



Raja Bose

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OVERVIEW

Mr. Bose is a partner in the Singapore office of K&L Gates and leads the firm's Commercial Disputes and International Arbitration practice in Asia. He has more than 20 years experience in international dispute resolution and has worked in both London and Singapore. He is qualified both as an Advocate & Solicitor of the Supreme Court of Singapore as well as admitted as a Solicitor of England & Wales.

He is also a qualified arbitrator and is a Fellow of both the Chartered Institute of Arbitrators of the UK as well as of the Singapore Institute of Arbitrators. Mr. Bose is on the panel of arbitrators of a number of arbitration institutions including the SIAC, KLRCA, ICA and HKIAC. He is also a Board Member and Director of the UK Chartered Institute of Arbitrators – Singapore Branch.

Mr. Bose has experience conducting international arbitrations with seats in Singapore, Hong Kong, Indonesia, Vietnam, China, India, Dubai, Malaysia, London, Paris, Geneva and New York under a variety of trade association and international arbitration centre rules including UNCITRAL, LCIA, LMAA, GAFTA, CIETAC, BANI, HKIAC, KLIAC, SIAC, ICC, AAA, VIAC and ICSID.

Whilst his practice focuses on international commercial dispute resolution with an emphasis on international arbitration, he also has considerable experience supervising, coordinating and managing complex court-based litigation in a wide number of countries in the Middle East, Africa and the Asia-Pacific region including South Asia, Indo-China and South-East Asia.

In addition to his experience in cross-border multi-jurisdictional disputes in infrastructure, construction, shipping, marine insurance, oil & gas, international sale of goods, trade finance and mortgage enforcement, Mr. Bose has also been involved in a number of high profile investor/state disputes and investment treaty arbitrations including defending the Governments of India and Bangladesh as well as pursuing actions on behalf of foreign investors against the Governments of Thailand, Egypt and Sri Lanka.

Mr. Bose also spends a considerable amount of his time providing strategic and structuring advice to clients involved in difficult and complex problems in Asia which do not necessarily involve formal legal proceedings.

EDUCATION

- L.L.M., University College London, 1997 (International Trade Law)
- L.L.B., National University of Singapore, 1992 (Honors)

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INDUSTRY FOCUS

- **Construction, Engineering & Infrastructure** with an emphasis on oil & gas, offshore drilling contracts, MOPU/FPSO construction & design, construction, ship building & engineering claims, technical equipment failures and design defects
- **International Trade, Commodities & Resources** with an emphasis on international sale of goods and services, shipping and maritime claims and vessel mortgage enforcement
- **Investment Funds & Financial Services** with an emphasis on investment fund disputes
- **General Corporate Commercial** claims with an emphasis on shareholder and M&A disputes, distributor agreements, joint ventures, licensing disputes
- **Bilateral & Multilateral Investment Treaties** with an emphasis on defending host governments in Asia
- **Anti-Corruption/ Trust Investigations & Compliance** with an emphasis on FCPA and UK Bribery Act

PROFESSIONAL MEMBERSHIPS

- Fellow, Chartered Institute of Arbitrators (2010)
- Fellow, Singapore Institute of Arbitrators (2009)
- Solicitor, England & Wales (1995)
- Advocate & Solicitor, Supreme Court of Singapore (1993)
- International Bar Association
- Inter-Pacific Bar Association
- UK Chartered Institute of Arbitrators
- Singapore Institute of Arbitrators
- Maritime Law Association of Singapore
- London Shipping Law Centre
- Society of Construction Law, Singapore
- Chinese European Arbitration Centre
- International Institute for Conflict Prevention & Resolution

REPRESENTATIVE WORK

For more detailed information, please see Mr Bose's extended biography at <http://www.klgates.com/raja-bose/>

LANGUAGES

- English – Fluent
- Hindi, Malay & Bahasa Indonesia – Conversational

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- French, Hokkien & Thai - Survival

ACHIEVEMENTS

- Recognized as a **leading lawyer** in *Chambers Asia Pacific 2014* in Asia-Pacific Region, Arbitration (International); Singapore, Shipping: International: Litigation; Singapore, Dispute Resolution: Arbitration
- Awarded the **2012 Commercial Arbitration Law Firm of the Year – Singapore** by Finance Monthly Global Awards in association with Standard Chartered Bank.
- Listed as a **Leading Individual in International Arbitration** in the 2013 edition of Asia Legal 500
- Listed as a **Leading Individual in Dispute Resolution** in the 2009, 2010, 2011, 2012 and 2013 editions of Asia Legal 500 and Chambers Asia
- *K&L gates offers ‘good responsiveness and quality service’ and Raja Bose is “client and results oriented”. The firm’s core strengths in arbitration cover construction, infrastructure, energy and transport. – Asia Legal 500, 2013*
- *Singapore-based Raja Bose has nearly two decades of experience. He is described as a “highly rated lawyer with integrity and a very busy practice” and of late has been handling a large number of oil and gas matters in Asia. – Chambers Asia, 2012*
- *Raja Bose has more than 18 years of experience in international arbitration and cross-border commercial litigation, working in both London and Singapore. According to clients, “he has a sound commercial mind, incredible capacity for hard work and a single-mindedness about achieving the desired outcome for the client.” – Chambers Asia, 2012*
- *“The former practice head at Watson, Farley & Williams LLP who brings clarity and focus to difficult cases”. – Asia Legal 500, 2011*
- *Previously head of Watson, Farley & Williams’ Singapore dispute resolution practice, Raja Bose has moved to K&L Gates, where he continues to handle disputes arising out of construction, drilling, pipelines and subsea exploration contracts as well as dry shipping work. “He is switched on and sensible as well as knowledgeable on oil and gas matters and familiar with dispute resolution structures all over Asia”. – Chambers Asia, 2010*
- Named by Asia Legal Business as one of ALB’s Hot 100 lawyers in 2009/10 and described as ‘**astute**’.

RECENT PUBLICATIONS/PRESENTATIONS

- International Arbitration Law Review, Issue 5, 2012 – *Emergency Arbitration Procedures : A Comparative Analysis*
- K&L Gates Legal Alert, December 2012 – *Myanmar’s New Foreign Investment Law*
- K&L Gates Legal Alert, November 2012 – *Indonesian State Owned Upstream Oil and Gas Regulator Invalidated by Constitutional Court*

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- The 2012 International Comparative Legal Guide (ICLG) to: *International Arbitration*, September 2012 - Singapore chapter
- FPSO Congress Singapore, June 2012 - *International Arbitration and Commercial Dispute Resolution in FPSO Construction, Conversion & Engineering Contracts*
- OnStream, March 2012 - *Special Considerations when choosing Conversion or Upgrades in FPSO construction*
- Bringing a New Dawn to the Arbitration Law of India – A Symposium, New Delhi, March 2012 - *Managing Costs & Expenses in International Arbitration*
- SIAC Arbitration India – Protecting Business Interests in the Changing Global Market, New Delhi, January 2012 – *Assessing the developments of arbitration and its impact and implications on India, Singapore & the region.*
- Legal Monthly Magazine, January 2012 – International Arbitration – *Focus on K&L Gates, Singapore*
- Asia MENA Counsel Magazine, December 2011 – Taking on the State – *Enforcement of judgment and awards against Sovereign States*
- Global Arbitration Review Newsletter, October 2010 – *Commentary on the Bombay High Court decision in relation to the on going dispute between World Sport Group and the Indian Cricket Board/Sony India.*
- IQPC FPSO Congress, Singapore, September 2010 – *International arbitration of FPSO construction and engineering disputes*
- Singapore Law Gazette article, October 2010 – *Crossing the hurdles of international arbitration in Asia*
- K&L Gates, Arbitration World, Summer, 2010 – *Summer of Rule Changes*
- SIAC/VIAC/PIAC joint conference on international arbitration in Vietnam, HCM City, July 2010 – *International arbitration of oil & gas disputes*
- SIAC launch of SIAC Rules 2010, London, June 2010 – *The practical realities of arbitrating in Asia*
- TUN FPSO Singapore 2010, April 2010 – *International arbitration of FPSO construction & engineering disputes*
- Singapore Law Gazette article, March 2010 – *International Arbitration and Developing Countries: Which Way Forward?*
- K&L Gates Arbitration World, February 2010 – *Recent Decisions from India on the Scope & Interpretation of Arbitration Agreements and ICC Award in Beijing-Seated Arbitration Successfully Enforced in China*
- World FPSO Conversion & Floating LNG Production Vessels Conference 2010, February 2010 – *International arbitration of oil & gas disputes*
- K&L Gates Arbitration World, October 2009 – *Recent Developments in International Arbitration in Singapore*

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REPRESENTATIVE EXPERIENCE

Selected Cases

Acted as lead counsel in a variety of international arbitrations between 1993 and 2012. These were in various seats (Singapore, London, Hong Kong and Vietnam being the most common) and subject to a variety of rules including UNCITRAL, LCIA, AAA/ICDR, ICC, SIAC, SCMA, GAFTA, VIAC, PIAC, BANI, DIS and other trade association rules. A selected (but not exhaustive) summary list of those cases is set out below.

Energy Disputes

- Acting for a Singapore government owned shipyard in connection with a US\$150m dispute relating to a conversion of an oil-rig in Rotterdam. The complex marine engineering dispute relates to numerous disputed variation orders, design changes, liquidated damages, cost overruns and delay claims. Arbitration in Singapore under SCMA Rules.
- Acting for a Nigerian crude oil trading company against an Indonesian state company in respect of alleged breach of a crude oil purchase contract. Arbitration in Singapore under SIAC Rules.
- Acting for the owners of an FPSO in relation to a US\$100m claim following the termination of a charter following a blow out and fire at the Montara oil field. Litigation in Australia.
- Acting for a US oil & gas equipment supplier in relation to a US\$10m claim against its Indonesian agent for breach of contract and various FCPA violations. Arbitration in Houston under AAA Rules.
- Acting for a Norwegian oil & gas company against an Australian contractor in relation to the fabrication, supply and installation of 3 topside process modules on an FPSO being converted at a Singapore yard. The US\$20 million claim brought by the contractor was subject to a series of Rapid Adjudication proceedings in London and involved disputes relating to the entitlement of the contractor to issue over 300 variation orders on a lump sum contract and counter-claims by our clients for the unlawful retention of documents and equipment, liquidated damages for concurrent delay, disputed Site Instructions and additional claims arising from the completion of work outside Thailand at the shipyard in Singapore at an alleged premium. We were successful on all arguments and the client ultimately was able to secure the release of the QC documents and welding certifications as well as the surplus equipment to enable it to complete the FPSO on time for delivery to their client and recover its monetary claims.
- Acting for the world's largest rig owner/operator in relation to a unliquidated claim against a Chinese state owned oil company in relation to a drilling contract in relation to a well control incident on one of their rigs deployed offshore Myanmar. Arbitration in Singapore under UNCITRAL Rules.
- Acting for an Indonesian coal company in a US\$50m claim against an Indonesian SOE in relation to breach of a coal concession agreement and subsequent enforcement proceedings in Singapore. Arbitration under Indonesian law in Jakarta under BANI Rules.
- Acting for a US oilfield developer in a dispute with a Thai engineering contractor relating to the supply of a wellhead platform for use in an oilfield offshore Thailand. The contractor claimed sums in respect of over 55 variation order requests. Our clients counter claimed for delay costs, rectification, unlawful retention of documentation and equipment, poor quality and/or negligent and/or inefficient work and liquidated damages. The dispute was governed by English law and the arbitration was under the UNCITRAL Rules and administered by the SIAC in Singapore. We were ultimately successful in reaching a negotiated settlement for the client with payment of a fraction of the sums being claimed.
- Acting for the charterers of an FPSO in a dispute with her owners/operators as a result of serious operational issues following its deployment offshore Philippines. The issues in dispute related to whether or not the FPSO's mooring and riser systems were fit for purpose as our client took the view

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that the systems were defective and were the operative cause of prolonged downtime. The amount in dispute was in excess of US\$25 million. The dispute was subject to English law with arbitration under the UNCITRAL Rules and administered by the SIAC in Singapore.

- Acting for the contractors in relation to a dispute arising out of a contract for the provision of topside modules on an EPC contract for installation on an FPSO facility. Our clients were claiming for certain milestone payments together with sums due for variations. The claim was being resisted on various grounds including disputes as to the scope of the lump sum work, the validity of instructions given to the contractors, the provision of design and engineering drawings and counter claims of liquidated damages and various back charges. Singapore law applied to the contract and disputes were subject to arbitration under the auspices of the SIAC.
- Advising a Norwegian owner and operator of FPSOs and its various subsidiaries in Singapore in relation to a US\$100 million dollar dispute with a Chinese shipyard in relation to various FPSO construction projects and other agreements with the China yard. The dispute concerned alleged outstanding milestone and other payments due from the clients and counter claims for delay, liquidated damages, quality issues etc under the construction contracts. Multiple proceedings were filed with the Singapore High Court which we successfully stayed/injuncted in favour of arbitration proceedings in London.
- Acting in potential ad hoc arbitration proceedings for an oil & gas company in relation to a drillship conversion and upgrading contract in respect of disputes against a shipyard.
- Advising one of the world's largest owners/operators of oil rigs in a VIAC arbitration in Vietnam following a dispute with a state oil company in relation to disputed operating/stand-by rates to be applied under a drilling contract following a loss of pressure/slumping incident in the White Tiger oil field offshore Vietnam.
- Advising a US oil rig owner in defending a claim from damage sustained to an oil platform as a result of a malfunctioning crane and pursuing counterclaims for 'wait on weather' and 'standby time' whilst demobilising offshore Indonesia.
- Advising a major US oil rig owner in respect of its rights and liabilities in connection with the total loss of the BOP package and 52 riser joints after its rig sustained severe typhoon damage offshore Hong Kong resulting in a multi-party dispute.
- Advising joint venture owners of an FPSO in relation to a shareholder dispute regarding refitting works carried out on the FPSO.
- Advising the operator of an oilfield in relation to a dispute that arose with a supplier in relation to the construction and supply of an FPSO and mooring and riser equipment.
- Acting for a Malaysian bitumen processor in relation to a US\$125m claim against a German chemical company in respect of wrongful termination of a Supply & Loan Agreement and parallel litigation proceedings in Malaysia under an accompanying debenture. The dispute arose as a result of alleged defects to patented film supplied pursuant to the contract which formed the basis for a joint venture planned to construct and develop bitumen processing plants in Asia and around the world. Arbitration in Germany under DIS Rules.

Maritime, Commodity and International Sale Disputes

- Advising a UK subsea contractor in relation to an LCIA arbitration involving a BIMCO SUPPLYTIME 89 charterparty dispute for claims arising out of premature re-delivery of the charter vessel.
- Advising a German chemical trader in a LMAA arbitration in connection with its claims for contamination of a cargo of glycol loaded at Bandar Abbas, Iran.
- Advising a global commodity trader in relation to the detention of a tanker in Indonesia following allegations of smuggling and irregularities with vessel and cargo documentation and advising them as to their rights and liabilities under a BEEPEVOY charterparty.

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- Advising a Canadian shipowner in relation to the premature termination of a time charterparty by Japanese charterers in a Hong Kong arbitration under HKIAC rules. The case raised complicated technical issues relating to the operational performance of the vessel's self-unloading system.
- Advising in London arbitration proceedings for a Middle Eastern offshore support vessel operator in connection with a US\$30 million claim arising from a shareholders' dispute in relation to the ownership and earnings of an offshore supply vessel and alleged breach of a share sale and purchase agreement.
- Advising in London arbitration proceedings for the Indonesian owners of a general cargo vessel following an engine room fire, collision and loss of life in connection with claims and cross-claims against the salvors, underwriters and by the estate of the deceased crew member.
- Acting in London arbitration proceedings for the owners and P&I insurers of a container vessel which lost a number of containers during heavy weather encountered on a voyage from India to Singapore.
- Acting in London arbitration proceedings for the owners of a vessel which was put aground following a shift of its iron ore cargo.
- Advising/assisting owners with regard to the salvage claim, cargo issues, prospective claim against shippers, wreck removal and detention of the crew.
- Acting for the Indonesian owners of a vessel in connection with claims and counterclaims arising out of an engine room fire which resulted in the abandonment of the vessel and loss of life. The cargo claims are now the subject of LMAA arbitration proceedings in London.
- Advising shipowners of their liability/obligation/ claims arising out of a fire which broke out in a cargo carried by one of their vessels during a voyage from Indonesia to India.
- Advising the owners of a vessel in relation to issues/claims arising out of a rudder failure which occurred during a loaded voyage to Singapore leading to a declaration of General Average.
- Advising the buyers of second-hand tonnage on their rights under a memorandum of agreement for breach of its terms by the sellers, including the possibility of a worldwide freezing injunction.
- Acting for a Thai conglomerate in relation to a cement supply contract dispute against a Swiss buyer. Arbitration in Geneva under ICC Rules.

Corporate/Commercial Disputes

- Acting for the Taiwanese branch of a US pharmaceutical company in relation to a \$10m claim following the alleged wrongful termination of a distributorship agreement. The dispute subject to Taiwanese law relates to issues of jurisdiction of the tribunal to adjudicate disputes in respect of a contract terminated 5 years ago; the ability of a party to assert contractual rights of termination without knowledge of the existence of the contract and a wide ranging enquiry into the remoteness of damages claimed. Arbitration in Taiwan under ICC Rules.
- Acting for a Cayman Island fund in respect of a claim against former auditors of the Fund for alleged professional negligence in failing to adequately investigate, highlight and report wrongful conduct of former managers of the fund, leading to losses in the region of US\$100m. Parallel litigation proceedings in New York, the Cayman Islands and Singapore are ongoing in respect of claims by the fund against its former fund managers for breach of fiduciary duties and a derivative action filed against the fund's directors. Arbitration in Singapore under SIAC Rules.
- Acting for a US confectionary manufacturer against its HK distributor for breach of a royalty agreement. Arbitration in Singapore under ICC Rules.
- Acting for a Singapore EPC contractor in relation to a US\$5m dispute with an Indian developer under a consultancy services agreement for a business park in Mumbai. Arbitration in India under UNCITRAL Rules.
- Acting for a Cayman fund in relation to a US\$100m claim for breach of an investment management agreement against its former fund managers. Litigation in Singapore.

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- Acting for a Japanese LCD manufacturer in relation to a US\$5m claim against a China/BVI fund for breach of an investment agreement. Litigation in Singapore.

Investment Treaty Disputes

- Advising the Government of Bangladesh in connection with a US\$30 million dispute with the operation and maintenance contractors of 2x150 MW open cycle power plants in 2 international arbitrations in Singapore
- Acting for a Taiwanese state owned oil company in ICSID proceedings against the Government of Venezuela following the expropriation of equity interests in exploration and production blocks offshore Venezuela.
- Acting for the Government of India in connection with the US\$6 billion claim brought by General Electric, Bechtel and Enron, as well as the offshore lenders under a variety of BITs with India.
- Advising the Government of Thailand on defending its first BIT claim in connection with an alleged breach of a concession agreement relating to the financing, construction, maintenance and operation of a tollway.
- Advising the Government of Bangladesh in connection with a gas pipeline construction contract in connection with delay claims brought by Saipem SpA and the subsequent dispute in relation to alleged expropriation by the State by reason of the domestic courts' actions.
- Advising the Government of Bangladesh in relation to a claim by Chevron over wheeling charges for the gas delivered by Chevron to Petrobangla.
- Advising a South Asian government on the management of foreign investment disputes and negotiating bilateral investment treaties.
- Advising a public sector concern of India in connection with a proposed multilateral investment protection agreement between India, Pakistan and Iran to cover a proposed US\$7 billion gas pipeline supplying natural gas from Iran to India.

2009/2010 Cases (Sitting as Arbitrator)

- Acting as sole arbitrator appointed by the SIAC in relation to a dispute under a charter agreement. Arbitration in Singapore under SIAC Rules.
- Acting as sole arbitrator appointed by the SIAC in relation to a charter dispute. Arbitration in Singapore under SIAC Rules.
- Acting as sole arbitrator appointed by the SIAC in relation to a property investment dispute. Arbitration in Singapore under SIAC Rules.