



Niruch Winiyakul

Partner

T: +66 2 838 1750 ext. 1749

E: niruch.w@kap.co.th

Languages

- Thai
- English

Education and Admission

- LL.M in Tax Law, Queen Mary, University of London
- LL.B (Honors), Chulalongkorn University
- B.Ec (Monetary Economics and Finance – International Program), Thammasat University
- Member of the Thai Barrister at Law, the Thai Bar Association
- Admitted as a Legal Practitioner, the Lawyer Council of Thailand

www.kudunandpartners.com

Kudun and Partners
23rd Floor, Unit C and F,
Gaysorn Tower
127 Ratchadamri Road,
Lumpini, Pathumwan
Bangkok, 10330, Thailand

Practice Description

Niruch is a dispute resolution partner. He has a wealth of experience in advising both local and international clients on dispute resolution, commercial and business litigation, domestic and international arbitration, administrative law, labour/employment law, white collar crime, enforcement of security interests, insolvency & bankruptcy matters. He regularly acts for major domestic and international clients as their trusted business advisor and is highly sought-after for his in-depth legal knowledge and extensive litigation experience in a wide range of industries, including automotive, transportation, banking, insurance, and financial services.

Areas of Expertise

- Dispute resolution
- Commercial and business litigation
- Domestic and international arbitration
- Administrative law
- Labour /employment law
- Insolvency & bankruptcy law

Professional Experience

- Senior Associate, Herbert Smith Freehills (Thailand) Ltd.
- Associate, Weerawong, Chinnavat & Partners
- Associate, White & Case (Thailand)

Recent Awards and Rankings

- Recommended Lawyer in Dispute Resolution by the Legal 500 Asia Pacific 2020

Practice Focus

Significant transactions and projects which Niruch has handed include:

Dispute Resolution

- Acting for one of the largest Japanese apparel companies involving several million baht claims by its supplier.
- Acting for a major Thai security brokerage companies in connection with the claim of several million Thai baht by the former management before the Labour Courts of Thailand.
- Advising on a potential claim against one of the largest truck companies in Thailand concerning an accident inside its manufacturing premise.
- Acting for one of the materials and household-related product retailers in Thailand against an administrative expropriation order by the Department of Highways.
- Acting for a group of investors in relation to their investment claims against fraudulent companies and directors.

Alternative Dispute Resolution and Arbitration Law

- Representing one of the largest national petroleum exploration and production companies in Thailand concerning its arbitration dispute with a helicopter service provider.
- Acting for one of the world's leading professional accounting services firms in connection with a partnership dispute and the related Thai Arbitration Institute (TAI) arbitration proceedings.
- Acting for a Japanese international trading company in the enforcement of the International Cotton Association (ICA) arbitration awards against Thai textile companies in the Thai courts.
- Representing an international joint venture in claiming in one of the most complicated construction disputes against a state enterprise at the Thai Arbitration Institute (TAI).
- Representing a major Japanese insurance company in arbitration against reinsurance companies under the Thai Arbitration Institute (TAI) for indemnity over the floods in 2011.
- Representing a major Japanese boiler manufacturer company against defect claims totaling THB 1,553 million (USD 50 million).
- Representing one of the world's leading high-technology systems company concerning its arbitration dispute with a state enterprise.
- Representing a public listed company telecommunications company concerning breach of agreements, totaling THB 3.47 billion (USD 111.7 million).

Construction Disputes

- Advising on a civil case against an international construction company for damages incurred from the company of over THB 3 billion (USD 96.6 million).
- Representing an international energy solution and transport company in a claim relating to equipment malfunction in a Hydropower dam project in Laos.
- Representing an integrated Engineering, Procurement and Construction (Integrated EPC) company in Thailand concerning arbitration dispute under construction contracts.

- Representing a major Japanese company against claims totaling THB 3,106 million (USD 100 million) in connection with its construction of a gas turbine power station in South East Asia.
- Acting for a massive Chinese construction company in civil claim against a local project owner for unpaid works of over THB 202 million (USD 6.5 million).

Corporate and Commercial Disputes

- Representing one of the largest national petroleum companies in connection with its investigation and litigation concerning its palm-oil business totalling THB 22.6 billion (USD 727 million).
- Representing one of the leading UK Universities in connection with a claim against one of Thailand's leading professional legal services firms.
- Acting for one of the largest automobile manufacturing company's claim for trademark infringement by a well-known independent car importer.

Criminal Cases

Labour Disputes

- Representing the largest solar farm company in Thailand in relation to unfair dismissal claims by one of its directors.
- Acting for one of the world's leading professional accounting services firms in relation to an unfair dismissal claim by one of its partners.
- Representing one of Thailand's largest hotel chains in relation to an unfair dismissal claim.
- Representing one of the world-leading automotive firms in several civil claims and criminal charges brought by former high-ranking management regarding unfair dismissal, defamation, and perjury criminal offenses.

Litigation on bills of exchange and promissory notes

- Acting for a default claim against a listed energy company for payment of bill of exchange and bond in the amount of THB 300 million (USD 9.7 million).
- Acting for a default claim against one of the largest automobile parts companies in Thailand for payment of bill of exchange and bond in the amount of THB 270 million (USD 8.7 million).
- Representing a criminal and a civil claim against an automotive manufacturer for the default payment of bill of exchange and bond in the amount of THB 840 million (USD 27 million).
- Representing a default claim against a public company for payment of bill of exchange and bond in the amount of THB 285 million (USD 9.2 million).

Tax Disputes

- Representing one of the largest petroleum retailers in Thailand regarding complex petroleum tax litigation in the Thai Courts, in claims for THB 13 billion (USD 420 million).
- Representing one of the largest trucking companies regarding an excise tax dispute.

Publications and Presentations

- New TAI Rules 2017 - welcome changes for the Thai arbitration institute in Lexology: Law Business Research

Awards and Rankings

- Recommended Lawyer in Dispute Resolution by the Legal 500 Asia Pacific 2020