



**Gregory Das**

*Partner,*

*Messrs Cyrus Das*

*Advocates & Solicitors.*

*LL.B (Hons), University of  
Bristol.*

*Barrister-At-Law, Inner Temple.*

*Advocate & Solicitor, Malaya.*

Gregory presently acts as Counsel and Co-Counsel in disputes in a variety of practices areas.

Gregory's portfolio also includes advisory work on dispute resolution matters.

Gregory's practice has a particular emphasis on public and administrative law, contractual disputes, corporate and commercial litigation and litigation related to property development.

Gregory writes prolifically on the law. His writings have been cited in Court judgments and are referred to by legal practitioners. He is the author of "*The Law and Practice of Judicial Review in Malaysia*", which is the first practitioner's text exclusively on the law of judicial review in this jurisdiction.

Gregory is a member of the Bar Council of Malaysia. He is also the Chairperson of the Bar Council Publications Committee, the Co-Deputy Chairperson of the Bar Council Constitutional Law Committee and the Co-Deputy Chairperson of the Bar Council Strategic Litigation Committee.

Gregory is also a member of the Executive Committee of the Malaysia Inner Temple Alumni Association and is a former Vice – President of the Malaysian Institute of Arbitrators.

### **Selected Experience**

#### **Reported cases as Lead Counsel**

- Austin Powder Asia Pacific Inc. v. Tropicana Corporation Berhad [2023] CLJU 2625.  
*(Civil Procedure – Application to Amend Pleadings).*
- Majlis Peguam Malaysia v. Michael Joseph Carvalho & Anor [2023] 8 CLJ 835; [2023] 6 MLRH 50; [2023] MLJU 1873.  
*(Statutory Interpretation – Duties of Bar Council to Regulate and Govern Legal Profession and Administer Advocates & Solicitors Compensation Fund).*
- Fahri, Azzat & Co (mendakwa sebagai sebuah firma) & Anor v. Pengarah Pendaftaran Negara Wilayah Persekutuan Kuala Lumpur (Badan Peguam Malaysia, intervener) [2022] MLJU 2196 ; [2022] 1 LNS 2150.  
*(Administrative Law – Judicial Review).*
- Poey Yee Meng & Ors v. Tropika Istimewa Development Sdn. Bhd. & Ors [2022] 1 LNS 1468.  
*(Property Development – Claim for Liquidated Ascertained Damages and Alleged Breach of Statute).*
- Loh Teck Wah v. Fintree Capital Sdn. Bhd. (PNL Capital Sdn. Bhd. & Ors, interveners) [2022] 11 MLJ 464.  
*(Corporate Litigation – Judicial Management).*

- Pertubuhan Pergerakan Tenaga Akademik Malaysia (GERAK) (Malaysian Academic Movement) & Ors v. Menteri Pengajian Tinggi Malaysia & Anor [2022] MLJU 700 ; [2022] 1 LNS 715.  
*(Administrative Law – Judicial Review)*.
- Professor Zaharom bin Nain v. Menteri Pendidikan Malaysia & Anor [2021] MLJU 1983.  
*(Administrative Law – Judicial Review)*.
- Lee Shy Tsong & Ors v. Menteri Kesejahteraan Bandar, Perumahan dan Kerajaan Tempatan & Ors [2020] MLJU 1874 ; [2020] 1 LNS 1641.  
*(Property Development – Administrative Law – Judicial Review against Decision of Housing Controller to Amend Terms of Statutory Sale and Purchase Agreement)*.
- Kelah bin Lah v. Pengarah Tanah dan Galian, Johor & Ors [2020] MLJU 7 ; [2020] 1 LNS 53.  
*(Administrative Law – Judicial Review)*.
- Enun Ismath Naina Mohamed v. XChanging Malaysia Sdn. Bhd. [2020] ILJU 336.  
*(Industrial Relations)*.
- Chong Wai Shen v. IBM Malaysia Sdn. Bhd. [2020] 2 LNS 0865.  
*(Industrial Relations)*.
- Tan Siang Pin v. IBM Malaysia Sdn. Bhd. [2019] 2 ILR 593.  
*(Industrial Relations)*.
- Ng Eng Hong v. IBM Malaysia Sdn. Bhd. [2018] 2 LNS 2740.  
*(Industrial Relations)*.

- Rasheed Kannan Abdullah v. IBM Malaysia Sdn. Bhd. [2018] 2 LNS 1801.  
*(Industrial Relations)*.
- Koke Colin Powell v. Air Asia Berhad [2018] 2 LNS 2127.  
*(Industrial Relations)*.
- Malaysian Association of Private Colleges and Universities & Ors v. Ketua Pendaftar Institusi Pengajian Tinggi Swasta & Ors [2017] 10 MLJ 90.  
*(Administrative Law – Judicial Review)*.
- Captain Colin Powell Koke v. Menteri Sumber Manusia & Anor [2015] 1 LNS 1406.  
*(Administrative Law – Judicial Review)*.

### **Reported cases as Co-Counsel**

- Majlis Perubatan Malaysia & Anor v. Asia Pacific Higher Learning Sdn. Bhd. [2022] 9 CLJ 177.
- Bersih & Adil Network Sdn. Bhd. & Ors v. Tan Sri Dato’ Hj Mahiaddin Md Yasin & Anor; Khairul Nizam Khirudin & Ors (Intervenors) And Another Case [2022] 7 CLJ 905.
- Hassan Abdul Karim v. Perdana Menteri, Tan Sri Dato’ Hj Mahiaddin Md Yasin & Anor [2021] 6 CLJ 735.
- Datuk Seri Saluddin Ayub & Ors. v. Perdana Menteri, Tan Sri Dato’ Hj Mahiaddin Md Yasin & Anor [2021] 8 CLJ 260.
- Asia Pacific Higher Learning Sdn. Bhd. v. Majlis Perubatan Malaysia & Anor. [2020] 3 CLJ 153.
- Accolade Land Sdn. Bhd. v. Mass Rapid Transit Corporation Sdn. Bhd. & Ors. [2020] 2 CLJ 295.
- Tenaga Nasional Bhd. v. Bukit Lenang Development Sdn. Bhd. [2019] 1 CLJ 42.

- Dato' Sreesanthan Eliathamby v. Public Prosecutor [2019] 1 LNS 1358.
- Suruhanjaya Sekuriti Malaysia v. Lim Kok Boon & Anor [2019] 1 LNS 1269.
- Fairise Odyssey (M) Sdn. Bhd. v. Tenaga Nasional Bhd. [2018] 10 CLJ 281.
- Rokiah Mhd Noor v. Menteri Perdagangan Dalam Negeri, Kopersai & Kepergunaan Malaysia & Ors [2018] 5 CLJ 162.
- Akira Sales & Services (M) Sdn. Bhd. v. Nadiah Zee Abdullah & Another Appeal [2018] 2 CLJ 513.
- Sreesanthan Eliathamby v. Public Prosecutor [2018] 5 LNS 56.
- Tai Hean Leng @ Tek Hean Leng v. New Future Capital Sdn. Bhd. [2018] 1 LNS 1647.
- Ng Pik Lian v. United Eastern Resources Sdn. Bhd. & Ors [2018] 1 LNS 1426.
- Ng Pik Lian v. United Eastern Resources Sdn. Bhd. & ors [2018] 1 LNS 596.
- Roslan Hussain v. Suruhanjaya Syarikat Malaysia & Ors. [2017] 1 LNS 1170.
- Tenaga Nasional Berhad v. Bukit Lenang Development Sdn. Bhd. [2017] 1 LNS 721.
- Tenaga Nasional Bhd v. Bukit Lenang Development Sdn. Bhd. [2016] 10 CLJ 164.
- Rokiah Mhd Noor v. Menteri Perdagangan Dalam Negeri, Kopersai & Kepergunaan Malaysia & Ors And Another Appeal [2016] 8 CLJ 635.
- Malaysian Association of Private Colleges And Universities & Ors v. Registrar General of Private Education Institutions & Ors [2016] 3 CLJ 290.
- Noorazmi Omar v. IBM Malaysia Sdn. Bhd. [2016] 3 ILR 640.
- Lok Kok Beng & Ors v. Loh Chiak Eong & Anor [2015] 7 CLJ 1008.
- Rokiah Mhd Noor v. Menteri Perdagangan Dalam Negri, Koperasi & Kepergunaan Malaysia & Ors. And Another Case [2015] 6 CLJ 532.
- Dream Property Sdn. Bhd. v. Atlas Housing Sdn. Bhd. [2015] 2 CLJ 453.
- Dato' Ibrahim Ali v. Datuk Seri Anwar Ibrahim [2015] 1 CLJ 176.
- Robert Stuart Taylor v. Weatherford Solutions Sdn. Bhd. [2015] 2 LNS 0508.
- Yong Peng Kean v. Akira Sales & Services (M) Sdn. Bhd. & Anor & Another Case [2015] 1 LNS 648.

- Bukit Lenang Development Sdn. Bhd. v. Telekom Malaysia Berhad & Ors (No. 2) [2014] 6 CLJ 713.
- Dato' Sreesanthan Eliathamby v. Public Prosecutor [2014] 4 CLJ 432.
- Guindarajoo Vegadason v. Satgunasingam Balasingam [2014] 1 LNS 866.
- Public Prosecutor v. Karpal Singh Ram Singh [2014] 1 LNS 857.

### **Publications**

### **Books and Chapters**

- 2020 : “*The Law and Practice of Judicial Review in Malaysia*” (CLJ Publication).
- 2019 : Chambers and Partners, Litigation 2019 Second Edition (Malaysia).
- 2013 : Co-Authored a chapter titled “*The Award of the Industrial Court – What Next?*” in the publication titled “*Employment and Industrial Relations Law in Malaysia*” (CLJ Publication).

### **Reference to Books**

- “*The Law and Practice of Judicial Review in Malaysia*” (CLJ Publication) referred to in **Ranjan Paramalingam & Anor v. Persatuan Penduduk Taman Bangsar & Anor** [2023] 1 LNS 390.
- “*The Law and Practice of Judicial Review in Malaysia*” (CLJ Publication) referred to in **OSM Marketing (KK) Sdn. Bhd. v. The Collector of Stamp Duties, Malaysia** [2023] CLJU 2926.

## Articles

- 2023 : *“Does the Wiramuda Decision Have Retrospective Effect to Render Invalid the Past Taxation of Compensation for the Compulsory Acquisition of Lands?”* [2023] 8 CLJ (A) ix.
- 2023 : *“Recent Developments in the Public and Private Law Divide in Judicial Review”* [2023] 6 CLJ (A) i.
- 2022 : *“Ruling in Housing Development Dispute Sets Precedent For Homebuyer Claims”* Star Property (26<sup>th</sup> May, 2022).
- 2022 : *“Federal Court overturns Tribunal’s ruling – balcony in show unit not part of SPA”* Edge Prop (10<sup>th</sup> May, 2022).
- 2020 : *“Can A Freehold Title Be Converted To A Leasehold Post SPA?”*, Star Property, 2<sup>nd</sup> July 2020.
- 2020 : *“Proving Losses For Design Discrepancies”*, Star Property, 17<sup>th</sup> June, 2020.
- 2020 : *“Marketing For Developers In A Time of Pandemic”*, Star Property, 28<sup>th</sup> May 2020.
- 2020 : *“A Possible Defence For Late Delivery During Covid – 19”*, Star Property, 12<sup>th</sup> May 2020.
- 2020 : *“What developers can do if MCO causes late delivery”*, Edgeprop, 3<sup>rd</sup> April 2020.
- 2019 : *“The Repeal of Section 42 of Arbitration Act 2005: A Change Too Far?”* [2019] 2 LNS(A) xlviii.
- 2019 : *“Recent Developments in Litigation Privilege in Malaysia and the Right to a Fair Trial”* [2019] 1 LNS(A) xxii.
- 2019 : *“Challenging an Award of the Tribunal for Homebuyer Claims”* [2019] 1 LNS(A) xvii.
- 2019 : *“Prime Minister’s Questions: A new age of executive accountability?”* Malay Mail (10<sup>th</sup> July, 2019).
- 2019 : *“Orang Asli and freedom of religion”* Malaysiakini (6<sup>th</sup> July, 2019).

- 2019 : “*MACC’s civil forfeiture suit: The nature of the case*” Malay Mail (28<sup>th</sup> June, 2019).
- 2019 : “*The role of the Conference of Rules in the appointment of the Chief Justice*” Malay Mail (23<sup>rd</sup> April, 2019).
- 2018 : “*The Malaysian Bar vs. The Attorney General of Malaysia & The Malaysian Anti-Corruption Commission: The Moment the Malaysian Bar Stood Up for the Key Institutions of State*” The Malaysian Bar website, 27th December 2018.
- 2018 : “*The Impact of Section 114A on Internet Defamation and the Right to Free Expression*” [2018] 1 LNS(A) cxxxviii.
- 2018 : “*The Removal of an Attorney – General*” Malay Mail (13 May 2018).
- 2018 : “*Highlights from the Construction Court*” in the Newsletter of the MIArb (June 2018).
- 2018 : “*Thai – Lao Lignite Co. Ltd. vs. Government of the Lao People’s Democratic Republic: A Commentary*” in the Newsletter of the MIArb (June 2018).
- 2018 : “*Rule of Law Watch*” in Praxis: Chronicle of the Malaysian Bar (January – March 2018 Edns.) (Case commentaries on recent appellate court decisions in Malaysia on rule of law and human rights principles).
- 2017 : “*Rule of Law Watch*” in Praxis: Chronicle of the Malaysian Bar (October – November 2017 Edns.).
- 2017 : “*Judicial Scrutiny and the Election Commission: Are the Decisions of the Election Commission Amenable to Judicial Review?*” in Praxis: Chronicle of the Malaysian Bar (October – November 2017 Edns.).
- 2017 : “*Challenging Domestic Arbitration Awards: The Sections 37 and 42 Problem*” in the Newsletter of the MIArb (January 2017).
- 2015 : Case Notes on recent appellate court decisions in arbitration in the Newsletter of the MIArb (December 2015).
- 2015 : “*The Office of the Attorney General Part II: The Constitutional Validity of the Termination of the Services of Tan Sri Abdul Gani b Patail as the Attorney*”



*General*” in Praxis: Chronicle of the Malaysian Bar (July – December 2015 Edn.).

- 2014 – 2015 : Case commentaries on decisions of the Federal Court of Malaysia (the country’s apex appellate court) titled “*Case Notes – Highlights from the Federal Court*” in Praxis: Chronicle of the Malaysian Bar (April – Jun 2014 to July – December 2015 Edns.).
- 2013 : “*GE13: Impressions of a First Time Voter*” in Legal Nexus (Newsletter of Messrs Shook Lin & Bok) (Issue 2, 2013).

### **References to Articles**

- “*The Repeal of Section 42 of Arbitration Act 2005: A Change Too Far?*” [2019] 2 LNS(A) xlviiii referred to in **AMDAC (M) Sdn. Bhd. v. BYD Auto Industry Company Ltd.** [2020] 6 CLJ 625.
- “*The Malaysian Bar vs. The Attorney General of Malaysia & The Malaysian Anti-Corruption Commission: The Moment the Malaysian Bar Stood Up for the Key Institutions of State*” The Malaysian Bar website, 27th December 2018 referred to in the article titled “*Powers of the Attorney General of Malaysia and the Doctrine of Separation of Powers*” by Charles CJ Chow [2022] LR 360.

### **Papers Presented**

- 2023 : “*Tax Disputes in Judicial Review*” at a Webinar organised by the Selangor Bar Committee.
- 2023 : “*Recent Developments in the Law on Ouster Clauses*” at a Webinar organised by the Malaysian Current Law Journal.
- 2023 : “*Judicial Review of Decisions of Financial Regulators*” at a Webinar organised by the Bar Council Malaysia.
- 2023 : “*The Aboriginal Peoples of Malaysia: Overview of Litigation Involving the Land Rights of the Orang Asli*” at the 23<sup>rd</sup> Commonwealth Law Conference organised by the Commonwealth Lawyers Association.

- 2021 : “*Judicial Review in Banking and Capital Market Disputes*” at a Webinar organised by the Malaysian Current Law Journal.
- 2021 : “*Judicial Review: Dismissals of Public Servants*” at the Employment Law Conference 2021: Employment Challenges In And Through a Pandemic organised by Legal Plus and L2 i-Con.
- 2021 : “*Judicial Review of the Awards of the Homebuyer Tribunal*” at a Webinar organised by the Malaysian Current Law Journal.
- 2021 : “*The Law and Practice of Judicial Review in Malaysia: Companies Commission of Malaysia*” at a Webinar organised by the Malaysian Law Journal and the Companies Commission of Malaysia.
- 2021 : “*Judicial Review of Disciplinary Authorities*” at a Webinar organised by the Malaysian Current Law Journal.
- 2020 : “*Understanding the Practical Application of Judicial Review*” at a Two-Part Webinar organised by the Malaysian Current Law Journal.
- 2019 : “*The Aboriginal Peoples of Malaysia: Overview of Litigation Involving the Orang Asli*” at the 21<sup>st</sup> Commonwealth Law Conference organised by the Commonwealth Lawyers Association.
- 2014 : “*Judicial Review*” at a talk organised by Bank Negara Malaysia.