK law firms and the top 100 of law firms globally in term of size.

Mohan's main areas of practice are commercial & corporate disputes, professional negligence, building & civil engineering contracts, and arbitration.

He has advised clients on complex disputes over projects in Vietnam, China, Indonesia and India, involving negligence, breach of contract, building construction, power and incineration plants, and oil and gas production facilities, under ICC, UNCITRAL, SIAC and other arbitration rules.

As a Singapore qualified lawyer, he has considerable experience in the standard form contracts in use here, including the Public Service Sector Conditions of Contract (PSSCOC). Most recently he appeared before the Singapore Court of Appeal for the contractor in the important landmark case of *Spandeck v DSTA* (2007) which involved the PSSCOC. He is also Chairman of the Society of Construction Law (Singapore) Working Group that is, amongst of other things, reviewing the terms of the PSSCOC with the aim of minimising disputes.

Matters of significance which Mohan has been involved in include acting for:

- A leading accounting firm in relation to the collapse of a major international banking group;
- A leading European financial institution in a multi-million-dollar claim to recover embezzled funds;
- A major contractor claiming S\$25.5 million from a Vietnamese developer in respect of a construction project in Ho Chi Minh City, Vietnam;
- A specialist British insulation sub-contractor against the main contractor concerning disputes arising out of an incineration plant in Singapore;
- A major international contractor in an arbitration for extension of time, prolongation costs, and variations, involving claims totaling approximately S\$53 million;
- A major international contractor in an arbitration involving claims in excess of S\$200m in respect of an oil & gas platform facility in Indonesia;

- Advising a public private consortium on critical contractual issues in a US\$400m design, build and operate contract for a greenfield international airport in India;
- As legal advisor to the Singapore International Arbitration Centre in its collaboration with the Construction Industry Development Council of India to set up dispute resolution systems in India for use by the Indian construction industry;
- As counsel before the Singapore Court of Appeal in the leading cases on pure economic loss and duty of care in the construction industry - *MCST v Ocean Front (1996)*, *MCST v RSP Architects (1999)* and *Spandek v DSTA (2007)*

Mohan graduated from the National University of Singapore in 1985 and holds a Masters of Law from the University of London. In addition to the Singapore Bar, Mohan is also admitted as a Solicitor in England and Wales.

Awarded the Commonwealth Young Lawyers Fellowship by the British Council in 1990, he was in London for 8 months. In that period, Mohan spent time in the Construction Department of Herbert Smith, a leading London city law firm, the Official Referees Court, a specialist London Court dealing principally with construction and technology disputes (now known as the Technology & Construction Court or TCC) and at 10 Essex Street (now Keating Chambers), a leading set of London barristers specialising in construction disputes.

Mohan is a Panel Arbitrator of the Singapore International Arbitration Centre, Singapore Institute of Arbitrators and the Kuala Lumpur Regional Centre for Arbitration. He is also a Principal Mediator with Singapore Mediation Centre and a Fellow of the Singapore and Chartered Institute of Arbitrators. He is an accredited Adjudicator under the Building & Construction Industry Security of Payment Act 2004, part of the first group of such appointments, and is frequently on the teaching faculty for statutory accreditation of Adjudicators.

He is the first Review Adjudicator appointed under the adjudication regime in Singapore, and has acted as Arbitrator and Mediator in a number of matters, both domestic and international.

Mohan is regularly identified as a leading Singapore and Asian lawyer for construction and dispute resolution by journals such as The Asia Pacific Legal 500, the AsiaLaw Leading Lawyers and The International Who's Who of Construction Lawyers.

In addition to an active practice, Mohan teaches construction law and international arbitration at the National University of Singapore where he is an Adjunct Associate Professor at the Faculty of Law. He is also Visiting Professor at the Centre of Construction Law & Management, King's College London, University of London.

He talks and writes regularly on arbitration and construction issues and is Honorary Editorial Consultant to the Asian Journal on Mediation, a publication of the Singapore Mediation Centre. He has published in the Singapore Academy of Law Journal, International Construction Law Review and Arbitration International. Mohan is also actively involved in India-related publications. He is General Editor of India-Singapore CECA, The Investor's Guide, a Lexis Nexis publication released in December 2005 as well as General Editor of Doing Business in India, a Sweet & Maxwell hardcover publication released in November 2004.

The Construction Industry Development Council of India has appointed Mohan as Chairman of an International Advisory Group to assist in a wide-ranging review of the legislative and regulatory framework for the Indian construction industry.

## **Education**

Bachelor of Laws (Second Class Upper Honours), National University of Singapore, 1985

Master of Laws in Commercial and Corporate Law (Merit), University of London, 1994

## **Qualified**

Called to the Bar of Supreme Court of Singapore - 1986

Admitted as Solicitor, Supreme Court of England & Wales – 1997

## **Career**

Managing Partner, MPillay (Singapore) -November 2006 todate

Consultant, Pinsent Masons - December 2006 todate

Partner, Wong Partnership (Singapore) - 1994 to August 2006

Drew & Napier (Singapore) - 1986 to 1994 (Partner from 1991)

## **Current Appointments**

Adjunct Associate Professor, Faculty of Law, National University of Singapore

Visiting Professor, Centre of Construction Law & Management, King's College London

Vice President, Singapore Institute of Arbitrators

Chair, International Construction Projects Committee, Inter Pacific Bar Association (2007 to 2009)

Chair, Working Group, Review of Standard Forms of Construction Contracts, Society of Construction Law (Singapore)

Committee Member, Society of Construction Law (Singapore)

Member, Construction Adjudicators Accreditation Committee, Singapore Mediation Centre

## **Professional & Arbitral Institution Membership**

Fellow, Chartered Institute of Arbitrators and Singapore Institute of Arbitrators

Panel of Arbitrators, Singapore Institute of Arbitrators, Kuala Lumpur Regional Centre for Arbitration and Singapore International Arbitration Centre

Principal Mediator, Singapore Mediation Centre