

Raymond Mah

Managing Partner

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Raymond is the Managing Partner of MahWengKwai & Associates.

His primary area of practice is in civil and corporate litigation, appeals and arbitration, and appears regularly at the High Court, Court of Appeal and Federal Court. His experience includes a variety of construction and land related disputes.

Raymond graduated with Honours Class 1 from the University of Queensland. He chambered in Shook Lin & Bok under the guidance of Mr Steven Thiru and Dato' Dr Cyrus Das. Thereafter, he gained invaluable experience from working closely with Dato' Mah Weng Kwai. Raymond took over the reins of leadership in the firm from his father in 2010.

Raymond is a Fellow of the Chartered Institute of Arbitrators and the Malaysian Society of Adjudicators. He is empanelled both as an arbitrator and adjudicator with the Asian International Arbitration Centre (AIAC).

He is recognised by Legal 500 as a "Real estate and construction disputes expert" and "strong for contentious employment issues". AsiaLaw Profiles ranks Raymond as a Notable Practitioner in Dispute Resolution. Raymond was selected as one of Asian Legal Business' 40 Under 40 brightest young legal minds in 2015. He was also named by Asia Law Portal as one of "30 people to watch in the business of law in Asia in 2017."

Career to date

2013 Managing Partner, MahWengKwai & Associates
2010 Principal, MahWengKwai & Associates
2008 Partner, MahWengKwai Seow & Megat
2005 Associate, Mah Weng Kwai & Associates
2005 Called to the Malaysian Bar
2004 Pupil-in-Chambers, Shook Lin & Bok
2003 Clerkship, Freehills (Australia)
2002 Clerkship, Allens Arthur Robinson (Australia)



Professional and Educational achievements

- 2018 Fellow of The Chartered Institute of Arbitrators (FCIArb)
- 2017 SAL-INSEAD Law Firm Leadership Programme
- 2014 Fellow of the Malaysian Society of Adjudicators (FMSAdj)
- 2012 Certificate of Adjudication Asian International Arbitration Centre (AIAC)
- 2004 Certificate of Legal Practice (CLP)
- 2003 Bachelor of Laws (University of Queensland) (Honours Class 1)
- 2001 Bachelor of Economics (University of Queensland)

Affiliations

- President, League of Lawyers
- President, MWKA Toastmasters Club
- Member, Malaysian Bar
- Member, Law Association for Asia and the Pacific (LAWASIA)
- Member, Catholic Lawyers' Society
- Legal Advisor, Malaysian Institute of Estate Agents (MIEA)
- Volunteer, Mercy Malaysia

Corporate experience

- Advised an international charitable organisation on the rules, regulations and corporate structure on setting up an NGO in Malaysia;
- Advised on the acquisition of majority shares in a public listed company by a foreign national in the Pharmaceutical sector;
- Advised on a Joint Venture exercise for a company in the construction and project development sector;
- Advised on Management and Administrative Services Agreements for a construction company in Malaysia and its group of companies;
- Advised on Settlement Agreements and security documents for a private limited company and its group;
- Advised a public listed company on an investment sum and borrowings in relation to whether shareholders approval is required for expansion and relocation of their plant and office;
- Advised a public listed company on insider trading laws under the Capital Markets and Services Act 2007;
- Advised a public listed company on the Bursa Main Market Listing Requirements, Corporate Governance and regulatory compliance with the relevant listing requirements;
- Advised a digital marketing company on the Anti-Money Laundering and Anti-Terrorism Financing Act 2001 in Malaysia (“AMLA”) and drafting an Anti-Money Laundering and Anti-Terrorism Financing Policy for their websites;
- Advised a start-up company on incorporation, corporate structure, corporate governance, licenses required and it’s business nature;
- Advisory for the incorporation of a company in relation to a crowdfunding exercise;
- Advised, negotiated and drafted a framework agreement which involved a subscription of shares in a public listed holding company to facilitate collaboration between parties in relation to progressive payments for a development project.

Alternate dispute resolution experience

Arbitration counsel experience

- Claim arising from unforeseen adverse physical conditions in the construction of a dam.
- Disputes arising from plumbing works for a residential development project.
- Disputes on design faults arising from the collapse of a basement car park.
- Disputes arising from the electrical and telecommunications works for a resort development project.
- Disputes arising from the laying of public works water lines.
- Claim for outstanding progress claims for the construction of a residential development project.
- Application to stay court proceedings and to refer the dispute to arbitration.
- Working closely with experts and witnesses, including civil and geotechnical engineering consultants.

Adjudication counsel experience

- Opposed payment claim by contractor for earthworks, piling and basement sub-structures against property developer
- Payment claim by subcontractor for supply and delivery of custom and loose furniture
- Payment claim by a subcontractor for electrical engineering services for a condominium project
- Payment claim by subcontractor for interior design works in a medical clinic
- Payment claim by subcontractor for civil and building construction works for a power station
- Payment claim by subcontractor for construction of low and medium cost apartments

Arbitrator Experience

- Claim by contractor for construction works to a hospital of more than RM100 million

Adjudicator Experience

- Payment claim by a subcontractor for roofing works of RM152,000
- Payment claim by a subcontractor for civil works for a power plant of RM768,000
- Payment claim by a subcontractor for transport of quayside container cranes of RM12.9 million
- Payment claim by a subcontractor for civil works for the MRT project of RM17.8 million
- Consolidated adjudication proceedings from 4 payment claims by a subcontractor for mechanical and electrical works of RM610,000
- Payment claim by a main contractor for apartment complex project of RM6.3 million
- Payment claim by a subcontractor for electrical works of RM7.7 million

ADNDR Panellist experience

- Sole panellist in a domain name dispute involving a French complainant

Litigation experience

Construction cases

- Setting aside an arbitration award for breach of natural justice, Federal Court
- Claim for release of performance bond for the construction of water supply pipes, Federal Court.
- Setting aside an adjudication decision for breach of natural justice, Court of Appeal
- Disputes arising from the supervision, design and construction of bored piles for a highrise apartment project, Court of Appeal.
- Claim to challenge the validity of planning permission for a hypermarket, Court of Appeal.
- Disputes arising from the supply and installation of furniture and fittings for a hotel, Court of Appeal.
- Disputes over the construction of a 'feng shui' arch in a cemetery, Court of Appeal.
- Disputes over the supply of aluminium panels for building cladding, Court of Appeal.
- Claim for removal of excess earth dumped on neighbouring land, Court of Appeal.

- Disputes arising from the construction of a common boundary wall, High Court.
- Defending a claim for trespass arising from the construction of drainage from a mixed development project, High Court.
- Disputes arising from the rental of heavy-duty shoring materials for the construction of a commercial complex project, Sessions Court.

Joint Management Bodies / Management Corporations

- Claim by owner for declaration on single rate for maintenance charges, Federal Court
- Opposing an appeal against an order for stay given by the Court of Appeal, Federal Court.
- Claim by management corporation for maintenance charges and rentals owing by the developer, High Court.
- Claim by joint management body to recover common property from developer, High Court.

Company law

- Application for capital share reduction, High Court.
- Defending a claim for oppression by a minority shareholder of a multi-level marketing company distributing of an international brand of health products, Court of Appeal.
- Claim for shares held on trust and application for an injunction to restrain a shareholder from voting on the shares held on trust, High Court.
- Reinstating a company to the register of companies after having struck off, High Court.

Defamation

- Defending an international publisher from a defamation claim, Federal Court.
- Claim for defamation against a credit information provider, Court of Appeal.

Judicial review

- Judicial review against the National Registration Departments' decision to refuse citizenship to an adopted child, Federal Court.
- Judicial review against the issuance of stop-work orders by MBPJ, Court of Appeal

- Judicial review regarding the acquisition of land for use as a public road, Court of Appeal.
- Judicial review against awards by the Strata Management Tribunal, High Court
- Judicial review against the minister's refusal to grant an audit licence to a qualified accountant, High Court.

Land matters

- Claim for damages for wrongful entry of private caveat, Federal Court.
- Removal of a third-party charge registered by a bank in excess of authority, Court of Appeal.
- Claim for the return of an undivided share of land sold by a trustee to a third party, Court of Appeal.
- Setting aside a land acquisition award on the basis of error in category of land use, Court of Appeal.
- Claim for additional compensation from land acquisitions, High Court.
- Claim by owners of an undivided share of land to divide and partition the land, High Court.
- Claim for vacant possession of land from squatters, High court.
- Landlord and tenancy disputes, Sessions Court.

Other civil matters

- Claim for insurance monies under life insurance policy nomination, Federal Court.
- Claim to safeguard monies paid on trust for minor beneficiaries, Court of Appeal.
- Partnership dispute between medical practitioners, Court of Appeal.
- Disputes arising from the restructuring of a franchise restaurant, High Court.
- Claim for goods sold and delivered, High Court.
- Claim for insurance monies under life insurance policy nomination, Federal Court.

Commercial crimes

- Defending charges against a director of a listed company for causing loss to a public company

- Defending charges against a director of a listed company for making false and misleading disclosures to the Securities Commission.

Reported cases

- Ho Hau Wong & Ors v Tan Kim Chuan & Ors (No.2) [2018] MLJU 907 (High Court)
- Goh Jui Leang v Tay Sing Hwa [2018] MLJU 810 (Court of Appeal)
- Tan Wei Ma & Ors v Pentadbir Tanah Daerah Gombak & Ors [2018] MLJU 944 (High Court)
- Park Access Sdn Bhd & Ors v Prima Avenue Joint Management Body and other appeals [2018] MLJU 647 (Court of Appeal)
- Wong Yin Yong v Notre Dame Nursery Sdn Bhd & yang lain [2018] MLJU 551 (High Court)
- Green Nature Grandeur Sdn Bhd & Ors v Companies Commissions of Malaysia & Ors [2018] MLJU 557 (High Court)
- KCSB Konsortium Sdn Bhd v Pengarah Tanah dan Galian Johor & Ors [2018] MLJU 74 (High Court)
- Garden Bay Sdn Bhd v Sime Darby Property Bhd [2018] 2 MLJ 636 (Court of Appeal)
- Prima Avenue and DPC (Block G,H, 1) Management Corp v Puncak Kencana Sdn Bhd & Ors [2017] MLJU 2347; [2018] 1 LNS 801
- Green Land Builders Sdn Bhd v Tan Chee Who [2017] MLJU 2323
- Pendaftar Besar Kelahiran dan Kematian, Malaysia v Pang WS & Anor [2017] 3 MLJ 308; [2017] MLJU 390; [2017] 7 CLJ 33; [2017] 1 LNS 382
- Tan Wei Mia & Ors v Pentadbir Tanah Daerah, Gombak [2017] 1 LNS 1335 [2017] MLJU 1369
- Sime Darby Property Bhd v Garden Bay Sdn Bhd & Another Case [2017] 6 CLJ 107; [2017] 1 LNS 175; [2018] 7 MLJU 420; [2017] MLJU 145
- Prima Avenue and DPC (Block G,H, 1) Management Corp v Puncak Kencana Sdn Bhd & Ors [2016] MLJU 1448; [2016] 1 LNS 1592
- TTDI Jaya Sdn Bhd v Yew Hong Teng & Anor [2017] 1 CLJ 436; [2016] MLJU 1772

- Registrar of Births and Deaths, Malaysia v Pang Wee See & Anor [2017] 3 MLJ 308 (Court of Appeal)
- Pang WS & Anor v Pendaftar Besar Kelahiran dan Kematian [2017] 1 CLJ 436; [2016] MLJU 1772
- Pang WS & Anor v Pendaftar Besar Kelahiran dan Kematian [2016] 1 LNS 1086; [2016] 6 MLJ 396
- Konsortium Lord-Saberkat Sdn Bhd v Petron Malaysia Refining & Marketing Bhd & Another appeal [2016] 6 MLJ 186 (Court of Appeal)
- Tan Wei Ma & Ors v Pentadbir Tanah Daerah Gombak [2016] 7 CLJ 722; [2016] 1 LNS 484; [2016] MLJU 301; [2016] 5 MLJ 43 (Court of Appeal)
- Liong Seow Keng & Ors v Ho Soon Cheng [2016] 9 MLJ 681 (High Court)
- Wong Yin Yong v Notre Dame Nursery Sdn Bhd & yang lain [2016] 1 LNS 203 (High Court)
- Ho Soon Cheng v Liong Seow Keng & yang lain [2016] 1 LNS 463 (High Court)
- Ng Chin Chai v Pentadbir Tanah Segamat & Other Appeals [2016] 4 CLJ 693 (Court of Appeal)
- Wong Yin Yong v Notre Dame Nursery Sdn Bhd & yang lain [2016] MLJU 1535 (High Court)
- Chai Fui Mien & Anor v Notre Dame Nursery Sdn Bhd & Ors [2015] MLJU 2071 (High Court)
- WRP Asia Pacific Sdn Bhd v NS Bluescope Lysaght Malaysia Sdn Bhd [2015] MLJU 1125 (High Court)
- Simon Choong & Ors v Dragon Ginseng Enterprise Sdn Bhd & Ors [2015] 1 LNS 654; [2015] MLJU 898
- Tan Wei Ma & Ors v Pentadbir Tanah Daerah Gombak [2015] 1 LNS 1144; [2015] MLJU 743
- Remesh Raj v M Rajaretnam v Magnificent Diagraph Sdn Bhd [2015] 2 LNS 0683 (Industrial Court)
- Tan Wei Ma & Ors v Pentadbir Tanah Daerah Gombak [2015] 5 CLJL 517 [2015] 1 LNS 474; [2016] 7 MLJ 250; [2015] MLJU 1157
- Lim Teong Yen v Expeditors (Malaysia) Sdn Bhd [2015] 1 ILR 519 (Industrial Court)
- Ng Bak Soon & Ors v Lee Chin Yen & Anor [2014] 1 LNS 1548 (High Court)
- Tenaga Nasional Bhd v Empayar Canggih Sdn Bhd (previously known as ODVD Manufacturer Sdn Bhd) [2014] 8 MLJ 280 (High Court)
- Edmund Ming Kwan @ Kwan Yee Ming, Edmund v Extra Excel (Malaysia) Sdn Bhd & Ors [2013] 1 LNS 664; [2013] MLJU 287
- Edmund Ming Kwan v Extra Excel (Malaysia) Sdn Bhd & Ors [2013] 4 CLJ 842 (High Court)
- Greenlinx Sdn Bhd & Anor v Suruhanjaya Syarikat Malaysia [2012] 7 CLJ 490 (High Court)
- Bengjaya Sdn Bhd v Mohd Fauzi Ahmad & Anor [2013] 2 CLJ 799 (High Court)
- Dr Chen Yin Khee v Teo Keng Huat [2012] 1 LNS 420 (Court of Appeal)
- Demag (M) Sdn Bhd v Greenlinx Sdn Bhd [2012] 9 CLJ 49 (Court of Appeal)
- Soh Chun Seng v CTOS-EMR Sdn Bhd [2012] 2 CLJ 886 (Court of Appeal)
- Perbadanan Nasional Berhad v Shaharin Shaharudin [2011] 9 CLJ 208 (High Court)
- Abd Rahim Abd Rahman & Ors v DMD Industries Sdn Bhd & Ors; Kamariyah Hamdan & Ors (Third Parties) [2010] 9 CLJ 724; [2010] 1 LNS 879 (High Court)
- Design Centre (M) Sdn Bhd v. Goldcourse Sdn Bhd [2010] 1 LNS 1660 (High Court)
- Dr Bernadine Malini Martin v MPH Magazine Sdn Bhd & Ors And Another Appeal [2010] 7 CLJ 525 (Court of Appeal)
- Konajaya Sdn Bhd v Perbadanan Urus Air Selangor Bhd [2009] 9 CLJ 640 (High Court)
- Edmund Ming Kwan v Extra Excel (Malaysia) Sdn Bhd & Ors [2007] 9 CLJ 373; [2007] 9 CLJ 400 (High Court)

Thought leadership

Published Articles

- “Citizenship for Adopted and Legitimised Children: To the Federal Court and Back Again” [2020] 2 MLJ vi
- “Review on Subang Skypark Sdn Bhd v. Arcradius Sdn Bhd” [2015] 10 CLJ 801

- “Confidentiality in Construction Adjudication” Malaysian Society of Adjudicators, Issue #4, July 2015
- “Construction Adjudication: Prospective, Retrospective or Somewhere In-between?” Malaysian Institute of Arbitrators, June 2015.
- “Citizenship for Adopted Children - A Malaysian Perspective” [2013] 1 MLJ xiii
- Adjudicators’ Workshop (CIPAA 2012 in Practice) - Panellist (Apr 2015)
- Disputes over Common Property (Dec 2014)
- Struggles with Shareholders (Aug 2014)
- Understanding Construction Disputes (May 2014)
- Landlords v Tenants: Resolving Disputes (Apr 2014)
- Land Acquisition, Compensation and Disputes (Aug 2013)
- Adjudication of Construction Disputes (Jul 2013)

LAWASIA conference papers

- One Belt, One Road: Impact and Opportunities for Asia & Europe (Colombo, Sri Lanka - 2016)
- Prove your Innocence Online – The New Section 114A of the Evidence Act 1950 (Malaysia) (Bali, Indonesia - 2012)
- Citizenship for Adopted Children: A Malaysian Perspective (Seoul, South Korea - 2011)

Speaking engagements

- Misrepresentation & Updates on the Covid-19 Act 2020 (Nov 2020)
- Stateless among Malaysian Children: Ensuring the Child’s Right to Nationality (Jun 2020)
- Latest Case Law on the Management & Maintenance Rate of Strata Developments and Land Acquisition in Malaysia (Mar 2020)
- REHDA Institute's Strata Development & Dispute Resolutions Seminar: Understanding the Common and Alternative Dispute Resolution Methods in Strata Living (Feb 2020)
- The FinTech Legality: Stay Ahead of the Curve (Aug 2018)
- Citizenship for Adopted and Stateless Children (Mar 2018)
- Birth Certificate vs Nationality: Right to Have a Legal Identity (Feb 2018)
- Adopted but Stateless - Our Invisible Children (Jun 2017)
- Resolving Construction Disputes by Adjudication under CIPAA 2012 (Aug 2016)
- Seminar on Making Sense of Adjudication under CIPAA 2012 (Mar 2016)
- Construction Adjudication: How is it going so far? (Jul 2015)