

PROFILE



Partner

Head, Arbitration & Mediation
Head, Competition Law & Antitrust
Dispute Resolution
Personal Data Protection & Privacy Laws
Regulatory Compliance & Enforcement
Technology, Media & Telco

Shearn Delamore & Co., Kuala Lumpur, Malaysia

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Qualifications

LL.B (Hons), University of Bristol [1988]
LL.M (Hons), University of Malaya
Barrister-at-Law, Gray's Inn [1989]
Advocate & Solicitor, High Court of Malaya [1990]

Languages

English, Malay, Tamil

K. SHANTI MOGAN

ABOUT SHANTI

Shanti has 30 years of experience in a broad commercial practice, representing clients in commercial litigation and arbitration, both domestic and international. She acts as counsel and arbitrator. She is Head of the Arbitration Practice, Personal Data Protection & Privacy Laws Practice and Competition Law Practice. She is a Member of the Court of Arbitration (SIAC). She is a recognised and recommended dispute resolution lawyer. (Chambers, Legal 500, Asialaw).

Her experience covers a wide range of disputes including banking, commercial, corporate and technology related disputes.

Shanti regularly acts for banks, regulatory bodies and corporations in relation to consumer protection, data protection and privacy, defamation, entertainment, multimedia and communications dispute matters.

Shanti also has experience in the area of competition and antitrust laws, and offers advisory services, compliance audits and legal representation in competition law investigations and disputes. Specific industries she has represented in her competition practice include the pharmaceutical, insurance, energy, travel, banking, automotive, entertainment and retail sectors.

Shanti advises on regulatory compliance and activities coming under the purview of various authorities including the Securities Commission, the Anti-Corruption Commission and the Communications and Multimedia Commission.

EXPERIENCE

Litigation & Arbitration

Shanti has handled many complex high dollar value disputes for clients both domestic and international in litigation and arbitration. Some of the matters are set out below:

- Represented Malaysian Communications and Multimedia Commission in litigation proceedings involving the revocation of designation of universal service provider in respect of the provision of universal service provision of internet and basic telephony services to underserved areas of Malaysia.
- Represented Malaysian Airport in proceedings to compel the provision of cellular access network services to the airport. This involved obtaining a mandatory injunction within a very short timeframe to prevent the shutting off of such cellular access network services which would have impacted the operations of the airport.
- Represented CJ OliveNetworks Co. Ltd in a dispute involving the proposed acquisition of a majority stake in a public listed company, Caring Pharmacy Group Berhad. The claimed sum was in excess of RM300 million and the matter involved claims of misrepresentation and contractual breaches for failing to proceed with the acquisition of a majority stake in a public listed company. The significance of the memorandum of understanding, the participation in a due diligence exercise and the absence of board approval were fully ventilated at trial.
- Represented a world-renowned steel manufacturer in a dispute involving a claim in excess of RM1 billion. The subject matter involved the design, construction and commissioning of a steel plant. The matter was administered under the ICC and presided by 3 prominent arbitrators from different jurisdictions.
- Representing a public body in a dispute with a service provider in a claim in excess of USD 100 million. The matter involves the design, management and operation of a cellular software service and system, the first of its kind in the relevant jurisdiction.
- Representing Malaysia Airports in two arbitration proceedings in respect of the KLIA-2 airport involving its joint venture partner and concessionaires, relating to charges of a district cooling plant (claim sum in excess of RM200million; and delays in the construction and operation of the KLIA-2 terminal.
- Dispute relating to breaches of joint venture agreement to carry out business in relation to hook-up and commissioning projects.
- Dispute relating to the provision of telecommunication services.
- Dispute relating to a district cooling plant and payment of charges for the supply of chilled water.
- Dispute relating to delays in the commencement of a concession agreement relating to an integrated complex.
- Dispute involving the designing, manufacturing, and supplying of a steel manufacturing plant.
- Dispute involving a contract for the supply of resources for an automated enforcement system.
- Dispute involving the design and construction of residential homes for public servants.
- Dispute relating to breach of a distributorship agreement.
- Dispute involving a scholarship training programme.
- Disputes relating to breach of contract marketing agreements.
- Dispute relating to breach of telecommunications services agreement.
- Dispute involving obligations under a Charterparty relating to ship cleanliness.
- Dispute involving the provision of spare parts for a steel plant.
- Dispute involving the provision of a cellular blocking system.
- Dispute involving a warehouse management and logistics coordination agreement.
- Dispute involving development agreements for digital electric vehicles.
- Dispute involving an agreement for the development of an integrated tourist resort.
- Dispute involving warranty claims for a car tracking system.
- Dispute involving pharmaceutical supplies to a government concessionaire.
- Dispute involving the breach of marketing agreements in respect of the marketing of coal.
- Dispute involving the provision offshore services in respect a charter party.
- Disputes involving the breach of a distributorship agreement.

- Disputes involving a hotel management project.
- Disputes involving the development and supply of a digital broadcasting system.
- Disputes relating to a software licence agreement for the supply and implementation of a software trading system.
- Dispute arising from the provision of consultancy services for the procurement of oil and gas projects.
- Dispute relating to a plantation company in respect of the sale of a plantation.
- Disputes involving a Privatisation Cum Development Agreement involving a Waterfront Project.
- Dispute in respect of a telecommunications joint venture.
- Joint venture disputes, warranty disputes, sale of business, contracts for services.

Competition Law

- Representing an insurer in challenging the decision of the Malaysia Competition Commission against Persatuan Insurans Am Malaysia (PIAM) and 22 members imposing collective fines in excess of RM 200million for an alleged horizontal price fixing agreement.
- Advised a leading worldwide supplier of industrial coatings on competition law issues arising from its contractual arrangement with third parties.
- Advised one of the largest chemical producers on competition law issues arising from its contractual arrangement with its distributors.
- Advised an international airline on matters pertaining to joint venture with another international airline and competition law issues arising from the Malaysian Aviation Commission Act 2015.

ACCOLADES

- **Asialaw Leading Lawyers (2022 and 2023)**
“Notable practitioner” in Dispute Resolution

“*Very good depth of legal knowledge, listens to client's feedback and provides sound advice.*” – Asialaw Profiles 2020
- **Benchmark Litigation Asia-Pacific (2021 - 2023)**
“Litigation Star” in Commercial and Transactions, Competition/Antitrust
- **Benchmark Litigation Asia-Pacific (2022 and 2023)**
Asia-Pacific’s Top 100 Women in Litigation
- **Chambers Asia-Pacific (2023)**
“Band 3” lawyer in Dispute Resolution
A client notes that “*she is smart and exhibits excellent commercial understanding which is crucial in defending our case*” - Chambers Asia-Pacific 2023
- **Chambers Asia-Pacific (2014 - 2022)**
Recognised Lawyer in Dispute Resolution

Shanti Mogan enters the rankings having earned significant praise from clients, who say: “*She’s very good in court, very sound in opinions and very fast, and she provides us with very practical solutions because not all matters have to be settled in court.*” Chambers Asia-Pacific 2014

She is praised as a thoroughly "solid and reliable" practitioner. - Chambers Asia-Pacific 2016

A client says: "She is a formidable litigator who is very capable at representing us in complex cases." - Chambers Asia-Pacific 2020

A clients praises her "great client engagement and accessibility." - Chambers Asia-Pacific 2022

- **The Legal 500 Asia-Pacific (2010 – 2012, 2014, 2019 - 2021)**

"Recommended Lawyer" in Dispute Resolution

- **The Legal 500 Asia-Pacific (2019 - 2022)**

"Recommended Lawyer" in Antitrust and Competition

- **The Legal 500 Asia-Pacific (2022)**

"Other Key Lawyer" in TMT

"Shanti Mogan is an astute disputes lawyer who takes into account the sensitivities of client concerns when advising on how to handle problems". – The Legal 500 Asia-Pacific 2021

- **Expert Guides (2018 - 2022)**

"Leading Practitioner" in Commercial Arbitration and Women in Business Law

- **Who's Who Legal (2020 and 2021)**

"Global Leader" in Commercial Litigation

- **Who's Who Legal (2021 and 2022)**

"National Leader (Southeast Asia)" in Commercial Litigation

- **Who's Who Legal (2023)**

"National Leader (Southeast Asia)" in Commercial Litigation and Competition

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Member, Court of Arbitration - Singapore International Arbitration Centre (SIAC)
- Fellow, Chartered Institute of Arbitrators (CIArb)
- Fellow, Malaysian Institute of Arbitrators (MIArb)
- Member, Arbitration Sub Committee - Malaysian Bar Council
- Member, Arbitration Committee- International Chamber of Commerce (ICC) (Malaysia)
- Member, Legal Affairs Committee - Malaysian International Chamber of Commerce and Industry (MICCI)
- Member, International Bar Association (IBA)
- Member, Inter Pacific Bar Association (IPBA)
- Member, Panels of Arbitrators of AIAC, SIAC, ICC (Malaysia)

PUBLICATIONS

- Co-authored the Malaysian Chapters on Law & Practice and Trends & Developments in *Chambers Global Practice Guide: Litigation* (2022)

- Co-authored the Chapter on Law & Practice (Malaysia) in Chambers Global Practice Guide on International Arbitration [2019 - 2022]
- Contributor to the International Law Office's Legal Newsletter on Arbitration [2019-2020]
- Contributor of the WLG Merger Control Guide 2020
- Contributor to the Textbook 'Law and Practice of Injunctions in Malaysia'