

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:

- Representing Opus Consultants (M) Sdn Bhd, an Edgenta Company, in ongoing disputes related to the termination and reaward of the Klang Valley Double Tracking Project (Phase 2) with a subject matter in excess of RM900million .
- Represented 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 (claim sum in excess of RM100million).
- 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.
- Represented a public body in a dispute with a service provider in a claim in excess of USD100 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.
- 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.

Competition Law

- Representing a subsidiary of the public listed company in challenging the decision of the Malaysia Competition Commission against 5 feedmill companies where the collective fines are in excess of RM 400million for an alleged horizontal price fixing agreement.
- Represented 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.

ACCOLADES

Asialaw Leading Lawyers

Dispute Resolution 2023 – Notable practitioner for 2 consecutive years

- *“Very good depth of legal knowledge, listens to client’s feedback and provides sound advice.”– Asialaw Profiles 2020*

Benchmark Litigation Asia-Pacific

Commercial and Transactions, Competition/Antitrust 2023 - Litigation Star for 3 consecutive years
Asia-Pacific’s Top 100 Women in Litigation (2022 and 2023)

Chambers Asia-Pacific

Dispute Resolution 2023 – Band 3; Recognised Lawyer for 9 consecutive years (2014 – 2022)

- A client notes that “she is smart and exhibits excellent commercial understanding which is crucial in defending our case” - Chambers Asia-Pacific 2023
- A clients praises her “great client engagement and accessibility.” - Chambers Asia-Pacific 2022
- A client says: “She is a formidable litigator who is very capable at representing us in complex cases.” - Chambers Asia-Pacific 2020
- She is praised as a thoroughly “solid and reliable” practitioner. – Chambers Asia-Pacific 2016
- 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

The Legal 500 Asia-Pacific

Dispute Resolution 2021 – Recommended Lawyer for 7 years (2010 – 2012, 2014, 2019 – 2021)

Antitrust and Competition 2022 - Recommended Lawyer for 4 consecutive years

TMT 2022 – Other Key Lawyer

- “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

Commercial Arbitration and Women in Business Law 2022 – Leading Practitioner for 5 consecutive years

Who’s Who Legal

Commercial Litigation and Competition 2023 – National Leader (Southeast Asia)

Commercial Litigation 2021 – Global Leader for 2 consecutive years

Commercial Litigation 2022 – National Leader (Southeast Asia) for 2 consecutive years

APPOINTMENTS/MEMBERSHIPS

- Member, Malaysian Bar
- Member, Court of Arbitration - Singapore International Arbitration Centre (SIAC)
- Fellow, Chartered Institute of Arbitrators (CI Arb)
- Fellow, Malaysian Institute of Arbitrators (MI Arb)
- 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'