



SMITHA MENON

d +65 6416 8129
f +65 6532 5722
e smitha.menon@wongpartnership.com

QUALIFICATIONS

King's College, London (LL.B., Hons.)

ADMISSIONS

Singapore Bar

PROFILE

Smitha MENON is the Deputy Head of the firm's Restructuring & Insolvency Practice and a Partner in the International Arbitration and Special Situations Advisory Practices.

Her main areas of practice are corporate disputes and restructuring.

Smitha's international and local appointments include being the Chair of the International Chamber of Commerce ("ICC") Singapore Arbitration Group and on the ICC Commission for Arbitration and ADR. Smitha is also the Singapore alternate Court member on the ICC International Court of Arbitration. She is a Fellow of the Insolvency Practitioners Association of Singapore, on the board of the Singapore network of the International Women's Insolvency and Restructuring Confederation and on the Insolvency Practice Committee of the Law Society. A former Council member of the Singapore Law Society and the Professional Affairs Committee of the Singapore Academy of Law, she serves on the Law Society's Inquiry Panel and is regularly appointed on disciplinary matters including representing the Law Society before the Court of 3 Judges. She has been appointed arbitrator on Indian law governed arbitrations conducted under the SIAC Rules and ICC Rules.

Smitha graduated from King's College, London and is admitted to the Singapore Bar.

Relevant Experience:

Matters of significance in which Smitha has been involved in include acting/advising for the following:

- The Kingdom of Lesotho in an investment treaty arbitration for expropriation of diamond mining leases and in an application to set aside an investment treaty award finding the State liable for denial of justice in relation to its role in the shuttering of the Southern African Development Community Tribunal.
- The former majority shareholders of ISE-listed pharmaceutical company Ranbaxy Laboratories Ltd in challenging an arbitration award for sums in excess of S\$700

million which included the first successful ad hoc admission of Indian Senior Counsel for the purposes of the Singapore court proceedings: Re Harish Salve and another [2018] SGCA 06.

- JP Morgan Partners Asia Pte Ltd in a shareholders' dispute arising from a US\$260 million leveraged buy-out of a technology company, Metalform Asia Pte Ltd, which resulted in arbitration and litigation proceedings before tribunals and courts in Singapore, Mauritius and the Privy Council.
- Hyflux Ltd in its US\$2.3 billion debt restructuring; EMAS Chiyoda Subsea Limited and its subsidiaries on their cross-border restructuring of debt in excess of S\$1 billion, the MEO Group on its financial restructuring of liabilities in excess of S\$500 million, the ad hoc committee of holders of notes issued by Noble Group Limited on the US\$3.5 billion financial restructuring of the Noble Group and the ad hoc group of holders of convertible bonds issued by a subsidiary of IDX-listed PT Bumi Resource S Tbk.
- The liquidators of Obike Asia Pte. Ltd, the receivers of Airtrust (Singapore) Pte. Ltd, Lanco Resources International Pte. Ltd. and Amtek Global Technologies Pte. Ltd, the judicial managers of Singapore-listed Technics Oil & Gas Limited and the Trustees of notes issued by Ezion Holdings Ltd, Pacific Radiance Limited, Marco Polo Marine Ltd, Videocon Industries Limited, FRN I.M. Skaugen SE, Falcon Energy Group and Jasper Explorer Plc.
- EFG Bank AG, Singapore Branch in the scheme of transfer of the private banking, treasury and wealth management business of BSI Bank Limited to EFG and the liquidation of BSI Bank in Singapore as a result of the revocation by the Monetary Authority of Singapore of its banking license.

Related Practices

- India
- International Arbitration
- Restructuring & Insolvency
- Special Situations Advisory

Publications & Legal Updates:

- Article: International Insolvency & Restructuring Report 2020/21
- Article: Confidentiality in International Arbitration: A Comparative Jurisdictional and Institutional Review (co-authored with Nicholas Lingard)
Journal: Singapore Arbitration Journal (SIArbJ), May 2020
- Article: Ipso facto protection: As dead as the language and rightfully so?
Journal: Butterworths Journal of International Banking and Financial Law, June 2019
- Article: Super Priority in Rescue Financing—Lifeline or Lasso?
Journal: Butterworths Journal of International Banking and Financial Law
- Article: Navigating Singapore's restructured restructuring and insolvency framework
Journal: South Square Digest
- Article: Singapore: A Restructuring Entrepôt
Journal: Emerging Markets Restructuring Journal
- Article: Exploring the issues of bankruptcy (Re Opti-Medix Ltd (in liquidation) and another matter)
Journal: LexisNexis
- Article: Indonesia: Arbitrating With Foreign Parties – A Closer Look At Indonesia's Approach To Investor-State Dispute Resolution
Journal: Asian Dispute Review
- Article: Singapore High Court affirms that a party may obtain restraint orders ahead of any application for the calling of a creditors' meeting for the purposes of putting a company under a scheme of arrangement
Journal: Lexology
- Article: India-Singapore CECA, Comprehensive Economic Cooperation Agreement, The Investor's Guide
Journal: LexisNexis
- Article: Practical Guidance Singapore – Dispute Resolution
Journal: LexisNexis
- Article: Practical Guidance Commercial Module: Financial Distress, Bankruptcy and Insolvency
Journal: LexisNexis
- Singapore Precedents of Pleading

Awards & Accolades:

Smitha's expertise has been recognised in various publications including *The Legal 500*, *Who's Who Legal*, *Chambers Asia-Pacific – Asia-Pacific's Leading Lawyers for Business*, *The Global Restructuring Review's* 40 under 40 list (2016) of the world's leading restructuring lawyers, *IFLR 1000: Financial & Corporate, Best Lawyers*, *Asialaw Leading Lawyers*, *Lawyer Monthly – Women in Law* and *Asia Legal Business' 40 under 40 list* (2018). She is the only Singapore practitioner below 40 ranked in *Who's Who Legal* for Restructuring & Insolvency (2019).

Smitha is the first lawyer in Singapore to win the Woman of the Year in Restructuring (Asia) Award conferred by the International Women's Insolvency & Restructuring Confederation in 2020. She is also the youngest Singapore Court member and the first female Singapore Court member to be appointed to the ICC International Court of Arbitration.

She has been described by clients as "very practical and commercial and also very personable" a "technically very good lawyer" who has "really commercial solutions" and takes "ownership of what needed to be done" as well as being "very articulate and hands-on", "technically very strong", "very responsive" and "very supportive".