

Dharmesh Singh

Penesar.

PARTNER · TEJA SINGH PENESAR & CO.

Kuala Lumpur · Penang · dharmesh@penesarco.com · +6 012 424 2369 · penesarco.com

PROFILE

Dharmesh is a Partner at Teja Singh Penesar & Co., a dispute resolution boutique with offices in Kuala Lumpur and Penang. He has over 15 years of post-qualification experience, with a practice concentrated in corporate and commercial litigation, insolvency and corporate restructuring, shareholders' disputes, employment law, and banking litigation. He regularly appears in the High Court and subordinate courts across multiple jurisdictions, and advises a client base that includes listed companies, multinational corporations, insolvency practitioners, and international brands.

KEY PRACTICE AREAS

- Corporate & Commercial Litigation
- Shareholders' Disputes & Company Law
- Banking Litigation
- Insolvency & Corporate Restructuring
- Employment & Industrial Relations
- International & Cross-Border Disputes

SELECTED EXPERIENCE

International & Cross-Border

- Advises Ducati Motor Holding SpA (Italy) and Ducati Motor (Thailand) Co., Ltd. on Malaysian commercial matters, including dealer and distributor disputes, contract enforcement, and regional legal strategy.
- Has advised and acted for directors of PT Erajaya Swasembada Tbk, one of Indonesia's largest smartphone distributors and Apple authorised partners with annual revenues exceeding USD 4 billion, in connection with their Malaysian business interests, including Switch, one of Malaysia's leading Apple Premium Resellers and consumer electronics retailers with annual revenues exceeding RM 1.1 billion.
- Has advised local and international steel corporations on the importation of Hot Rolled Coils on behalf of a national car manufacturer, including negotiations with the Royal Malaysian Customs Department, the Ministry of Finance, MITI, and the Malaysia Iron and Steel Industry Federation, and Judicial Review Proceedings to quash Bills of Demand exceeding RM 20 million.
- Has acted for a white knight company listed on the Singapore Stock Exchange in rehabilitating a distressed Malaysian company via a Scheme of Arrangement, including validation orders for asset disposals, under the Corporate Debt Restructuring Committee framework.

SELECTED EXPERIENCE – CONTINUED

Insolvency, Restructuring & Winding Up

- Has appeared in the High Court of Malaya opposing a winding up petition on behalf of the single largest unsecured creditor of Golden Plus Holdings Berhad, resisting the petition and asserting the creditor's rights in the winding up proceedings.
- Has acted for creditors of a GLC and its subsidiary with combined debts exceeding RM 50 million, addressing questions of asset disposal post-commencement and preferential creditor treatment.
- Has acted for the creditor of a public-listed company in successfully obtaining the appointment of a Provisional Liquidator to protect assets in excess of RM 500 million, defeating the Petitioning Bank's attempt to appoint a Private Liquidator.
- Has obtained four Restraining Orders under s.176(10) of the Companies Act 1965 to facilitate a Scheme of Arrangement restructuring over RM 160 million in debt, and successfully defended multiple applications to oppose and set aside the Orders.
- Has acted as counsel in the members' voluntary winding up of one of Malaysia's largest developers' subsidiaries, with capital assets exceeding RM 1.1 billion, including initiating and defending trade debtor and creditor actions.
- Regularly advises insolvency practitioners (consultants, receivers, managers, and liquidators) of local and multinational firms on discharge applications, fee recovery, and suits to recover monies owed to wound-up companies.

Shareholders' Disputes & Company Law

- Has advised and acted in High Court proceedings (Kuala Lumpur) involving minority oppression and unlawful reduction of paid-up capital contrary to the capital maintenance doctrine under the Companies Act 2016, including applications under ss.116, 117, and 127 of the Act, raising novel questions on shareholder remedies and the court's supervisory jurisdiction over intra-company capital transactions.
- Has acted on behalf of the estate of the late Hussain Ahmad Najadi (Founder of AmBank) in High Court proceedings which received substantial national media coverage.

Employment & Industrial Relations

- Advises multinational corporations on the retrenchment of local and expatriate employees, including statutory compliance under the Employment Act 1955, Form PK obligations, notice period strategy, and ex gratia structuring. Clients include Mandara Spa, a US-listed international spa and wellness group operating across Southeast Asia, and multinational manufacturers in the automation and industrial sectors.
- Has acted as counsel in the members' voluntary winding up of a major safety glass manufacturer in the Malaysian automotive industry, overseeing the lawful termination of approximately 197 employees and successfully defending multiple Industrial Court claims for reinstatement compensation and back wages.

QUALIFICATIONS & ADMISSIONS

2008	Advocate & Solicitor, High Court of Malaya
2007	Barrister-at-Law, England & Wales
2006 – 2007	Bar Vocational Course (BVC), Cardiff University – Called, Lincoln's Inn, London
2002 – 2005	LLB (Law), Cardiff University, Wales

CAREER

2012 – <i>Present</i>	Partner, Teja Singh Penesar & Co. (Kuala Lumpur)
2009	Associate, Teja Singh Penesar & Co. (Penang)
2008	Associate, Skrine

PROFESSIONAL MEMBERSHIPS

- Member, Malaysian Bar
- Member, The Honourable Society of Lincoln's Inn (London)
- Associate Member (Pioneer Member), Asia Institute of Alternative Dispute Resolution (AADR)
- Associate Member, Insolvency Practitioner Association of Malaysia (iPAM)
- Member, INSOL International

PUBLICATIONS & SPEAKING

PUBLICATIONS

- 'How to Get the Message Across' – Personal Money Magazine, March 2011. Article on customer rights, bankers' obligations, and liability.

SPEAKING

- Speaker, 'Malaysian Debt Recovery Practice & Procedure' – Menara Maybank, December 2018.
- Speaker, 'Corporate Recovery Mechanisms and Judicial Management in Malaysia' – Ferrier Hodgson MH Sdn Bhd, December 2018.