

TAN LAY KUAN

PARTNER



Profile

Ms. Tan Lay Kuan is a founding partner of Messrs Yeoh Shim Siow & Lay Kuan.

Her practice covers a broad range of areas including defamation, family law, corporate and commercial, land and real estate, tenancy disputes, and strata management issues.

Lay Kuan has been appointed to advise on civil, corporate, construction, contracts, commercial and property related matters by shopping malls, developers, listed companies in Singapore and E-Commerce Companies.

Prior to forming Messrs Yeoh Shim Siow & Lay Kuan, she practised at her own firm, Messrs Lay Kuan & Co, after working closely with Y.A. Tuan Nadzarin bin Wok Nordin (prior to his appointment to the judiciary) in Messrs Nadzarin Kuok Puthuchearry & Tan.

Qualifications

- LLB (Hons), Aberystwyth University
- Certificate in Legal Practice
- Advocate & Solicitor of the High Court of Malaya

Practice Areas

- Corporate Contracts Disputes
- Defamation
- Family and Matrimonial Disputes
- Insolvency & Debt Recovery
- Land & Property Disputes
- Strata Management Matters
- Tenancy Disputes
- Civil Litigation



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Experience/Notable Transactions

Apart from the existing cases and some of the cases that are confidential and/or parties have successfully reached a settlement, Lay Kuan had actively involved / assisted / handled some notable cases as below:-

- Assisted in a Federal Court case of Syarikat Sebatik Sdn Bhd v Pengarah Jabatan Perhutanan & Anor [2019] 2 MLJ 689 on the issue of logging licences approved and issued to the plaintiff pursuant to the National Forestry Act 1984 and the Selangor Forestry Rules 1988 ceased on the basis that the areas which it carried out its logging activities were now designated as a reserved forestry area.
 - Assisted in a Federal Court case of Tenaga Nasional Malaysia v Batu Kemas Industri Sdn Bhd & Anor [2018] 5 MLJ 561 on the issue of whether pure economic loss independent of physical damage not recoverable where damage was caused by electricity supply failure or disruption. Federal Court held that plaintiff was contributory negligent in that it could have prevented the damage to its machinery if it had installed surge arresters at its factory.
 - Handled a Court of Appeal case of Ganad Media Sdn Bhd v Metramac Corporation Sdn Bhd in obtaining a court order for winding up.
 - Acted for Edaran Modenas Sdn Bhd in Penang High Court on the issue of cause of action against a guarantor accrues only when a demand is made.
 - Assisted in a Federal Court matter on the question of law whether a bankrupt has the capacity and authority to affirm an affidavit for a wound-up company.
 - Acted for a listed trust company to apply for an order in Kuala Lumpur High Court that a golf & country club, an interest scheme established pursuant to a Deed of Trust be wound up under Section 65(2)(a) of the Interest Schedule act 2016 and the unclaimed or undistributed monies shall be surrendered to the Registrar of the Companies.
 - Acted for banks on bulk debt collection matters.
 - Acted for Tenaga Nasional Berhad on matters such as non-payment of electricity bills and meter tampering.
 - Acted for Quantity Surveyor in attending hearing sessions in the Board of Quantity Surveyors Malaysia.
 - Acted for Pos Malaysia Berhad for contentious, non-contentious and bulk debt collection files.
 - Acted and advised DRB-Hicom Berhad and Group of Companies on several contentious and non-contentious matters.
 - Advised Gas Malaysia Berhad on contentious and non-contentious matters.
 - Acted for several adjudication matters pursuant to Construction Industry Payment & Adjudication Act 2012.
 - Acted for an Arbitration matter for the issues of breach of contract, omission of works, liquidated and ascertain damages (LAD) and whether issuance of Certificate of Non-Completion (CNC) is mandatory before LAD can be imposed.
 - Acted for Contract Solutions I Plt v SGV Builders Sdn Bhd for a suit in Sessions Court up to Court of Appeal for recovery of service charges based on services rendered to the appellant.
 - Handled several suits on the issue of breach of Bond Agreement.
 - Acting for proprietor to apply for an Originating Summons against the decision delivered by the Strata Tribunal.
 - Acting for clients in applying to High Court for removal of private caveat wrongfully lodged on a few pieces of land.
 - Acting for the matter of Federal Land Development Authority & Felda Investment Corporation Sdn. Bhd. v Tan Sri Haji Mohd Isa bin Dato's Haji Abdul Samad & 20 Ors in Kuala Lumpur High Court.
 - Acting for a defamation suit involving a sum of RM800 Million.
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