



Thayananthan Baskaran



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Thaya's primary area of practice is construction law. He drafts various building and engineering contracts, advises on disputes arising from such contracts and appears as counsel to resolve these disputes. Thaya also sits as an adjudicator, arbitrator and mediator.

Thaya has drafted building and engineering contracts based on Malaysian standard forms, such as PWD and PAM, English standard forms, such as IChemE, JCT and NEC, and international standard forms, such as FIDIC. Thaya has also drafted bespoke contracts and was involved in drafting the pioneer Alliance Contract and Project Delivery Partner Agreement used in Malaysia. Thaya has been appointed to the Consultation Group for the Association of Consultant Architects, Kent, suite of Alliance Contracts, and the Expert Advisory Committee for the Asian International Arbitration Centre's Standard Form of Building Contracts.

Thaya has advised on disputes arising from several projects from their inception to completion. Major projects he is, or has been, involved in, include Merdeka 118, which is a 118 storey, 666 metre, mega tall skyscraper currently under construction in Kuala Lumpur; the Refinery and Integrated Petrochemical Development Project in Pengerang; the Mass Rapid Transit Kajang Line; the Light Rail Transit Ampang, Bandar Utama-Klang and Kelana Jaya Lines; the Malayan Railways East Coast Railway Line; various phases of the Electrified Double Track Project; and the two Penang Bridges, all in Malaysia; and the National Highway Development Project in India. Thaya has advised on projects throughout Asia and Europe. He has a particular interest in railway projects and has advised on every major Malaysian railway project during his years in practice.

Thaya has appeared as counsel in several domestic and international arbitrations governed by the AIAC, ICC, PAM and UNCITRAL rules. He also appears as counsel in the High Court of Malaya and the appellate courts of Malaysia in relation to construction disputes. The judgements in some of the cases he has appeared in have been published in the law reports.

Thaya regularly acts as counsel in adjudication proceedings. Thaya has appeared as counsel in court annexed and private mediations.

Thaya was appointed as an adjudicator in the fifteenth adjudication registered under the Malaysian Construction Industry Payment and Adjudication Act 2012 and now regularly sits as an adjudicator. Thaya has been appointed as arbitrator in a variety of commercial disputes, including disputes arising from



building and engineering contracts, development agreements, hotel management agreements and joint venture agreements. Thaya also sits as a mediator in Kuala Lumpur and Singapore.

Thaya is the author of *Arbitration in Malaysia: A Commentary on the Malaysian Arbitration Act* published by Kluwer Law International in 2019. The reviews say 'This book is outstanding, and I would recommend it to all in the arbitration community' Dr Cyril Chern in Dispute Board Federation, 'There can be little doubt that this work will become one of the leading texts on the subject a solid first edition' Gordon Blanke in *Arbitration: The International Journal of Arbitration, Mediation and Dispute Management*, and 'This book is both a valuable addition to the existing corpus of leading works on arbitration law and practice in Malaysia and an essential reference tool for arbitrators and practitioners alike' Robert Morgan in *Asian Dispute Review*. Thaya is an editor of *Construction Law International*, the magazine of the International Bar Association's International Construction Projects Committee.

Thaya was the Chair of the Chartered Institute of Arbitrators Malaysia Branch (2017-2019) and the President of the Society of Construction Law Malaysia (2016-2017).

Drafting

- Premium Automotive Company's Regional Warehouse Distribution Centre in a Port in Peninsular Malaysia (approx USD30 million):
 - o Design and Build Contract;
- Bandar Tasek Raja Township, Pasir Mas, Kelantan (approx USD 45 million):
 - o Supplemental Construction Contract;
- Rehabilitation of Track between Jerantut, Pahang, and Gua Musang Railway Station, Kelantan, Malaysia (approx USD 65 million):
 - o International Procurement Contract including Design;
- Refinery and Petrochemical Integrated Development Project, Pengerang, Malaysia (approx USD 20 billion):
 - o Design and Build and Conventional Main Contracts and License Agreements;
- National Highway Development Project, India (approx USD 2.7 billion):
 - o Public Private Partnership in Annuity Projects, Model Concession Agreement, prepared by the Planning Commission, Government of India, and reviewed on behalf of the Construction Industry Development Board of Malaysia;
- Langat Centralised Sewerage Treatment Plant and Sewerage Network Connection, Malaysia (approx USD 611 million):
 - o Design Build Operate Main Contract and related Subcontracts;
- North South Expressway Fourth Lane Widening, Shah Alam to Seremban, Malaysia (approx USD 123 million):
 - o Management Contract, Works Contracts, Nominated Subcontracts and Supply Contracts;
- Mass Rapid Transit Kajang Line, Malaysia (approx USD 16.6 billion):
 - o Project Delivery Partner Agreement, Works Contracts, Nominated Subcontracts, Supply Contracts and Consultancy Agreements; and
- Penang Second Crossing, Malaysia (approx USD 1 billion):
 - o Subcontracts, Supply Contracts and Consultancy Agreements.

Advisory

- Metropolitan Railway Line, Malaysia:
 - o Claims for reimbursable costs and contingencies in excess of USD 10 million;
- Merdeka 118, Kuala Lumpur, Malaysia:
 - o Claims for variations and loss & expense for delay in excess of USD 45 million;
- Main Expressway Network in Klang Valley, Malaysia:
 - o Claim for compensation for freezing of toll rates in excess of USD 15 million;
- Electrified Double Track Project between Gemas and Johor Bahru, Malaysia:
 - o Claims for variations in excess of USD 5 million;
- 75+ km Electricity Transmission Lines across Malaysian Borneo:
 - o Claims for loss & expense for delay and retention money in excess of USD 5 million;
- 150+ km Electricity Transmission Line across Malaysian Borneo:
 - o Claims for work done and loss of profit arising from wrongful termination in excess of USD 10 million;
- 120+ km Electricity Transmission Lines across Peninsular Malaysia:
 - o Claims for loss & expense for delay in excess of USD 2 million;
- Light Rail Transit, Ampang Line Extension, Kuala Lumpur, Malaysia:
 - o Claims for extension of time, loss & expense for delay and recovery of liquidated damages in excess of USD 1 million;
- 5,000 Tonnes per day Fully Integrated Cement Production Facility, Bukit Sagu, Kuantan, Pahang, Malaysia:
 - o Claims for defects and delays for a total sum as yet un-quantified;
- Manjung 4 1,000 MW Ultra-Supercritical Coal-Fired Steam Power Plant, Malaysia:
 - o Claims for variation and loss & expense for delay in excess of USD 60 million;
- Tanjung Bin 2,100 MW Coal-Fired Power Plant, Malaysia:
 - o Claims for defects in excess of USD 115 million;
- Prai 350 MW Combined Cycle Gas Turbine Power Plant, Malaysia:
 - o Claims for recovery of negative Available Capacity Payments in excess of USD 33.5 million;
- Royal Malaysian Air Force Helicopter Hangar, Kuantan, Malaysia:
 - o Claims for variations in excess of USD 5.5 million;
- Sustainability of Sewerage Services in Malaysia:
 - o Proposal for the privatisation of the sewerage industry valued at approx USD 1 billion; and
- Electrified Double Track Project between Seremban and Gemas, Malaysia:
 - o Claims for loss & expense for delay in excess of USD 23.5 million

Dispute Resolution

International Arbitration

As Counsel:

Selected Cases

- Malaysian Subcontractor v. Japanese Main Contractor :
 - o Claims for variations in excess of USD 5 million;
 - o Laws of Malaysia, seated in Singapore and governed by the ICC Rules of Arbitration;
- Malaysian Subcontractor v. Indian Main Contractor:
 - o Claims for variations and loss & expense for delay in excess of USD 10 million;
 - o Laws of Malaysia, seated in Kuala Lumpur and governed by the AIAC Arbitration Rules
- German Main Contractor v. Malaysian Employer:
 - o Claims for unpaid certified sums, variations, loss & expense for delay and recovery of liquidated damages in excess of USD 9 million;
 - o Laws of Malaysia, seated in Kuala Lumpur and governed by the AIAC Arbitration Rules;
- Malaysian-Singaporean Joint Venture Subcontractor v. Japanese Joint Venture Main Contractor:
 - o Claims for work done and retention sum in excess of USD 3.4 million;
 - o Laws of Malaysia, seated in Kuala Lumpur and governed by the AIAC Arbitration Rules;
- Malaysian Subcontractor v. Malaysian Main Contractor:
 - o Claims for work done, variations and loss & expense for delay in excess of USD 8.5 million;
 - o Laws of Qatar, seated in Singapore and governed by the ICC Rules of Arbitration;
 - and
- Indian Joint Venture Partners v. Malaysian Joint Venture Partner:
 - o Claims for loss of profit and wasted expenditure in excess of USD 84 million;
 - o Laws of India, seated in Mumbai and an ad-hoc arbitration.

International Arbitration

Domestic Arbitration

As Arbitrator:

Selected Cases

- Main Contractor v. Subcontractor:
 - o Claim for the additional cost of completion in excess of USD 10 million;
 - o Governed by the AIAC Fast Track Arbitration Rules, appointed by the AIAC;
 - Main Contractor v. Subcontractor
 - o Claim for the additional cost of completion in excess of USD 600 thousand;
 - o Governed by the AIAC Fast Track Arbitration Rules, appointed by the AIAC;
 - Hotel Owner v. Hotel Operator:
 - o Claim for declaratory relief;
 - o Ad-hoc arbitration, appointed by the AIAC;
 - Main Contractor v. Employer:
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- o Claim for work done, variations and loss & expense for delay in excess of USD 20 million;
- o Governed by the AIAC Arbitration Rules, appointed by the AIAC;
- Subcontractor v. Main Contractor:
 - o Claims for work done and loss of profits in excess of USD 4.5 million;
 - o Ad-hoc arbitration, appointed by agreement;
- Joint Venture Partner v. Joint Venture Partner:
 - o Claim for specific performance for transfer of land;
 - o Ad-hoc arbitration, appointed by the AIAC; and
- Owner v. Developer:
 - o Claim for general damages to be quantified;
 - o Ad-hoc arbitration, appointed by the AIAC.

As Counsel:

- Main Contractor v. Local Authority:
 - o Claim for work done and wrongful deduction of liquidated damages in excess of USD 5 million;
 - o Governed by the AIAC Arbitration Rules;
- Subcontractor v. Main Contractor:
 - o Claim for work done, loss & expense for delay and loss of profit in excess of USD 10 million;
 - o Governed by the AIAC Arbitration Rules;
- Main Contractor v. Government Owned Company:
 - o Claim for work done, variations and loss & expense for delay in excess of USD 5 million;
 - o Governed by the AIAC Arbitration Rules;
- Employer v. Main Contractor:
 - o Claim for cost of rectification and completion and liquidated damages in excess of USD 4 million, and counterclaim for work done, variations and loss & expense for delay in excess of USD 8 million;
 - o Governed by the PAM Arbitration Rules;
- Main Contractor v. Government:
 - o Claim for re-measured value of work done in excess of USD 5 million;
 - o Ad-hoc arbitration;
- Main Contractor v. Statutory Body:
 - o Claim for variations and loss & expense for delay in excess of USD 5 million;
 - o Ad-hoc arbitration;
- Main Contractor v. Employer:
 - o Claims for work done, variations, recovery of liquidated damages and performance bond in excess of USD 5 million;
 - o Ad-hoc arbitration;
- Main Contractor v. Employer:
 - o Claims for work done, variations, loss & expense for delay and loss of profit in excess of USD 4.2 million;
 - o Governed by the UNCITRAL Arbitration Rules;

- Main Contractor v. Employer:
 - o Claims for work done, variations, loss & expense for delay and loss of profit in excess of USD 39.7 million;
 - o Ad-hoc arbitration;
- Main Contractor v. Employer:
 - o Claims for work done, acceleration, loss & expense for delay and loss of profit in excess of USD 38.9 million;
 - o Ad-hoc arbitration; and
- Main Contractor v. Employer:
 - o Claims for work done, variations, loss & expense for delay and loss of profit in excess of USD 8.9 million;
 - o Ad-hoc arbitration.

Adjudicators

As Adjudicator:

- Subcontractor v. Main Contractor; and Main Contractor v. Subcontractor:
 - o Consolidation of 2 adjudications;
 - o Claim for work done in excess of USD 500 thousand, and counterclaim for the additional cost of completion in excess of USD 500 thousand;
 - o Governed by the AIAC Adjudication Rules, appointed by agreement;
- Subcontractor v. Main Contractor:
 - o Claim for work done in excess of USD 4.5 million; o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Main Contractor v. Statutory Body:
 - o Claim for work done in excess of USD 3 million;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Subcontractor v. Main Contractor:
 - o Claim for work done in excess of USD 500 thousand;
 - o Governed by the AIAC Adjudication Rules, appointed by agreement;
- Main Contractor v. Employer:
 - o Claim for work done and retention fund in excess of USD 4.5 million;
 - o Governed by the AIAC Adjudication Rules, appointed by agreement;
- Main Contractor v. Employer:
 - o Claim for work done in excess of USD 2 million;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Main Contractor v. Employer:
 - o Consolidation of 21 adjudications;
 - o Claim for work done in excess of USD 250 thousand;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Main Contractor v. Employer:
 - o Claim for work done, variations and loss & expense for delay in excess of USD 9.5 million;
 - o Governed by the AIAC Adjudication Rules, appointed by agreement;
- Main Contractor v. Employer:
 - o Claim for work done in excess of USD 1 million;

- o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Employer v. Main Contractor:
 - o Claim for liquidated damages, performance bond and cost of rectification and completion in excess of USD 3.5 million;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Main Contractor v. Employer:
 - o Claim for final account sum in excess of USD 1 million;
 - o Governed by AIAC Adjudication Rules, appointed by agreement;
- Main Contractor v. Employer:
 - o Claim for work done in excess of USD 1 million;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Consultant v. Employer:
 - o Claim for consulting engineering services performed in excess of USD 40 thousand;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Main Contractor v. Employer:
 - o Claim for work done and performance bond in excess of USD 1 million;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC;
- Consultant v. Employer:
 - o Claim for value engineering services in excess of USD 100 thousand;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC; and
- Subcontractor v. Main Contractor:
 - o Claim for unpaid certified sum in excess of USD 400 thousand;
 - o Governed by the AIAC Adjudication Rules, appointed by the AIAC.

As Counsel:

- Main Contractor v. Employer:
 - o Claim for work done and variations in excess of USD 30 million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done and variations in excess of USD 10 million;
 - o Governed by the AIAC Adjudication Rules;
- Subcontract v. Main Contractor:
 - o Claim for work done and variations in excess of USD 10 million;
 - o Governed by the AIAC Adjudication Rules;
- Subcontractor v. Main Contractor:
 - o Claim for work done and variations in excess of USD 5 million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Government Owned Company:
 - o Claim for work done, variations, loss & expense for delay in excess of USD 5 million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done and variations in excess of USD 8 million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done, variations and loss & expense for delay in excess of USD 2

- million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done and retention fund in excess of USD 3 million;
 - o Governed by the AIAC Adjudication Rules;
- Subcontractor v. Main Contractor:
 - o Claim for work done, variations and loss & expense for delay in excess of USD 45 million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done in excess of USD 250 thousand;
 - o Governed by the AIAC Adjudication Rules;
- Subcontractor v. Main Contractor:
 - o Claim for work done in excess of USD 500 thousand;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done and retention fund in excess of USD 1 million;
 - o Governed by the AIAC Adjudication Rules;
- Main Contractor v. Employer:
 - o Claim for work done in excess of USD 8 million;
 - o Governed by the AIAC Adjudication Rules;
- Subcontractor v. Main Contractor:
 - o Claim for work done in excess of USD 1 million;
 - o Governed by the AIAC Adjudication Rules;
- Subcontractor v. Main Contractor:
 - o Claim for variations, acceleration and loss & expense for delay in excess of USD 1.5 million;
 - o Governed by the AIAC Adjudication Rules;
- Subcontractor v. Main Contractor:
 - o Claim for unpaid certified sum in excess of USD 4 million;
 - o Governed by the AIAC Adjudication Rules; and
- Subcontractor v. Main Contractor:
 - o Claim for unpaid certified sum in excess of USD 6 million;
 - o Governed by the AIAC Adjudication Rules.

Mediators

As Mediator:

- Owners v. Developer & Ors:
 - o Claims for defects in excess of USD 4 million;
 - o Governed by the SMC Mediation Rules, appointed by the SMC; and
- Main Contractor v. Employer:
 - o Claims for retention sums, variations and loss & expense for delay in excess of USD 200 thousand;
 - o Ad-hoc mediation, appointed by agreement.



As Counsel:

- Subcontractor v. Main Contractor:
 - o Claim for loss & expense for delay in excess of USD 10 million;
 - o Ad-hoc mediation; and
- Consultant v. Employer:
 - o Claim for value engineering services in excess of USD 5 million;
 - o Ad-hoc mediation.

Reported Cases

- Samsung C & T Corporation & Anor v. Bauer (Malaysia) Sdn Bhd and another summon [2019] MLJU 1690;
- Genisys Integrated Engineers Pte Ltd v. UEM Genisys Sdn Bhd & Ors [2019] 1 LNS 761;
- MTN Solution Sdn Bhd v. U Mobile Sdn Bhd & Ors [2019] 1 LNS 415;
- Skyworld Development Sdn Bhd v. Zalam Corporation Sdn Bhd & Other Cases [2019] 1 LNS 173;
- SKS Pavillion Sdn Bhd v. Tasoon Injection Pile Sdn Bhd [2019] 2 CLJ 704;
- Teng Kek Peng & Anor v. Maxis Bhd, U Mobile Sdn Bhd & Ors [2019] MLJU 451;
- Fujisash (Malaysia) Sdn Bhd v. Façade Treatment Engineering Sdn Bhd [2018] 1 LNS 689;
- Usahasama SPNB-LTAT Sdn Bhd v. ABI Construction Sdn Bhd [2016] 7 CLJ 275;
- LKD Trading Sdn Bhd v. Mega Element Sdn Bhd [2015] 1 LNS 1343;

- Humboldt Wedag GmbH & Anor v. Perak-Hanjoong Simen Sdn Bhd [2015] 4 CLJ 774;
- LKD Trading Sdn Bhd v. Mega Element Sdn Bhd [2015] 1 LNS 279;
- Duta Arif Sdn Bhd v. Charterfield Development Corporation Sdn Bhd, Putrajaya Holdings Sdn Bhd & the Government of Malaysia [2014] 1 LNS 1845;
- Wonder Glow Malaysia v. Google Malaysia Sdn Bhd & U Mobile Sdn Bhd [2014] 1 LNS 1798;
- UEM Genisys Sdn Bhd v. Shimizu Corporation & Anor [2012] 1 LNS 602;
- Gabungan Pertiwi Sdn Bhd v. Pembinaan BLT Sdn Bhd [2011] 1 LNS 816;
- Teamforce Builders Sdn Bhd v. Prinsiptek (M) Sdn Bhd [2011] 1 LNS 652;
- VPN Marketing (M) Sdn Bhd v. Datuk Saravanan Murugan & Projek Penyelenggaraan Lebuhraya Berhad [2010] 1 LNS 342;
- VPN Marketing (M) Sdn Bhd v. Datuk Saravanan Murugan & Projek Penyelenggaraan Lebuhraya Berhad [2010] 1 LNS 1200;
- Bina Par Development Sdn Bhd v. Manoharan Paranjothy [2009] 1 LNS 415;
- Total Safe Sdn Bhd v. Tenaga Nasional Berhad & Anor [2009] 1 LNS 420;
- Putrajaya Holdings Sdn Bhd v. Digital Green Sdn Bhd [2008] 10 CLJ 437; and



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- Nafas Abadi Holdings Sdn Bhd v. Putrajaya Holdings Sdn Bhd [2004] 1 LNS 127.

Qualifications

ACADEMIC QUALIFICATIONS

- LL B (Hons), King's College, London;
- Diploma in Investment Analysis, Research Institute of Investment Analysts Malaysia, Kuala Lumpur
- Diploma in International Arbitration, Chartered Institute of Arbitrators, London

PROFESSIONAL QUALIFICATIONS

- Barrister, Gray's Inn, London;
- Advocate & Solicitor, High Court of Malaya
- Fellow, Chartered Institute of Arbitrators, London;
- Fellow, Dispute Board Federation, Geneva;
- Fellow, Hong Kong Institute of Arbitrators;
- Fellow, Malaysian Institute of Arbitrators, Petaling Jaya;
- Fellow, Malaysian Society of Adjudicators, Kuala Lumpur;
- Fellow, Singapore Institute of Arbitrators;
- Certified Adjudicator, Kuala Lumpur Regional Centre for Arbitration;
- International Accredited Professional Mediator, Mainland-Hong Kong Joint Mediation Centre;
- SIMI Accredited Mediator Level 1, Singapore International Mediation Institute

Memberships

PANELS

- Asian International Arbitration Centre:
 - o Panel of Adjudicators, Arbitrators and Mediators;
- Benchmark Chambers International, Shenzhen, the Base of the Supreme People's Court of China for Discerning Foreign Law:
 - o Expert Panel;
- The Dispute Board Federation, Geneva:
 - o Expert Panel;
- Hong Kong International Arbitration Centre:
 - o List of Arbitrators;
- Indonesian National Board of Arbitration:
 - o Panel of Arbitrators;
- Korean Commercial Arbitration Board:
 - o Panel of International Arbitrators;
- London Court of International Arbitration:

- o Database of Neutrals;
- The Mediation Centre Dubai:
 - o Panel of Mediators;
- Singapore Mediation Centre:
 - o Associate Mediator; and
- Singapore International Arbitration Centre:
 - o Reserve Panel of Arbitrators.

PROFESSIONAL COMMITTEES AND OTHER PROFESSIONAL ACTIVITIES

- Chair, Chartered Institute of Arbitrators Malaysia Branch, 2017-2019;
- International Relations Chair, Society of Construction Law Malaysia, 2017-Present;
- President, Society of Construction Law Malaysia, 2016-2017;
- Expert Advisory Committee Member, AIAC Technology Expert Committee, 2021-Present;
- Expert Advisory Committee Member, AIAC Standard Form of Building Contracts, 2017-Present;
- Expert Committee Member, Revision of the AIAC Arbitration Rules, 2017;
- Member, Investment Treaty Forum, British Institute of International and Comparative Law, 2019-Present;
- Commission Member, International Chamber of Commerce (ICC) Commission on Arbitration and ADR, 2017-Present;
- Advisory Board Member, Centre for Arbitration and Research, Maharashtra National Law University, Mumbai, 2020-Present;
- Asia Representative, ICC Young Arbitrators Forum, 2014-2016;
- ICC Consultative Task Force Member for the Revision of the ADR, Expertise and Dispute Board Rules, 2014-2016;
- Committee Member, ICC Malaysia Arbitration Committee, 2016-Present;
- International Expert, 6th Working Group on Overseas Construction Projects by Chinese Enterprises: Legal Risks and Inspiration, Permanent Forum of China Construction Law, 2018-Present;
- Consultation Group Member, Association of Consultant Architects Kent's Alliance Forms of Contract, 2015;
- Committee Member, Malaysian Chapter of the Honourable Society of Gray's Inn, 2015-Present;
- Judge, National Law School Trilegal International Arbitration Moot Competition, 2020;
- Judge, Philip C Jessup International Law Moot Competition, 2013-2017;
- Judge, LawAsia International Moot Competition, 2014-Present; and
- Marshal, Technology and Construction Court, Queen's Bench Division, High Court of Justice of England and Wales, 2012.

EDITORIAL POSITIONS

- Deputy Editor, International Bar Association International Construction Projects Committee, 2022-Present; and
- Co-Editor, Construction Law Digest, 2011-2015.

PUBLICATIONS

Books

- T Baskaran, *Arbitration in Malaysia: A Commentary on the Malaysian Arbitration Act* (Kluwer Law International 2019); and
- Qin Yuxiu et al, *The Belt and Road Initiative: Legal Risks and Opportunities Facing Chinese Engineering Contractors Operating Overseas* (Kluwer Law International 2019).

Chapters

- T Baskaran, 'Negligence Associated with the Execution of Construction Work' in CF Lim (ed), *Law and Practice of Construction Law* (Sweet & Maxwell 2021);
- 'International Construction Arbitration: Experience, Challenges and Ways Forward' in C Balyan and Y Samant (eds), *Specialized Arbitrations: Emerging International Trends and Practices* (Thomson Reuters 2021);
- 'Malaysia' in A Respondek (ed), *Asia Arbitration Guide* (7th edn, Respondek & Fan 2021);
- 'Construction' in N Pathmanathan (ed), *Bullen & Leake & Jacobs Malaysian Precedents of Pleading* (2nd edn, Sweet & Maxwell 2020);
- 'Malaysia' in MJ Moser (ed), *Arbitration in Asia* (Rel 11, 2nd edn, Juris Publishing 2019);
- and W Abraham, 'Main Features of Arbitration' in A Zakaria (ed), *Arbitration in Malaysia, A Practical Guide* (Sweet & Maxwell 2016);
- 'Malaysia' in O Aitken and L Bier (eds), *ADR in Construction* (International Bar Association 2014);
- and C Abraham, 'Malaysia' in K Nairn and P Heneghan (eds), *Arbitration World* (4th edn, European Lawyer 2012);
- and C Abraham, 'Malaysia' in MJ Moser and J Choong (eds), *Asia Arbitration Handbook* (Oxford University Press 2011); and
- C Abraham and M Zayd, 'Malaysia' in L Mistelis and L Shore (eds), *World Arbitration Reporter* (2nd edn, Juris Publishing 2010).

Articles

- T Baskaran, 'International Construction Contracts: Key Differences and How to Manage Them' (2017) 33 *Construction Law Journal* 341;
- 'Oil and Energy Arbitrations: Experts and Hot Tubs' (2017) 195 *Indian Council of Arbitration Quarterly* 2;
- 'Performance Bonds: The Unconscionable Conduct Exception in Malaysia' (2016) 11(4) *Construction Law International* 21;
- 'Why Prove What Has Been Agreed? Section 75 of the Malaysian Contracts Act 1950' (2016) 32 *Construction Law Journal* 832;
- 'Introduction to ICC Rules and Procedure' (2016) 2 *Berita Timbangtara* 5;
- 'Dispute Boards in Malaysia: The Klang Valley Mass Rapid Transit Experience' (2015) 95 *Dispute Board Federation Newsletter*;
- 'Time, Architects and Other Cases from 2013' (2015) 4 *Construction Law Digest* 7;
- and S Sivanesan, 'KLRCA i-Arbitration Rules: Innovative Resolutions' (2015) 17 *KLRCA Newsletter* 12;
- 'Recent Amendments to the Malaysian Arbitration Act' (2012) 28 *Arbitration International* 533; and

- and I Ismail, 'If and When: The Interpretation of "Pay When Paid" Clauses' (2011) 1 Construction Law Digest 3.

Reviews

- T Baskaran, Review of UNIDROIT Principles of International Commercial Contracts: An Article by- Article Commentary by Eckart J Brodermann (2020) 15(1) Construction Law International 57;
- Review of International Contractual and Statutory Adjudication by Andrew Burr (2017) 12(4) Construction Law International 25;
- Review of The Commercial Mediator's Handbook by Cyril Chern (2015) 5 Construction Law Digest 183;
- Review of Legal Theory of International Arbitration by Emmanuel Gaillard (2015) 2 Berita Timbangtara 5; and
- Review of Wilmot-Smith on Construction Contracts by Richard Wilmot-Smith QC (2015) 4 Construction Law Digest 19.

Blogs

- T Baskaran, 'Selecting an Expert and Managing Hot Tubs' (Medium, 30 May 2020) <<https://medium.com/@thaya.baskaran/selecting-an-expert-and-managing-hot-tubs-51db3e8e54a3>>
- '4 Questions on the Impact of Covid19 on Contracts & Arbitration' (Medium, 27 May 2020) <<https://medium.com/@thaya.baskaran/4-questions-on-the-impact-of-covid-19-on-contracts-arbitration-e7dc9d8982fa>> accessed 27 May 2020;
- 'Why Should a Stranger Restrain My Arbitration?' (Kluwer Arbitration Blog, 29 February 2020) <<http://arbitrationblog.kluwerarbitration.com/2020/02/29/why-should-a-strangerrestrain-my-arbitration/>> accessed 3 March 2020; and
- and S Sabharwal, 'How do we get the Best out of Cross Examination in Arbitrations? Views from the SCL-CI Arb India Conference' (Kluwer Arbitration Blog, 3 February 2020) <<http://arbitrationblog.kluwerarbitration.com/2020/02/03/how-do-we-get-the-bestout-of-cross-examination-in-arbitrations-views-from-the-scl-ciarb-india-conference/>> accessed 15 February 2020.

Presentations

- T Baskaran, 'Discounted Cash Flow: Not a Friars' Balm' (British Institute of International and Comparative Law, Thirty Sixth Investment Treaty Forum Public Conference: Time Limits in International Investment Law, London, 22nd October 2021);
- 'References on Questions of Law: Alternative Approaches' (Malaysian Construction Law and Dispute Resolution Landscape, Kota Kinabalu, 6th February 2020);
- 'Experts and Hot Tubs: Advantages, Disadvantages and the Way Forward' (SCL-CI Arb India International Conference on Construction Law and Arbitration, New Delhi, 8th December 2019);
- 'Mediation: Nature, Elements and Stages' (AIAC SFC Roadshow, Kuching, 29th November 2019)
- 'Alternative Dispute Resolution in the AIAC Standard Forms' (AIAC SFC Roadshow, Kota Kinabalu, 23rd November 2019);
- 'Construction Adjudication: Roadmap and Updates' (AIAC SFC Roadshow, Penang, 16th

July 2019);

- 'Investment Arbitration in Malaysia: The Meaning of Investment, Concerns and Possible Solutions' (XII Dublin Forum on International Dispute Resolution, Dublin, 14th June 2019);
- 'Three Questions Yet Again on Performance Bonds' (Malaysian Bar Council Practical Construction Law for Practitioners Seminar, Johor Bahru, 6th March 2019);
- 'Up Close and Personal with Thayanathan Baskaran – International Arbitration in Malaysia: What, Why and How?' (KLBC-CI Arb Malaysia Arbitration Camp, Port Dickson, 25th August 2018);
- 'Three Questions Again on Performance Bonds' (Malaysian Bar Council Practical Construction Law for Practitioners Seminar, Kuala Lumpur, 18th January 2018);
- 'Oil and Gas Arbitration: Experts and Hot Tubs' (Indian Council of Arbitration Building the Future of Domestic and International Arbitration in India, Mumbai, 20th July 2017);
- 'International Arbitration: Opportunities and Challenges' (Baskaran Lecture, Gray's Inn, 23rd May 2017);
- 'Construction Adjudication in Malaysia: Current Developments in Applications to Set Aside' (AECOM Construction Law 3C's Seminar, Kuala Lumpur, 11th May 2017);
- 'International Construction Contracts: Key Differences and How to Manage Them' (Commonwealth Law Conference, Melbourne, 23rd March 2017);
- 'Three Questions on Performance Bonds' (Malaysian Bar Council Practical Construction Law for Practitioners Seminar, Kuala Lumpur, 25th October 2016);
- 'How do you deal with the "International" in International Arbitration?' (ICC YAF Asia Chapter Regional Conference, Seoul, 14th October 2016)
- 'Does Asia need a Permanent Investment Court?' (ICC-KLRCA International Arbitration Conference, Kuala Lumpur, 10th October 2016)
- 'Questions of Law: Recent Developments' (The Third MI Arb Annual Review for 2015, Kuala Lumpur, 19th May 2016);
- 'Performance Bonds: Traditional and Modern Approaches' (Attorney General's Chambers Course on Construction Law, Putrajaya, 5th May 2016);
- 'Quicker and Cheaper: KLRCA Fast Track Arbitration Rules' (Erasmus University, Malaysian Dutch Business Council & KLRCA Forum, Kuala Lumpur, 18th March 2016);
- 'State-Owned Enterprises and Investment Arbitration' (KLRCA International Investment Arbitration Conference, Kuala Lumpur, 11th March 2016);
- 'Introduction to ICC Rules and Procedure' (ICC YAF Introduction to ICC Arbitration, Petaling Jaya, 27th February 2016);
- 'The Question of Defects' (Malaysian Bar Council Practical Construction Law for Practitioners Seminar, Kuala Lumpur, 23rd August 2015);
- 'What is the best seat of arbitration in Asia? Malaysia' (ICC YAF Asia Chapter Regional Conference, Singapore, 19th September 2014);
- 'Time, Architects and Other Cases from 2013' (MI Arb-SCL Malaysia Annual Review of Arbitration and Construction Law conference, Petaling Jaya, 19th July 2014); and
- 'Concrete Cracks, Repairs and Rehabilitation: Legal Issues' (American Concrete Institute Kuala Lumpur Chapter, Concrete Cracks, Repairs and Rehabilitation Seminar, Petaling Jaya, 29th May 2014).

Webinars

- T Baskaran, 'Liquidated Damages under a Sale and Purchase Agreement: PJD Regency, Loh

- Tina, the Covid-19 Act and Other Recent Developments' [Webinar]. In Legal Plus L2 i-Con Construction Claims & ADR Conference 2021 (23rd July 2021)
- 'Arbitration and Covid-19: More than a Year of Dancing with the Devil' [Webinar]. In XIV Dublin Forum on International Dispute Resolution (16th June 2021)
 - 'Arbitration in the Asia-Pacific Region: An Overview and Recent Developments' [Webinar]. In AIAC University of Malaya Webinar Series (18th November 2020)
 - 'The Right to Regulate as Interpreted in Recent Investor-State and Commercial Awards' [Webinar]. In British Institute of International and Comparative Law, Thirty Fourth Investment Treaty Forum Public Conference: State Regulatory Powers and their Limits (10th September 2020)
 - 'Resolving Construction Disputes in the Time of Covid-19' [Webinar]. In YSCL Malaysia Classroom Webinar Series (16th May 2020)
Retrieved from https://youtu.be/4_0LF1SvrOU
 - 'Innovations in ODR and Arbitration during the Covid-19 Pandemic' [Webinar]. In National Law School of India University ADR MCS Contemporary Issues in International Arbitration Webinar Series (10th May 2020)
Retrieved from <https://m.youtube.com/watch?feature=youtu.be&v=bE6AOL9zEMO>
 - 'Mediation in the Time of Covid-19' [Webinar]. In Malaysian Bar Council CPD Live Webinar Series (4th May 2020)
Retrieved from <https://www.lawprez-bcm.com/>
 - 'Mediation as a Dispute Resolution Option: Post MCO & Covid-19' [Webinar]. In MPC PSPN Webinar Series (24th April 2020)
Retrieved from <https://register.gotowebinar.com/recording/375349807704652550>
 - 'Manoeuvring Through Expert Evidence in Arbitration Proceedings' [Webinar]. In YMG CIArb Malaysia Webinar Series (23rd April 2020).
Retrieved from <https://www.facebook.com/YMGMalaysia/videos/577347052898521/>
 - 'ADR at the Crossroads: Strategic Considerations for Indian and Southeast Asian Parties' [Webinar]. In AIAC Webinar Series (7th April 2020).
Retrieved from <https://www.facebook.com/101449206614042/videos/1919009818230831/>

Teaching

- Lecturer, Chartered Institute of Arbitrators, Diploma in International Commercial Arbitration;
- Lecturer, Asian International Arbitration Centre, Certificate in Adjudication; and
- Lecturer, Malaysian Institute of Architects, Accredited Arbitrator's Course.

Recommendations

'Arbitration Future Leader' – 'He is very calm, collected and thorough'; 'He is sharp and able to come up with innovative strategies in dealing with complex issues'; 'He is well known for his attention to detail and how thorough he is'; and ' patient and was able to come up with multi strategies to help us in our disputes'

Who's Who Legal 2022

'Arbitration Private Practice Powerlist'



Legal 500 2022

'Thayanathan Baskaran has a notable practice acting on construction and engineering matters. He has experience handling adjudication and frequently represents clients in the power and infrastructure sectors'

Chambers and Partners 2022

'Litigation Star'

Benchmark Litigation 2022

' describes Baskaran as a "leading practitioner" in Malaysia, who is particularly sought after for construction disputes "Thaya is the best example of the new wave of Asian practitioners who offer great talent and fresh ideas. He is incredibly smart, agile and resourceful."

Global Arbitration Review 2018