

Andrew Chiew Ean Vooi

Andrew has notable experience in the areas of banker's liability, civil fraud, corporate insolvency and restructuring as well as money laundering. He acts for various financial institutions on financing obligations and security enforcement, involving conventional and Islamic financing, and asset recovery.

His experience in corporate and commercial disputes covers various business sectors, including energy, hospitality, logistics and plantation. He also acts for corporations on matters concerning fraud and breaches of fiduciary and fidelity by senior management and directors.

Clients described him as a "sharp, skillful, knowledgeable articulator" and, someone "who knows his work and produces really good arguments". Andrew is a ranked practitioner by Chambers & Partners and Benchmark Litigation. Andrew is one of two partners named "Litigation Stars" by **Benchmark Litigation Asia-Pacific 2021** in the Commercial and Transactions category.

He is a contributor to a number of practitioners' guide, such as the Law & Practice of Corporate Insolvency in Malaysia. He also frequently speaks, locally and overseas, on matters relating to his areas of practice.

Andrew is also a member of the Malaysian Bar Council's Advocacy Training Committee. He conducts advocacy training around Malaysia. He has also conducted advocacy training in Australia, Ireland, United Kingdom, Singapore and South Africa.



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Qualifications

- LLB (Hons), University of Leeds
- Called to the Bar of England and Wales (Middle Temple)
- Advocate & Solicitor, High Court of Malaya

Practice Areas

- Banking Litigation & Insolvency
- Commercial Disputes
- Corporate Disputes

Notable Transactions

- Acted for the liquidator in the compulsory winding-up and a proposed scheme of arrangement of a large Malaysian steel manufacturer
- Acted for the liquidator in the creditors' voluntary liquidation of a major regional paper manufacturer and supplier, which was eventually terminated under Companies Act 2016 following a successful asset sale and settlement of debts.
- Acted for AmBank Islamic Bank Bhd in defending a claim for wrongful appointment of receivers and managers under an outstanding RM250 million Islamic financing facility provided for the construction of Menara Tulus and Menara Ikhlas
- Acted for a development financial institution in a successful appeal which considered issues concerning the law of indemnity and guarantees, particularly on the impact of variation on guarantor's obligations: *Bank Pembangunan Malaysia Berhad v Spring Hill Bioventures Sdn Bhd*
- Acted for a financial institution in a successful appeal in obtaining leave to enforce judgment due to changes in law: *RHB Bank Bhd v Raja Alawiah bt Raja Lop Idris*
- Acted in a successful appeal in setting aside orders obtained in judicial review obtained by undischarged bankrupts: *Swiss Garden Rewards Sdn Bhd v Mohamed Ashrof Tambi bin Abdullah & Ors*
- Acted for a financial institution in defending a sale of a charged land carried out under an irrevocable power of attorney for valuable consideration, which distinguished Kimlin Housing, and considered principles relating to void disposition as well as power of attorneys: *Lim Eng Chuan Sdn Bhd v United Malayan Corporation Bhd & Anor.*

- Acted for a financial institution on appeal to reverse the decision of the High Court in setting aside of a NLC charge created over a land fraudulently transferred to a third party: *See Leong Chye & Anor v United Overseas Bank Bhd & Anor Appeal*
- Acted for a financial institution in successfully striking out a claim for alleged tort of abuse of process arising from auction sales: *Tee Sin Teck & Anor v RHB Bank Bhd*
- Acted for a financial institution in recovering funds seized under the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds Act 2001 as a result of a RM21 million fraud: *Public Prosecutor v United Overseas Bank (M) Bhd*
- Acted for various financial institutions in defending claims for breach of mandate in honouring forged cheques, including *McLaren Saksama (M) Sdn Bhd v Hong Leong Bank Bhd*; *CS Petroluem Sdn Bhd v Public Bank Bhd & Other Cases*; *Shorubber (M) Sdn Bhd v CIMB Bank Bhd*; *MacQuarie (Malaysia) Sdn Bhd v HSBC Bank Malaysia Bhd*.
- Acted for various financial institutions in defending multi-million claims for alleged wrongful breach of lenders' obligations, including *Bank Pertanian Malaysia Bhd v Gagnar Corporation Sdn Bhd & Ors*; *Leisure Tower Sdn Bhd v AmBank Bhd*; *Sri Alam Sdn Bhd v United Malayan Banking Corporation Bhd*.
- Acted for a financial institution in the application for court appointed receivers and managers for the recovery of assets both local and overseas under a RM60 million international trade financing fraud: *Sime Bank Bhd v Lal Bhojraj Khanchandani & Anor*.
- Acted for a financial institution in a RM8.25 million suit against a former branch manager and chief cashier for fraudulent misappropriation and manipulation of bank accounts: *RHB Bank Bhd v Isa bin Abu Bakar & Anor*.
- Acted for a financial institution in recovering moneys wrongfully dissipated to Hong Kong under a RM19.4 million fraud committed by its branch manager.
- Acted for a multinational company against former senior management for breach of fiduciary and duty of fidelity for diverting and utilising funds owned by the company to third parties.
- Acted for a major local O&G service provider and its owner in a shareholders' dispute involving allegations of fraud, deceit, unjust enrichment and constructive trust.
- Acting for shareholders in a dispute involving the tracing of multi-million family funds in a major pawn broking business in Malaysia.
- Acting for a major plantation company in a claim for breach of fiduciary duty and negligence against its former senior management and board of directors for loss arising from a foreign owned plantation company.
- Acting for former directors in defending a claim for breach of fiduciary duty and negligence arising from losses suffered from a UK based investment.
- Acted for a multinational telecommunications company in defending a multi-million claim for breach of its good faith covenant under a service agreement
- Acted for a timeshare company in a claim for breach of best endeavour covenant against its agent as well as defending a claim for wrongful repudiation: *Swiss Garden International Vacation Club Bhd v. Swiss Marketing Corporation Sdn. Bhd.*

Publications

- Contributor, Corporate Restructuring & Insolvency in Malaysia, Asian Business Legal Institute (2020)
- Contributor, Law and Practice of Corporate Insolvency in Malaysia, Sweet & Maxwell (2019)
- Contributor, The Malaysian Civil Procedure, Sweet & Maxwell (2018)
- Contributor, Hishamudin Yunus: Celebrating Judicial Independence (2018)
- Contributor, Bullen & Leake & Jacob's Malaysian Precedents of Pleadings, Sweet & Maxwell (2017)

Professional Affiliations

- Multilaw, Asia-Pacific Region Coordinator, Dispute Resolution
- Inter Pacific Bar Association, Vice-Chair, The Insolvency Committee
- Bar Council of Malaysia, Advocacy Training Committee, Member
- Insolvency Practitioners Association of Malaysia, Member