

## Arun Kasi

Year of Call: 1997



## Practice Summary

Dr. Arun Kasi is an established transferring lawyer from Malaysia.

He is ranked by Chambers Asia Pacific and Legal 500 Asia Pacific for shipping practice in Malaysia. He is a Fellow of the Chartered Institute of Arbitrators and is an arbitrator in the panel of Asian International Arbitration Centre (AIAC), Malaysia.

He regularly appears before all senior courts in Malaysia and before arbitral tribunals in London, Singapore, Malaysia and Brunei (including under the LMAA, SCMA and AIAC rules). He is instructed by P&I clubs and marine insurers, among others. He sits as an arbitrator under the LMAA Terms.

The range of cases that he has conducted include both dry and wet shipping.

He holds a doctorate in shipping law. He has written numerous books and articles on maritime law and arbitration. His notable books are *The Law of Carriage of Goods by Sea* published by Springer in 2021 and *Arbitration: Stay of Court Proceedings and Anti-Suit Injunctions* published by a leading Malaysian law book publisher in 2014.

The notable publishers of his articles (which number about fifty) include *Lloyd's Shipping & Trade Law* (England), *The Maritime Executive* (USA), *Sweet & Maxwell* (England and Malaysia) and *Lexis Nexis* (Malaysia and India). Many of his works have been referred to by the appellate courts in Malaysia in their reported judgments.

He is a supporting member of the London Maritime Arbitrators Association (LMAA) and a member of the London Shipping Law Centre (LSLC).

Advised a borrower in a dispute arising from a US\$50 m bond loan agreement.

Representing a cargo owner in a US\$28 m cargo dispute in admiralty proceedings involving complex questions of ship arrest, arbitration and US OFAC sanctions.

Advised a buyer on a US\$6 million refund guarantee in the buyer's purchase of a new built yacht.

Advised a purchaser of gloves in a US\$4 m dispute arising from a gloves sale and purchase agreement.

Sitting as an original arbitrator appointed by the claimant in a US\$3 million charterparty dispute between the charterers and the owners in a London arbitration under the LMAA 2021 terms.

Successfully represented cargo, instructed by a P&I club, in pre-action disclosure application against a port in connection with damage of frozen meat worth US\$2 m during transshipment at the port.

Advised a shipper/seller of biofuel in relation to shipowner's demurrage claims and in relation to refusal of the buyer to pay a portion of the agreed price amounting to US\$2 m on numerous complex grounds and issues relating to L/C.

Advised an insurer on a US\$1.6 million cargo shortage claim by an insured.

Represented a purchaser in a sale and purchase and mortgage transaction of a yacht for US\$1.6 m.

Advising a Brunei shipowner in various claims and defences worth US\$1.2 m, in three Brunei High Court cases, with a few charters.

Advising a Malaysian shipowner in a Seoul High Court claim in relation to alleged wrongful delivery of cargo worth US\$1 in Fiji, in which the shipowner succeeded in the High Court and the appeal before the Court of Appeal is pending.

Successfully represented a major shareholder of a 1,000-acre tin ore mining company in a series of corporate disputes and issues over general meetings among the shareholders and directors worth multi-million dollars.

Represented a buyer (and re-seller) of a barge for US\$800,000 in the sale and purchase transaction.

Represented the barge owner in a US\$800,000 New Zealand arbitration against insurers in a constructive total loss claim of a vessel.

Representing a shipping agent in a US\$900,000 agency fees dispute with a shipping line involving questions of the agent's lien over liner's containers, insolvency of the liner and third-parties' interests in the containers.

Representing a shipping agent in a US\$550,000 dispute involving their claim for agency fees and their defence to a counterclaim in the Taipower project.

Representing a shipowner in a US\$480,000 charter hire dispute in a Brunei arbitration.

Successfully obtained leave to proceed with an admiralty in rem action against the vessel of an energy giant upon the multi-billion-dollar insolvency of the energy giant, and secured a

US\$400,000 judgment against the vessel.

Defending an insurer on a US\$400,000 dispute involving a cargo shortage claim by an insured and the insured's counterclaim for refund of certain other claims paid.

Successfully represented a shipbroker in a US\$350,000 claim for brokerage commission and currently dealing with a further brokerage claim and various items of counterclaim by the shipowner.

Representing a ship manager in a Singapore SCMA consolidated arbitration against the shipowner in a US\$330,000 operational expenses claim.

Successfully defended a shipowner in a US\$190,000 collision case.

Defending a ship operator in the US\$190,000 collision case.

Representing a shipowner on a US\$180,000 freight difference claim in a London arbitration arising from a dispute over measurement of the volume of timber carried under a voyage charter.

Representing a contractor in their £165,000 claim on a construction dispute in a London arbitration under CI Arb Rules.

Representing a carrier in a US\$135,000 claim against the cargo for war risk surcharges following recent attacks by Houthi rebels in red sea.

Successfully represented a supplier of armed guards in red sea in a US\$75,000 admiralty in rem claim.

Representing a fishing boat owner in their US\$70,000 collision claim against a tugboat whose tow collided with the fishing boat.

Advised a cargo claimant in The Xpress Pearl explosion case on his US\$50,000 claim against the carrier.

Sat as an adjudicator in a US\$50,000 construction dispute and delivered award.

Advised an insurer on a US\$40,000 cargo shortage claim.

Advised a shipper of agricultural products on their claim against a shipowner for misdelivery of the cargo upon a forged bill of lading.

Successfully represented a shipowner on a speed-consumption claim in a London LMAA arbitration, instructed by a P&I club.

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## Memberships

- London Maritime Arbitrators Association (LMAA)
- London Shipping Law Centre (LSLC)
- Fellow, Chartered Institute of Arbitrators (FCI Arb).
- Arbitrator, Asian International Arbitration Centre (AIAC), Malaysia

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## Education

- LLB (Hons)
- Certificate in Legal Practice (Malaysia)
- LLM
- Diploma in International Commercial Arbitration (CIArb)
- Bar Transfer Tests
- PhD