

# PROFILE



**Director, Dispute Resolution  
Drew & Napier, Singapore**

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**Qualifications**

B.A. (Hons), University of Oxford (2013)  
Advocate & Solicitor of the Supreme Court of Singapore (2015)

**Language**

English

## GERALD TAY

### ABOUT GERALD

Gerald has an active practice in civil litigation and international arbitration.

He handles a variety of matters relating to director / shareholder disputes, contractual and tortious claims, competition law issues, infrastructure projects, energy ventures, trusts, banking and finance, and regulatory actions.

Gerald has acted for governments, multinational corporations, financial institutions and high net worth individuals at all levels of the Singapore Courts and in international arbitration.

Gerald graduated from the University of Oxford with a B.A. (Hons) degree in 2013.

Gerald tutors students in the Preparatory Course leading to Part B of the Singapore Bar Examinations.

### EXPERIENCE

Some of the notable matters which Gerald has handled include:

#### International Commercial Arbitrations

- Acting in a failed-merger dispute worth US\$3.8 billion between two NASDAQ listed companies. The dispute is governed by Delaware and Cayman law and involves claims of material adverse effect.
- Acted for joint venture partners in a dispute relating to the development of a golf and country club, condominium residences and undeveloped land in Thailand, in SIAC arbitrations and related litigation

before the Singapore High Court. The US\$40 million dispute involved allegations of conspiracy, breach of fiduciary duties and contractual breaches.

- Acted for a major Philippines water and wastewater services provider for the Greater Manila Area against the Philippine government in resisting the Philippine government's application to set aside an arbitral award worth more than US\$62 million.
- Acted in an agency dispute administered by the SIAC relating to the procurement, distribution, sale and marketing of rubber and latex products in Europe and Africa.
- Acted in an application before the Singapore High Court to set aside an ICC jurisdictional award. The underlying claim related to the sale and distribution of apparel in South Korea.

## Infrastructure Matters

- Advising a Japanese-Indian consortium on a US\$25 million dispute governed by Indian law relating to the construction of the Western Dedicated Freight Corridor, a major railway in India.
- Acted in an UNCITRAL arbitration and related set-aside proceedings involving claims worth more than US\$135 million in relation to the construction of an Ultra Mega Power Project (an integrated power generation and coal mine project) in India.
- Advised a major Japan-based shopping centre developer on the management and development of its landmark Singapore property, Takashimaya Shopping Centre.

## Energy Disputes

- Acted for a Chinese state corporation in resisting an application before the Singapore International Commercial Court to set aside an arbitral award concerning the exploration and production of oil and gas resources in offshore China.
- Acted in a trust dispute before the Singapore High Court involving oil & gas assets worth more than US\$115 million, with related proceedings in the US and the Bahamas. Within this lawsuit, successfully resisted an anti-suit injunction application and obtained a stay on *forum non conveniens* grounds. Both decisions were upheld before the Court of Appeal.

## Regulatory Actions

- Advised the private arm of a Singapore sports, entertainment and lifestyle public-private-partnership consortium on investigations by the Competition and Consumer Commission of Singapore, and acted for the same client in a related tender process to select ticketing providers, which included drafting tender documentation, technical specifications and the final contract.
- Acted for BSI, a major international bank, in relation to allegations concerning the 1MDB scandal, in particular: (a) a US\$400 million lawsuit by 1MDB, (b) financial misconduct investigations by US, Swiss and Singapore authorities, (c) the revocation of BSI's banking license in Singapore, and (d) BSI's integration into EFG Bank.

## IT and Telecommunications Matters

- Acted for a Singapore listed telecommunications company (a major builder and operator of passive fibre network infrastructure) in various disputes with its licensees relating to infrastructure services.
- Acted for Cisco in a Singapore High Court suit involving allegations of unauthorised distribution and suspension of IT support services.

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## Trust Disputes

- Acted in a trust dispute before the Singapore International Commercial Court involving claims worth more than US\$40 million. The decision was upheld before the Court of Appeal. Now acting for the beneficiary to trace and recover the trust assets.

## Private Banking Disputes

- Acted for various major international banks to resist allegations of unauthorised trading in separate lawsuits before the Singapore High Court. In each of these lawsuits, the claims amounted to more than US\$7 million.

## Criminal matters

- Acted for the former director of a company in resisting cheating charges involving a S\$26.5 million acquisition by the company.

## APPOINTMENTS/MEMBERSHIPS

- Member, Singapore Academy of Law
- Member, Law Society of Singapore
- Tutor for the Preparatory Course leading to Part B of the Singapore Bar Examinations