



Counsel | Advocate & Solicitor (Singapore)

Gursharn Singh Gill

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KEY PRACTICE(S)

Corporate, Commercial & Civil
Litigation

International Arbitration

Employment

Corporate & Commercial
Advisory

ADMISSION(S)

Singapore Bar (August 2018)

QUALIFICATIONS

Singapore Management
University's Juris Doctor
programme, J.D.

Gursharn graduated from the Singapore Management University's Juris Doctor programme in 2017 and was called to the Singapore Bar in August 2018. Prior to pursuing a career in law, Gursharn was a diplomat with the Ministry of Foreign Affairs. Gursharn's practice focus is on litigation and arbitration. He has acted for individuals and companies in a myriad of matters ranging from complex international arbitrations to civil and commercial disputes at all levels of the Singapore courts.

He has advised clients on, amongst other things, construction, employment, tortious, contractual, insurance, corporate and compliance matters. His approach to the law has been grounded on providing sound, practical advice and to advocate for his clients' rights robustly.

WORK HIGHLIGHTS

CIVIL AND COMMERCIAL DISPUTES

- Part of the team which acted for an F&B company in successfully resisting a claim in defamation. Also succeeded in the counterclaim in defamation in part. The defence was premised on the argument that the purported defamatory statements were made by the client's former employee in his personal capacity and the client could not be vicariously liable for such actions. This defence was successful. See *The Social Outcast Pte Ltd v OSEAS Pte Ltd* [2023] SGDC 34.
- Acted for an F&B company in a tenancy dispute with a major landlord in Orchard Road, Singapore. The landlord had terminated the tenancy agreement due to purported non-payment of rent. This was notwithstanding certain oral assurances given to the client that the landlord would consider the client's request for deferred payment due to the impact of COVID-19. Succeeded in helping the client negotiate a favourable settlement that saved the client significant time and cost.

- Acted for a construction company in its claim against two sub-contractors for unfulfilled contracts. Succeeded in obtaining judgment against the sub-contractors.
- Advised a businessman in his claim against a former mistress for monies paid and which he sought the return of. Succeeded in the High Court in having the monies returned to the client on the ground that the monies were a loan and not a gift as contended by the defendant. Though the ruling was eventually overturned on appeal, the case allowed the court to carefully consider the law on gifts and to provide clarification on the conduct and actions of parties that ought to be considered when determining the true intention of parties making gifts. See *Toh Eng Tiah v Jiang Angelina* [2020] SGHC 65.
- Acted for a major spa and wellness company in its dispute with a former employee. The former employee had, amongst other things, retained proprietary information and had sought to solicit the client's customers in breach of the non-compete clause in the employment agreement. Succeeded in obtaining an order for the return of the proprietary information.
- Acted for a company which had been sued by its former joint venture partner for purported unlawful termination of the joint venture and the retention of proprietary information. The claimant had also sought to rely on a penalty clause in the JV agreement for the payment of a liquidated penalty sum. Succeeded in arguing that this penalty clause was unenforceable.
- Acted for a solicitor in his claim in defamation against a former tenant. The former tenant had refused to move out of the client's premises despite the lawful termination of the tenancy agreement and had made defamatory statements against the client. Succeeded in obtaining summary judgment for the client and a restraining order against the former tenant.
- Instructed as lead counsel to take on an appeal for a client whose defence and counterclaim had been struck out on the basis that it disclosed no reasonable cause of action or defences. Succeeded in reversing the lower court's decision and the client's defence and counterclaim was reinstated.

ARBITRATION

- Part of the team which acted for a major construction company in its dispute with HDB. The client had been contracted to build flats, but the agreement had been terminated by HDB over purported breaches caused by building delays. Drafted the notice of arbitration, the preliminary arbitral papers as well as advised the client on the merits of its case.
- Part of the team that acted for a Singapore pharmaceutical company in its claim against a medical devices manufacturer. The

defendant had been contracted to build a machine to automate the client's assembly system. However, this was not done according to specifications and the claim was accordingly premised on a breach of contract.

- Acted for a commodity trading company in its multi-million dollar claim against a Hong Kong-based construction company. The defendant had been contracted to build a jetty in Indonesia but had failed to perform the task satisfactorily, leading to an unusable jetty and concomitant losses for the client.

CORPORATE ADVISORY

- Regularly advised corporate clients on the full suite of relevant matters. These included the drafting of employment agreements, non-disclosure agreements, company constitutions, sale and purchase agreements and shareholder agreements. Gursharn has also acted on retainer for F&B clients and has reviewed various agreements such as tenancy and employment agreements.
- Advised a UK-based private equity fund which was embarking on a joint-venture with a Singapore company. Reviewed the draft JV agreement and proposed key changes which were eventually incorporated into the final agreement. Also assisted the client to incorporate a subsidiary company in Singapore.
- Advised a Singapore listed company in a sale and purchase transaction. The client was purchasing a stake in a subsidiary of a global MNC. Gursharn worked on the sale and purchase agreement and assisted in the negotiations between the parties.