

Chan Mun Yew

Mun Yew is a passionate litigator in the firm's leading Corporate & Commercial Dispute Resolution, and the Technology, Media & Telecommunications (TMT) practice group.

His background in commercial litigation spans across a wide range of contractual and tortious disputes, including those involving economic torts, defamation, negligence, breach of confidence, trespass to goods / property, misrepresentation, breach of exclusivity and sale of goods & services. He brings valuable counsel and representation to both local and foreign corporations and individuals embroiled in heavily contested commercial conflicts.

Mun Yew also has notable experience in handling complex corporate and shareholders' disputes encompassing, among others, claims for oppression, breach of directors' duties, corporate fraud, and derivative actions etc. His expertise in corporate transactions and company management affairs ensures comprehensive and effective resolution strategies for clients.

In the dynamic realm of Technology, Media & Telecommunications (TMT), LHAG stands as a trailblazer, being one of the few major law firms with a dedicated team specializing in TMT disputes.

On that note, Mun Yew has dealt extensively with various technical and high value TMT disputes. He is regularly engaged by reputable industry players to assist them on matters concerning provision of telecommunication and network services, IT services, construction and implementation of network facilities and infrastructure; broadcasting and sponsorship agreements; procurement of hardware & software; and other IT/Telco-related agreements.

Apart from TMT disputes, Mun Yew is also regularly engaged by notable TMT players to assist them on regulatory and compliance matters concerning the Communications & Multimedia Act 1998, mandatory standards, directions, and determination, issued by the Malaysian Communication and Multimedia Commission (MCMC).

Being an active litigator, Mun Yew has secured favourable outcomes for his clients as the lead and co-counsel at all levels of Malaysian courts (as reported in the law journals) and in arbitration.

Mun Yew was recently recommended in **The Legal 500 Asia-Pacific 2025**.

He is also a co-author and contributor of several highly authoritative legal textbooks, which are often cited by legal practitioners and referred to in the industry: (a) **Annotated Statutes of Malaysia – Communications and Multimedia Act 1998 – by Lexis Nexis**; (b) **Malaysian Civil Procedure 2021 – by Sweet & Maxwell**; and (c) **Malaysian Civil Procedure 2024 – by Sweet & Maxwell**.

Mun Yew read law at Cardiff University, Wales, and is a member of the Honourable Society of Lincoln's Inn. He was called to the Bar of England & Wales in 2015. He was admitted as an advocate and solicitor of the High Court of Malaya in 2016.



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Qualifications

- LLB (Hons), Cardiff University
- BPTC, Cardiff University
- Barrister-at-law (Lincoln's Inn)

Practice Areas

- Telecommunications and Information Technology (IT) disputes
- Corporate and shareholders' disputes
- Civil and commercial litigation
- Insurance Law
- Debt recovery

Notable Experience

Corporate & Shareholders' Disputes & Advisory

- Successfully represented several directors of a public listed company in a landmark Federal Court case concerning minority oppression. The appeal relates to important questions of law involving corporate transactions such as mergers & acquisitions, share buy-backs and private placements etc. The appeal also deals with shareholders' pre-emptive rights. The decision of the Federal Court was widely reported in the media – (*See: Dato' Azizan bin Abd Rahman & Ors v Concrete Parade Sdn Bhd & Ors and other appeals [2024] 3 MLJ 223*)
- Successfully represented a leading multinational corporation in a derivative action against several local directors for breach of statutory and fiduciary duties. He secured successful outcomes for client in the High Court, Court of Appeal and Federal Court. He also succeeded in all execution proceedings and in opposing the winding-up proceedings filed by the local directors to frustrate the execution process. The value of claim was in excess of RM5 million – (*See: (i) Gamel Nasir Taib v Dopag Far East Sdn Bhd [2021] MLJU 551; (ii) Dopag Dosiertechnik und Pneumatik AG v Gamel Nasir Tab & Ors [2017] 10 MLJ 31; and (iii) Dopag Dosiertechnik und Pneumatik AG v Gamel Nasir Tab & Ors [2016] MLJU 812*)
- Successfully represented an individual director in an appeal concerning statutory derivative action under section 347 and 348 of the Companies Act 2016. In this case, the Court of Appeal laid down much needed clarification regarding the test and requirements for granting leave to commence statutory derivative action. The value of dispute was in excess of RM90 million – (*See: Dato' Timor Shah Rafiq v Nautilus Tug & Towage Sdn Bhd [2022] MLJU 1545*)
- Successfully represented a public listed company and their nominee directors in a claim that was filed against them for oppression and conspiracy. The suit concerns allegations of breach of shareholders' agreement and understanding, arising from the removal of several directors, removal from management and non-payment of dividends. He succeeded in both the High Court and Court of Appeal – (*See: Datuk Kasi a/l K L Palaniappan v Menara Embun Sdn Bhd & Ors and another case [2021] MLJU 2632*)
- Advising a reputable public listed company on issues arising from a joint venture agreement to develop an integrated mixed commercial and residential development in the southern region. The matter concerns issues of compliance with the MACC Act 2009, board & shareholders' reserved matters under the JV agreement, and minority oppression.
- Advising a high net worth individual on a dispute concerning the sale and transfer of shares. The value of dispute exceeds RM 10 million.
- Advising shareholders of a tech company on matters relating to an oppression claim. The matter involves allegations of fraudulent transactions, breach of shareholders' agreement, non-payment of dividends, and concealment / disposal of company's key information and documents.

Technology, Media & Telecommunications (TMT) Disputes & Advisory

- Representing one of the largest telecommunication companies in Malaysia in a high value dispute with a service provider concerning the provision of a nationwide digital terrestrial television network system. The dispute was widely reported in the media as it involves: (i) a major government project; and (ii) claims and counterclaims in excess of RM200 million.
- Representing a reputable telecommunications service provider in a complex and high value arbitration claim commenced by a network service provider. The arbitration claim concerns a major government project to connect various government departments and agencies via a high-speed broadband network system. The arbitration claims deals with complex issues of economic torts such as breach of confidence, procurement of breach of contract, unlawful interference and conspiracy.
- Advising a large public listed telecommunications company on various issues relating to the rollout of 5G services in Malaysia.
- Advising a public listed company regarding its rights and liabilities under a multi-million-dollar broadcasting and sponsorship agreement for one of the most prestigious international sporting events.
- Advising several network facility providers on their rights to construct and maintain telecommunication infrastructure under their concession agreement with a state government.

- Successfully striking out a claim that was filed against various telecommunications service providers for injunction and discovery of documents pertaining to the licensing arrangement of telecommunication structures within the state of Perak.
- Successfully applying to strike out a claim filed by a network service provider ("NSP") against a reputable telecommunications service provider for alleged breach of a master agreement between parties, and tortious interference of a concession agreement between the NSP and state government. The matters involve amongst others, allegations of breach of exclusivity and complex issues of law relating to the tort of procurement of breach of contract.
- Advising a leading telecommunications company on a highly technical dispute concerning the provision of a global analytics solution. The dispute concerns issues such as defects of the IT solution and late deliverables.
- Advising a leading IT service provider on various issues concerning the implementation of a Total Hospital Information System for a large private hospital based in Klang Valley.
- Advising a major telco company on issues relating to fraudulent activities and transactions carried out by their dealers and customers. The matter concerns amongst others, compliance issues with the applicable regulatory laws and procedures.
- Advising a leading bank and another global beverage company on issues concerning the implementation of electronic signatures in their business operations.
- Advising a well-known local fintech company on a dispute concerning the provision of IT and fintech services. The services were provided as part of a nationwide government project.

Other Commercial Disputes & Advisory

- Successfully representing a public listed company in a Federal Court appeal concerning arbitration laws and procedures. The appeal deals with important questions of law relating to the publication of an arbitral award in a bifurcated arbitral proceeding – (*See: Telekom Malaysia Berhad v Obnet Sdn Bhd [2024] MLJU 2661*)
- Successfully represented a public listed company in a multi-million dollar claim for conspiracy and breach of global settlement agreement. The matter involves a series of complex corporate transactions carried out by the relevant parties including mergers & acquisitions, private placement, and rights issues.
- Successfully representing a medical practitioner in the Federal Court to set aside an adverse Court of Appeal order that was made against him in breach of fundamental natural justice – (*See: Dr Lourdes Dava Raj a/l Curus Durai Raj v Dr. Milton Lum Siew Wah & Anor*)
- Currently representing a group of medical specialists in a judicial review action against the Malaysian Medical Council for refusing to register them as specialists under the National Specialist Register. The legal suit is a matter of public interest and has attracted wide media attention.
- Successfully represented a multinational brewery corporation to strike out a claim that was filed against them for alleged anti-competitive behavior – (*See: Thirteen Wings Sdn Bhd & Ors v Heineken Malaysia Bhd & Ors [2022] MLJU 2986*)
- Successfully opposing a defamation and negligence claim that was filed against a network service provider by an individual – (*See: Suriati Bt Mohd Yusof v Webe Digital Sdn Bhd [2020] MLJU 1923*)
- Successfully opposing an appeal concerning the validity of a probate and will in a family dispute. The value of the dispute was in excess of RM10 million – (*See: Tob Weng Keong & Anor v Tob Chee Choong [2019] MLJU 1435*)
- Successfully represented a public listed company in a tenancy dispute. The dispute concerns the issue of refund of security deposit, alleged outstanding repair & reinstatement works, and double rental for purported holding over of the demised premise.
- Advising a reputable property developer on issues relating to liquidated ascertained damages for purported late delivery of strata-titled properties.
- Advising various companies on the legal effects of US sanctions against Russian and Russian affiliated companies, in Malaysia.

Notable Publication

Textbooks

- Editor and contributor – Annotated Statutes of Malaysia – Communications and Multimedia Act 1998, by Lexis Nexis (November 2022)
- Contributor – Malaysian Civil Procedure 2021, by Sweet & Maxwell (2021)
- Contributor – Malaysian Civil Procedure 2024, by Sweet & Maxwell (2024)

Articles

- Author – LHAG Alert, '*Safeguarding IT Service Providers: Addressing Breach of Payment Terms in IT Contracts*' (28th June 2024)
- Author – LHAG Alert, '*Negligent Misrepresentation in IT Agreements: Action Points for IT Service Providers and Customers*' (23rd April 2024)
- Author – LHAG Alert, '*Apex Equity Sdn Bhd v Concrete Parade Sdn Bhd & Others (FC) – A Landmark Decision on Corporate Transactions and Shareholders' Dispute*' (27th March 2024)
- Author – LHAG Alert, '*Removal of Directors & Non-Payment of Dividends – Oppression under Section 346 of Companies Act 2016?*' (13th June 2023)
- Author – LHAG Alert, '*Safeguarding Secrets: Preserving Confidentiality in Information Technology (IT) & Telecommunications Projects*' (23rd May 2023)
- Author – LHAG Insights, '*Peer-to-Peer Financing: A Lifeline During the Pandemic?*' (9th July 2021)
- Author – LHAG Insights, '*The Age of Digital Documents: Understanding Electronic Signatures*' (22nd June 2021)
- Author – LHAG Insights, '*Know Your Rights: Seeking Redress Against Decisions of Ministry or MCMC under CMA 1998*' (2021)
- Author – LHAG Insights, '*Caught in the Crossfire: What Should Telcos Do If They Are Brought in as a Party to Litigation to Secure Evidence or Damage*' (2021)
- Author – LHAG Update, '*Right To Be Heard – A Fundamental Principle of Natural Justice*' (2020)
- Author – LHAG Update, '*Voir Dire in Civil Proceedings*' (2020)
- Author – LHAG Update, '*Litigation – Remote Hearings and Trials*' (2020)