ShookLin&Bok

Shirin Swah



Partner

TELEPHONE: +65 6439 0628

EMAIL: shirin.swah@shooklin.com

QUALIFICATION:

- Advocate & Solicitor, Singapore, 2016

EDUCATION:

- LLB (Hons), University of Warwick, 2014

LANGUAGES:

- English
- Mandarin

Summary

Shirin is a Partner in the Litigation & Dispute Resolution team.

Shirin's practice encompasses a diverse range of litigation and arbitration work with a primary focus on employment disputes, as well as debt recovery and banking litigation. She also has experience in commercial & contractual disputes, restructuring & insolvency and building & construction. She has also advised and acted in several construction adjudication proceedings commenced under the Building and Construction Industry Security of Payment Act.

Shirin has acted for major local banks and financial institutions, multinational corporations, local construction companies and insolvency practitioners. She regularly advises banks on enforcement and recovery proceedings, and acts for employers across a broad spectrum of employment-related matters, including retrenchment exercises, disciplinary proceedings, terminations and enforcement of restrictive covenants. She has also advised clients in responding to complaints to the Tripartite Alliance for Fair and Progressive Employment Practices (TAFEP), disputes before the Tripartite Alliance for Dispute Management (TADM) and the Employment Claims Tribunal (ECT), and investigations by the Ministry of Manpower (MOM).

Matter Experience

Employment

- Acting for employers in obtaining interlocutory injunctions to restrain former employees from joining competitors in breach of their restrictive covenants: *MoneySmart Singapore Pte Ltd v Artem Musienko* [2024] SGHC 94 and *World Fuel Services (Singapore) Pte Ltd v Xie Sheng Guo* [2019] SGHC 54; and

- Advising a multinational corporation in conducting its retrenchment exercise as a result of the COVID-19 pandemic.

Disputes

- Successfully acting for a landlord in defending its right of re-entry into the premises and obtaining damages and indemnity costs against its tenant for failure to pay rent, and the tenant's claim for damages due to wrongful termination of the tenancy agreement;
- Successfully acting as Lead Counsel for a Hong Kong subsidiary of a listed Chinese company in an SIAC arbitration to reclaim a US$10 million deposit in relation to an infrastructure project in Indonesia; and
- Successfully acting for a leading Turkish aluminium manufacturer in an SIAC arbitration involving breach of contract and the Sale of Goods Act.

Restructuring & Insolvency

- Acting for the Envy Companies (i.e., Envy Asset Management Pte Ltd, Envy Management Holdings Pte Ltd and Envy Global Trading Pte Ltd) and liquidators in the Suit brought against eight former employees to recover approximately S$45.7 million in inter alia commission and/or profit-sharing: *Envy Asset Management Pte Ltd (in liquidation) and others v Lau Lee Sheng and others* [2025] SGHC 144;
- Successfully acting for a global indoor activity park company, Superpark Oy, in resisting the voluntary liquidation of its Singapore subsidiary. This matter involved the setting aside of an injunction filed by the provisional liquidators of the Singapore subsidiary, the commencement of judicial management proceedings and a successful appeal to the Court of Appeal. See *Superpark Oy v Super Park Asia Group Pte Ltd and others* [2021] 1 SLR 998;
- Defending an individual and her related companies in a suit brought by trustees of a bankruptcy estate against her for clawbacks of undervalue and unfair preference transactions valued at approximately S$13 million; and
- Acting for a creditor against the trustees of a bankrupt's estate to contest the legality of funding agreements which had the effect of assigning and selling the proceeds of avoidance transactions (insolvency clawback claims). The Singapore Court had held for the first time that funding agreements are permissible in the context of bankruptcies. See *Re Fan Kow Hin* [2019] 3 SLR 861.

Construction & Project Advisory

- Successfully acting for a sub-contractor in the landmark construction law decision in a claim brought under the Security of Payment Act by the Appellate Division of the High Court of Singapore. See *H P Construction & Engineering Pte Ltd v Mega Team Engineering Pte Ltd* [2024] SGHC(A) 5;
- Successfully acting for a local construction company to pursue acceleration claims by way of arbitration commenced under the Singapore International Arbitration Centre against a multinational construction corporation in relation to a 19-hectare media complex building owned by the largest media business in Singapore;
- Successfully acting for a dredging and excavation specialist in a Building and Construction Industry Security of Payment Act Adjudication Review to reduce the Adjudicated Amount awarded to the contractor in a JTC-commissioned

construction project; and

- Advising and acting for clients including a leading REIT property manager, a major cancer care provider, an aquaculture engineering company, a major data centre company, and a multinational technology company on projects valued at up to S$68 million on the drafting of building and construction contracts (SIA Conditions of Contract).

Publication

- Regulation of Legal Profession: Overview – Singapore (Thomson Reuters Practical Law)

Practice Areas:

- Construction & Projects
- Employment
- International Arbitration
- Litigation & Dispute Resolution
- Restructuring & Insolvency