

PROFILE



Partner
Dispute Resolution
Shipping & Maritime
Land Acquisition & Town and Country Planning
Regulatory Compliance & Enforcement
Criminal Practice
Shearn Delamore & Co., Kuala Lumpur, Malaysia
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Qualifications
LL.B (Hons), Universiti Teknologi MARA (UiTM)
Advocate & Solicitor, High Court of Malaya

Language
English, Malay

**NIK AZILA
SHUHADA
NIK ABDULLAH**

ABOUT NIK AZILA

Nik is experienced in all aspects of civil and commercial litigation both in court and arbitration. She has acted in a wide range of complex disputes involving commercial, contract and corporate matters.

Nik's shipping and maritime practice encompasses both wet and dry shipping and maritime work. Nik has advised comprehensive range of contentious and transactional matters which include arrest and release of ships and cargo, maritime transportation and insurance, marine cargo and hull / bunker claims, charterparty disputes, ship to ship (STS) transfer licensing, maritime casualty, salvage and collision claims, detention of vessels by authorities, marine environment and regulatory, ship building and registration, maritime liens and mortgages and maritime arbitration. Nik engages a diverse range of maritime clients that include ship owners, cargo interests, charterers, financial institutions, professional and indemnity clubs, shipyards, oil and gas multinationals, ports and maritime authorities, container terminal operators, freight forwarders and logistic companies. Aside from contentious practice, Nik oversees transactional matters such as registration of ocean-going vessels and yards, sale and purchase of vessels, agreements with shipyards from construction of vessel and ship mortgages.

Nik has also had conduct of land-based disputes and for Compulsory Land Acquisition matters, Nik conducts inquiries on behalf of affected landowners or the acquiring party before the Land Administrator under the Land Acquisition Act 1960. In the event of an objection, she undertakes Land Reference hearings and judicial reviews before the High Courts and any ensuing appeals to the appellate Courts. She also appears before the State Appeal Boards in

planning permission hearings and appeals under the various town and country planning legislation.

Nik frequently advises on issues on regulatory compliance, relating to anti-money laundering, anti-corruption, breach of trust, and securities legislation as well as represent clients in proceedings brought by the Attorney General's Chambers and the Securities Commission.

Nik also advises on aboriginal / native customary rights and law in West Malaysia which of recent have come into conflict with rights alienated under the National Land Code.

EXPERIENCE

Shipping & Maritime

- Represent Master and 213 crew members of a passenger cruise vessel "MV Oriental Dragon" that was alleged to have been abandoned by its owners. The crew claims for unpaid wages and Master's disbursements for the period between 2020 – 2021. "MV Oriental Dragon" was a 52-year-old passenger cruise vessel still serving in the industry (one of the oldest in the world). The team was approached by the International Transport Workers' Federation based in the UK to provide urgent legal representation to the 213 crew members and to assist with their claim for unpaid wages and repatriation costs to their home countries namely Ukraine, Myanmar and China. Also represented Maritime Labour Convention Insurers / Underwriters in this present suit.
- Represent a foreign bank to commence numerous and separate legal proceedings on behalf of the Bank against defaulting ship-owners / carriers for breach of contracts of carriage by mis-delivering the cargo of fuel to third parties without the production of original bills of lading which have been earlier pledged to client as security documents. This matter involves filing in rem proceedings and arresting two (2) vessels owned and linked to one of the world's largest oil trader, Hin Leong Group.
- Acted for a foreign company in the business of chartering of ships, barges and boats with crew (freight) and owner of an offshore support vessel in a claim to recover outstanding hire and expenditure incurred under Time Charter Party.
- Represented the operators of the vessel "Star Pisces" under section 491(B)(1)(I) Merchant Shipping Ordinance 1952. The vessel was detained on 18.4.2021 by the Malaysian Maritime Enforcement Agency whilst she was anchored in the waters of Johor.
- Acted for a foreign bank in a claim for wrongful / mis-delivery of cargo without the production of the original bills of lading still within the Bank's possessions.

Land and Compulsory Acquisition

- Advises and represents State-owned corporations and companies faced with judicial review challenges filed to quash compulsory acquisitions of lands sought by the landowner.
- Represented a state own company in the legal proceedings brought to quash the State Authority's decision to acquire a substantial portion of the lands intended for Independent Deepwater Petroleum Terminals (IDPT) in Pengerang Johor. Succeeded in defending the State Authority's decision to compulsory acquire the land before the High Court, Court of Appeal and ultimately the Federal Court.
- Advised private entities on judicially reviewed compulsory land acquisitions.
- Defended developers of Independent Deepwater Petroleum Terminals Johor, the first in Malaysia and by far the largest in the region in a claim brought by 124 fishermen for various losses including loss of livelihood.
- Advised a petrochemical company in relation to planning permission and development orders pertaining to the construction and maintenance of chemical products produced / manufactured by our

client at its local plant in Malaysia. The project contemplated by the client involves a substantial expansion and enhancement of the client's existing integrated chemical sites.

ACCOLADES

asialaw Leading Lawyers

Dispute Resolution & Litigation 2023 - Rising Star for 8 consecutive years (2016-2023)

The Legal 500 Asia Pacific

Shipping 2023 - Rising Star

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Member, International Bar Association (IBA)