



PROVIDENCE
LAW ASIA



ABRAHAM VERGIS, S.C.

MANAGING DIRECTOR

+65 6438 1969

abraham@providencelawasia.com

<https://www.linkedin.com/in/abrahamvergis/>

Abraham is a Senior Counsel and the Managing Director of Providence Law Asia. He appears before the Supreme Court of Singapore (appellate and original jurisdiction) and the Singapore International Commercial Court. He is also an arbitration counsel and accredited arbitrator in international arbitrations across Asia. Abraham holds Fellowships with the Singapore Academy of Law, the Chartered Institute of Arbitrators (UK) and the International Academy of Financial Crime Litigators (Basel).

Abraham has been managing contentious work across Asia over the past 24 years, and has worked in Singapore and London. He works closely with global law firms and leading lawyers from other jurisdictions.

Abraham is recognised as a leading dispute resolution lawyer in Legal 500, and amongst the top twenty litigators in Singapore by Chambers and Partners. Abraham was shortlisted for “*Dispute Resolution Lawyer of the Year*” at the Asian Legal Business SE Awards 2019 and 2020, and was also a finalist for “*Asia’s Dispute Star of the Year*” at the AsiaLaw and Benchmark Litigation Asia Pacific Dispute Resolution Awards in 2017 and 2018. He is identified by AsiaLaw Leading Lawyers and The Best Lawyers as a “*Distinguished Practitioner*” in the fields of Dispute Resolution and International Arbitration respectively.

Abraham established Providence Law Asia LLC in 2012 as a specialist Counsel practice focusing on international disputes and leads a team of close to 20 counsel. Under Abraham’s leadership, Providence Law Asia has attained multiple accolades, including being awarded “*Best Dispute Resolution Boutique Practice of the Year in Southeast Asia*” in 2017, “*Rising Law Firm of the Year*” in 2018, and finalist for “*Singapore Litigation Law Firm of the Year*” in 2019, at the annual Asian Legal Business SE Asia Awards. Abraham was also named “*Singapore Managing Partner of the Year*” at the Asian Legal Business SE Awards 2019.

PROFESSIONAL **EXPERIENCE**

Representative International Arbitration Experience

Corporate & Commercial

- Acted as lead counsel for the Promoters of Future Retail, one of India's largest retail conglomerates against one of the largest technology companies in the world in an SIAC arbitration seated in New Delhi involving 3 Singapore Senior Counsel and at least 12 Indian Senior Advocates in respect of a dispute valued at above USD 200 million.
- Acted in a SIAC arbitration against a sovereign government for prematurely terminating a 20-year concession agreement for the development of a comprehensive immigration and border control system.
- Acted in a SIAC arbitration in respect of claims exceeding US\$D 130 million against a sovereign government for repudiating a 50-year joint venture agreement for the development of a lagoon, with claims for aborted reclamation and infrastructure development works.
- Acted in a multi-party SIAC arbitration with a claim value of over A\$400 million involving claims of breach of contract, misrepresentation, and breaches of fiduciary duties in respect of the forced sale of shares in an Australian listed company to institutional lenders.
- Acted for Telekom Malaysia, a public-listed state owned enterprise and the leading telecommunications service provider in Malaysia, in an SIAC arbitration against a Singapore service provider with respect to a dispute worth over USD 40 million arising out of collaboration agreement.
- Acted for Thaicom, Asia's leading satellite operator in a technical dispute over the disruption in satellite services which was the subject of an ad hoc arbitration against an Indian television broadcaster.
- Acted for the Promoters of Azure Power Global, a NYSE-listed company involved in the development, production, and sale of solar energy to government utilities and independent industrial and commercial customers, in a Singapore-seated arbitration.
- Acted for one of Indonesia's largest tin metal traders in an arbitration under the London Metals Exchange Rules.
- Acted for a BVI-incorporated asset management company against a Maldivian company in a SIAC arbitration arising from breaches of a project management agreement in relation to the development of a resort in the Maldives. The arbitration was conducted under the SIAC expedited procedure.



PROFESSIONAL **EXPERIENCE**

Representative International Arbitration Experience

Infrastructure, Energy and Transport

- Represented the main contractors in termination claims against the concessionaire of a multi-billion-dollar airport reconstruction project for an Indian Ocean republic. The client is a prominent South-Asian infrastructure conglomerate with a track record of airport construction projects in India, Philippines, and Turkey.
- Acted for a globally recognised specialist marine subcontractor against a North Asian main contractor in connection with a novel project for the installation of submarine cables under challenging soil and subsea conditions, on a dispute relating to multiple intertwining delay and contractual issues.
- Acted for a Myanmar-based corporation in an ICC arbitration commenced by a subsidiary of the largest cement conglomerate in South-East Asia in relation to claims exceeding USD\$385 million arising from purported breaches of an alleged joint venture agreement between to develop a cement factory, and manufacture and distribute cement in the region.
- Acted for the main contractors, who were being sued alongside a silo designer and an accredited checked, in an 80-day multi-party construction and engineering arbitration in Singapore concerning the partial collapse of Southeast Asia's tallest multi-cell cement silo. This was a technically challenging case involving complex civil and structural engineering issues addressed by an international panel of 14 expert witnesses.
- Acted in a 25-day construction arbitration under ICC Rules in Bangkok between a Malaysian boilermaker and a prominent Thai mill owner in respect of a dispute concerning construction defects in a palm oil refinery in Thailand.
- Acted in a SIAC arbitration in respect of claims exceeding USD 150 million against a sovereign government for repudiating a 50-year joint venture agreement for the development of a lagoon, with claims for aborted reclamation and infrastructure development works.
- Represented the subsidiary of YTL Corporation in an arbitration and various adjudications under the Security of Payment Act involving a claim of over S\$9 million, involving over 60 heads of claim.



PROFESSIONAL EXPERIENCE

Representative International Arbitration Experience

Emergency Arbitrations

- Acted as Emergency Arbitrator in a multi-party SIAC proceeding arising from the breakdown of a cross-border joint venture involved in manufacturing automotive components where potential losses in excess of USD 40 million were asserted.
- Acted as counsel in an Emergency Arbitration against a \$83 million claim brought by a high-profile businessman and art dealer, arising from an aborted sale and purchase agreement relating to a freeport, which involved novel issues on whether the “*alter-ego*” and “*group of companies*” doctrines could be invoked to found jurisdiction over non-signatories to an arbitration agreement.
- Acted as counsel in an Emergency Arbitration in connection with the collapse of an investment scheme that had attracted substantial retail investor funds on the promise of lucrative guaranteed returns from financing housing projects in Brazil.

Representative Corporate & Commercial Litigation Experience

- Defended a UHNW Singaporean before the Singapore International Commercial Court in an action commenced by The Star Casino in Queensland for the recovery of gambling debts of over AUD43 million. Successfully applied to have the action struck out on grounds of public policy. Sir Jeremy Lionel Cooke, IJ accepted that the Civil Law Act proscribed the Singapore courts from facilitating the recovery of monies won on a wager.
- Acted for the Promoter of a Singapore company before the Singapore International Commercial Court in an action relating to allegations of misrepresentation in the setting up of a cryptocurrency bank and cryptocurrency fraud, and resisting an application for a worldwide Mareva injunction. The case was heard by Justice Simon Thorley, IJ.
- Acted for a Russian party in a multi-party, cross-jurisdictional litigation before the Singapore International Commercial Court and the Court of Appeal. Sir Vivian Ramsay, IJ presided over the case at first instance. The case involved a joint venture between Singapore and PRC entities to develop a RMB 3 billion Winter Theme Park, with an Olympic-accredited ski slopes and resort project in Shanghai.
- Acted for several Korean global contractors before the Singapore International Commercial Court to challenge a negative jurisdictional ruling made by an arbitral tribunal. The background to the arbitration was a USD 6 billion oil refinery construction project in the Middle East. Sir Bernard Eder, IJ granted leave for Singapore counsel to make legal submissions on English Law issues.



PROFESSIONAL **EXPERIENCE**

- Defended the holding companies for a multi-million-dollar group of Jordanian companies against a claim for US\$2.6 billion brought by Motorola Credit Solutions, as part of its worldwide effort to enforce a judgement obtained in USA in 2003 against Turkish political dissident Cem Uzan and family.
- Acted for an international FMCG principal in the Singapore High Court arising out of a dispute between its subsidiary and a former national-level distributor in Malaysia concerning various claims for breaches of equitable duties of confidentiality, IP infringement and conspiracy.
- Acted for Ventureast, one of the longest standing venture capital fund managers in India, managing close to US\$325 million in assets, in Singapore Court proceedings. The claims were brought by a digital payments company with a valuation of over US\$5.5 billion that is partially owned by Walmart. The case revolves around a dispute over the sale of shares in PhonePe, an India-based technology start-up worth over US\$60 million.
- Acted for the China Country Head of Macquarie Bank in substantial claims brought against him and Macquarie Bank by a Chinese SOE. This case is one of the earliest cases litigated before the then nascent Singapore International Commercial Court. The dispute concerned a commodity swap transaction arising from the ISDA Master Agreement, and involved issues noted by the Court to be “*potentially of considerable significance to the derivatives market*”. Sir Bernard Eder, IJ granted Singapore Counsel leave to make legal submissions on English Law.
- Acted for the founder of a regional real estate group of companies in resisting garnishee orders in respect of joint bank accounts. This matter is noteworthy in being the first case dealing with the question of the party that bears the burden of proving the ownership over the funds in the joint account sought to be garnished.

Representative Restructuring & Insolvency Experience

- Acting for and advising the joint and several liquidators of Hin Leong Trading (Pte) Ltd in one of the largest and most complex liquidations in Singapore. Prior to its winding up, Hin Leong Trading was one of Asia's largest oil traders. The ongoing liquidation has a debt profile in excess of US\$4 billion with other creditors' claims amounting to over US\$1 billion. These claims from major banking institutions are ongoing and involve complex, multi-party litigation and mediation with many of Singapore's leading lawyers and insolvency professionals assisting.
- Acted for PDV Marina, one of the state-owned national oil companies of Venezuela in successfully resisting claims of over US\$1.8 billion made by global creditors against its assets held in Singapore. These claims arose from various ICC and ICSID arbitration awards secured against the Venezuelan Republic and PDV Marina's parent company, PDV SA,



PROFESSIONAL **EXPERIENCE**

which these claimants sought to enforce against PDV Marina's assets in Singapore by arguing that PDV Marina is merely an alter ego or extension of the state. These culminated in the Singapore High Court issuing a landmark decision declining to treat a state-owned entity as an alter ego of the state, because the Court recognised PDV Marina's corporate functions and separate legal identity from the state. This matter involved complex private international law and cross-border insolvency principles, and was reported in the *Global Arbitration Review*, with its ramifications widely discussed internationally.

- Acting for and advising BlackRock and Ares SSG (who act through their security agent, Madison Pacific Trust Limited) in respect of a US\$50 million loan facility given to Take Solutions Singapore (a majority shareholder of the Indian List Co, Take Solutions India). Providence Law is advising on various cross-border restructuring aspects and acted for the lenders in an application to place Take Solutions Singapore into judicial management.
- Acted for a Singapore chemicals company in a US\$2.4 billion restructuring project involving a scheme of arrangement which resulted in landmark insolvency judgments in *Re Conchubar Aromatics* [2016] SGHC 279 and *SK Engineering & Construction Co Ltd v Conchubar Aromatics Ltd* [2017] SGCA 51.
- Applied for recognition of Malaysian winding-up proceedings as a foreign main proceeding under the UNCITRAL Model Law and for various Singapore proceedings be stayed. This culminated in the Singapore Court of Appeal issuing a landmark decision in *United Securities Sdn Bhd v United Overseas Bank Ltd* [2021] SGCA 78, one of the first Singapore-reported decisions on the interpretation of Article 20 of the UNCITRAL Model Law, which had just been received into Singapore law.
- Acted for Aaron Loh & Angela Ee of Ernst & Young Solutions LLP (and subsequently Cameron Duncan from KordaMentha) as liquidators of Griffin Real Estate Investment Holdings Ptd Ltd, in taking a range of enforcement actions against the former management (and related parties) to recover over S\$50 million. This matter involved regularly advising and guiding the Singapore Court appointed liquidators on complex legal and commercial issues, including out of court resolution of claims and debts of third parties and eventually culminated in the decisions of *Griffin Real Estate Investment Holdings Pte Ltd (in liquidation) v ERC Unicampus Pte Ltd* [2018] SGHC 273 and *Griffin Real Estate Investment Holdings Pte Ltd (in liquidation) v ERC Unicampus Pte Ltd and another appeal* [2019] SGCA 57.
- Acting for and advising The Working Capitol Group, a group well-known in the property management industry in Singapore, in a debt restructuring exercise involving the evolving co-working space industry in Singapore. This restructuring further features a novel debt consolidation exercise of the Group's debts amounting to approximately S\$48 million and a pre-packed scheme proposed under Section 71 of the Insolvency, Restructuring and Dissolution Act 2018. Providence Law works together with insolvency professionals from Quantuma on this matter.



PROFESSIONAL **EXPERIENCE**

Representative Fraud & Asset Recovery Experience

- Acted for a global manufacturer in legal proceedings against a leading Singapore bank for disclosure of bank accounts to trace fraud proceeds of more than US\$1.9 billion, which were transferred across Switzerland, Liechtenstein, Italy, Singapore, Japan, Cayman Islands and Luxembourg.
- Acted in the enforcement of a Swiss judgment amounting to more than €26 million, arising out of foreign matrimonial proceedings.
- Acted for the liquidators of a Singapore company in recovery actions against former directors / affiliated entities involving fraud of over US\$140 million and assisting in the criminal investigations with the Singapore Commercial Affairs Department.
- Acted for PDV Marina, one of the state-owned national oil companies of Venezuela in successfully resisting claims of over US\$1.8 billion made by global creditors against its assets held in Singapore. These claims arose from various ICC and ICSID arbitration awards secured against the Venezuelan Republic and PDV Marina's parent company, PDV SA, which these claimants sought to enforce against PDV Marina's assets in Singapore by arguing that PDV Marina is merely an alter ego or extension of the state. These culminated in the Singapore High Court issuing a landmark decision declining to treat a state-owned entity as an alter ego of the state, because the Court recognised PDV Marina's corporate functions and separate legal identity from the state. This matter involved complex private international law and cross-border insolvency principles, and was reported in the *Global Arbitration Review*, with its ramifications widely discussed internationally.
- Acting for and advising BlackRock and SSG on a cross-border restructuring of a US\$50 million debt owed by Take Solutions Pte Ltd, a Singapore subsidiary of an Indian listed company. Working alongside Allen & Overy in successfully placing the debtor in interim judicial management and obtaining various urgent injunctive reliefs against the debtor's former management to prevent the dissipation of the group's assets. Continues to work alongside Allen & Overy and various Indian law firms in advising the lenders on this restructuring exercise.
- Acted for an investment company in respect of claims pertaining to fraudulent misrepresentation, unlawful means conspiracy and breach of contract with regards to the recovery of the value of stocks in a Canadian listed company secured under a financing agreement. The claim sum is for more than CAD 69 million.



PROFESSIONAL **EXPERIENCE**

- Acted in the enforcement of a multimillion-dollar Korean judgment in Singapore, and successfully obtaining worldwide freezing injunctions against the judgment debtor and 4 other third-party affiliates. This case concerned the novel issue of third-party injunctions against foreign entities, which has hitherto not been considered in any reported Singapore judgment. The case also involved multi-jurisdictional elements, including concurrent enforcement and recovery proceedings in the USA, HK and the BVI.
- Acted for the liquidators of a Singapore company involving recovery actions totaling S\$50 million, and successfully obtaining a freezing injunction against the judgment debtor. The case concerns novel issues pertaining to tracing and the account of profits by a knowing recipient.
- Acted in a multi-jurisdictional fraud case involving misappropriation of several million dollars by two senior executives in a Kazakhstan subsidiary of a Singapore company, and diversion of proceeds to Hong Kong, Ahmedabad, and Liechtenstein. Carried out fraud investigations in Almaty and Singapore, which culminated in worldwide freezing orders and legal action in the Singapore High Court.
- Acted for the beneficiaries of a Labuan trust in obtaining an interlocutory status quo injunction to prevent the dissipation of assets by the trustees from a bank account situated in Singapore holding proceeds of over S\$10 million.
- Acted for a high-net-worth individual in applying to set aside default judgments against him in respect of a Myanmar joint venture, amounting to more than US\$66 million. The matter culminated in a decision by the Court of Appeal which expounded on the legal test to be applied in setting aside default judgments and a judgment for assessment of damages flowing from a default judgment.
- Acted for the liquidators of a Malaysian company to resist recovery actions taken by United Overseas Bank in respect of a loan agreement, with a claim sum of more than US\$180 million. This resulted in a successful settlement.

Representative Investigations & Business Crimes Experience

- Acted in a multi-jurisdictional fraud case involving misappropriation of several million dollars by two senior executives in a Kazakhstan subsidiary of a Singapore company, and diversion of proceeds to Hong Kong, Ahmedabad, and Liechtenstein. Carried out fraud investigations in Almaty and Singapore, which culminated in worldwide freezing orders and legal action in the Singapore High Court.



PROFESSIONAL **EXPERIENCE**

- Instructed by a foreign Government to investigate substantial hospital bills rendered by a Southeast Asian hospital in respect of treatment rendered to a group of foreign patients. Investigations revealed that the hospital had systematically overcharged the foreign government millions of dollars, which directly resulted in an amicable settlement based on substantial discounting of all outstanding hospital bills.
- Acted for a Singapore lawyer in successfully securing two acquittals in two separate trials involving serious charges of perjury and corruption, allegedly committed during his practice as an advocate & solicitor.
- Acted for senior management members of two Singapore GLCs linked to the “Operation Carwash” corruption scandal in Brazil.
- Acted for senior management members of foreign banks in Singapore as well as Malaysian UHNW individuals who were implicated in the Malaysian “IMDB” scandal.
- Acted for the manager of a company who had been charged with overclaiming GST tax refunds from IRAS and successfully secured an acquittal in respect of those charges on appeal (*Loon Wai Yang v Public Prosecutor* [2020] SGHC 34).

Representative Private Client Practice Experience

Special Interest Cases

- Appointed by Ministry of Home Affairs to represent the Superintendent of Changi Prison to defend a civil application brought by 23 death row prisoners seeking pre-action disclosure of documents and information pertaining to the alleged sharing of the prisoners’ confidential and privileged communications by the prison authorities to deputy public prosecutors.
- Represented Mr Li Shengwu, grandson of Mr Lee Kuan Yew, in contempt proceedings brought against him by the Attorney-General of Singapore in respect of a private Facebook post he made.
- Representing the Executors of the Estate of the late Mr Lee Kuan Yew, former Prime Minister and Senior Minister of Singapore, in prosecuting a disciplinary complaint against his former solicitor for professional misconduct.
- Defended Mrs Lee Suet Fern, one of Singapore’s top corporate lawyers, in disciplinary proceedings against her before the Disciplinary Tribunal and Court of Three Judges in respect of her role in the preparation of the late Mr Lee Kuan Yew’s last will and testament.



PROFESSIONAL **EXPERIENCE**

- Represented Mr Deepak Sharma, the retired global chairman of Citi Private Bank, in novel Judicial Review proceedings against the Law Society of Singapore over the early dismissal of a professional misconduct complaint against a prominent lawyer. The Singapore High Court and Court of Appeal issued landmark decisions dealing with novel legal issues of public interest concerning locus standi and disciplinary processes under the Legal Profession Act 1966.
- Represented Mr Mirzan Mahathir, son of a former Malaysian Prime Minister, in certain legal proceedings in Singapore.
- Represented a member of royalty in Southeast Asia in a number of Singapore court proceedings relating to a private equity investment.
- Defended Mr Mano Sabnani, the former Editor of The Business Times, in a defamation suit brought by a Singapore-listed company and its directors arising from his conduct as an investor activist.
- Advised Ms Ankita Bose, co-founder and CEO of Zilingo, in respect of her disputed suspension and removal as CEO as well as her issues with Sequoia Capital.
- Advised the Air Line Pilots Association Singapore (ALPA-S), a registered Trade Union representing airline pilots based in Singapore, on its Collective Agreement negotiations with Singapore Airlines and other operational issues.
- Instructed on appeal to represent a prominent UHNW Indian citizen in a landmark international custody and child relocation case. Both parents and their five-year-old daughter were Indian nationals and had moved the child to Singapore pursuant to a divorce and custody agreement, which the wife subsequently reneged on. Successfully persuaded the High Court – exercising its appellate jurisdiction – to grant the father sole care and control of the child and permission to relocate with the child back to India, despite the mother's argument that she was the primary caregiver of the child.
- Instructed to represent a British citizen in an appeal taken out by his wife against an anti-suit injunction granted against her Part III Matrimonial and Family Proceedings Act claim in England. The matter involved novel issues dealt with for the first time by the Singapore courts, in particular the principles to be applied in an application for an anti-suit injunction in the context of foreign English proceedings brought under the Part III regime.
- Acted for the directors of a Singapore Catalist - listed company in one of the first contested disciplinary hearings for a prosecution commenced by the SGX Regco. The matter has been cross - appealed to the Listings Appeals Committee (LAC). The LAC has been formed and the matter is expected to be heard very soon.



PROFESSIONAL EXPERIENCE

- Represented a high net worth US Permanent Resident against a claim by one of the wealthiest men in Singapore, in respect of a dispute relating to the shares in an Indian company worth around US\$40 million. This litigation raised complex and novel legal issues involving, among other things, Indian law relating to regulated agricultural land in India and the enforceability of agreements relating to the transfer of property held by, and to be transferred to, third parties.
- Instructed to resolve the deadlocked administration of a S\$320 million estate that had remained unresolved for 15 years.
- Instructed in several related Singapore High Court Suits relating to S\$200 million estate (held through a network of corporate structures and nominees) that became the subject of controversy among the testator's family members and his business associates.

Pro Bono Practice

- Acted in the landmark appellate decision of *Chan Kum Hong Randy v Public Prosecutor* [2008] 2 SLR(R) 1019, where the accused's jail sentence was reduced from 5 years to 2 days. The High Court held that a substantial sentencing discount ought to apply exceptionally on account of prejudice suffered due to inordinate delays by the prosecution.
- Persuaded the High Court exercising its appellate jurisdiction to exceptionally set aside a conviction and a 9-year jail term in *Yunani bin Abdul Hamid v Public Prosecutor* [2008] 3 SLR(R) 383 on the basis of a vitiated guilty plea. Went on to successfully defend the accused in a 8-day trial that immediately followed suit and secured a full acquittal.
- Successfully defended man charged with six charges of rape and sexual assault offences against minor-aged complainant at High Court and Court of Appeal on the basis of "major inconsistencies" in the complainant's account of the offences (see *Public Prosecutor v Mohd Ariffan bin Mohd Hassan* [2019] 2 SLR 490).
- Acted for Sri Lankan domestic helper charged with culpable homicide. Successfully persuaded the High Court to strike out 7 police statements for TIP.
- Acted for a patient in a permanent vegetative state in a medical negligence claim against a neurosurgeon and the hospital in a 31-day trial involving 8 expert witnesses in the fields of neurosurgery or neuroradiology, and 10 other neurosurgeons and radiologists from NUH.
- Acted for a disbarred advocate in his application for reinstatement to the Bar after 10 years of being struck off the rolls. This was the first case in over 20 years where a reinstatement was granted by the Court of Three Judges.



MEMBERSHIPS, QUALIFICATION, EDUCATION & PUBLICATION

Appointments

- The International Academy of Financial Litigators (Basel) – Fellow
- Chartered Institute of Arbitrators (UK) - Fellow
- Singapore Academy of Law - Fellow
- Singapore Academy of Law, “*The SAL Practitioner*”, a practice-oriented journal by SAL Academy Publishing - Subject Editor for Advocacy and Procedure
- Singapore Academy of Law, Professional Standards & Ethics Working Group - Member
- Singapore Academy of Law, Law Reform Committee - Former Member
- Singapore Academy of Law, International Promotion of Singapore Law Committee - Former Member
- Law Society of Singapore - Pro Bono Ambassador 2022 / 2023
- Law Society of Singapore, Criminal Legal Aid Scheme - Former Chairman
- Inter-Pacific Bar Association, Legal Practice Committee - Vice-Chairman
- Singapore Institute of Legal Education, Accreditation Committee - Member



MEMBERSHIPS, QUALIFICATION, EDUCATION & PUBLICATION

Memberships

- International Bar Association
- INSOL International
- International Academy of Financial Crime Litigators
- International Association of Defense Counsel
- Inter-Pacific Bar Association
- ICC Singapore Arbitration Group

