



Niruch (Nick) Winiyakul

Partner

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Languages

- Thai
- English

Education

- LL.M in Tax Law, Queen Mary, University of London, UK
- LL.B (Honors), Chulalongkorn University, Thailand
- B.E. (Monetary Economics and Finance – International Program), Thammasat University, Thailand

Professional Qualifications

- Thai Barrister-at-Law, the Thai Bar Association
- Legal Practitioner, the Lawyers Council of Thailand

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Profile

Niruch is a partner in the dispute resolution and litigation practice, with 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 has served as lead counsel in many of the most significant cases and transactions in Thailand 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 and litigation
- Alternative Dispute Resolution including domestic and international arbitration
- Administrative and commercial disputes
- Labour and employment disputes
- Restructuring and insolvency

Professional Experience

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

Recent Awards and Rankings

- Rising Star Partner in Restructuring and Insolvency by IFLR1000, 2022 – 2023/2024
- Future Star in Commercial and Transactions by Benchmark Litigation, 2022
- Asia Super 50 Disputes Lawyers by Asian Legal Business, 2021 - 2022
- Recommended Lawyer in Dispute Resolution by the Legal 500, 2020
- Rising star partner in Dispute resolution by Asialaw, 2023

Practice Focus

A selection of matters in which Niruch has been involved include:

Administrative Disputes

- Defending one of the eight subsidiaries of one of the largest wind farms in Southeast Asia with a total capacity of over 700MW and over 10 licenses from EGAT (Electricity Generating Authority of Thailand).
- Representing two major providers of internet services to revoke the ministerial regulations that imposed redundant usage fees causing the clients as public service providers to raise the service fee and affect the general public users, potentially causing up to THB 150 million per provider.
- Representing a retailer of materials and household-related products in Thailand against an administrative expropriation order by the Department of Highways.
- Representing Advanced Info Service Public Company Limited (AIS) on its claims against a former state enterprise of the Thai government.
- Representing an international joint venture in claiming one of the most complicated construction disputes against a state enterprise at the Thai Arbitration Institute (TAI).
- Representing one of the world's leading high-technology systems company concerning its arbitration dispute with a state enterprise.
- Representing one of the oldest printing companies in Thailand in connection with its passport production bidding in the Ministry of Foreign Affairs.

Alternative Dispute Resolution including Arbitration

- Representing one of the largest national petroleum exploration and production companies in Thailand concerning its arbitration dispute with a helicopter service provider.
- Representing one of the world's leading professional accounting services firms in connection with a partnership dispute at the Thai Arbitration Institute (TAI) arbitration proceedings.
- Representing 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 a major Japanese insurance company 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 a public listed company telecommunications company concerning breach of agreements, totaling THB 3.47 billion (USD 111.7 million).

Construction Disputes

- Advising a leading development company on a civil case against an international construction company for damages incurred totaling more than THB 3 billion (USD 96.6 million).
- Representing an international energy solution and transport company in a claim relating to equipments malfunction in a hydropower dam project in Lao PDR.
- Representing an integrated Engineering, Procurement and Construction (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.
- Representing 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).

Commercial Disputes

- Defending one of the leading delivery service companies with respect to trade competition and breach of contract at a disputed amount of THB 41 million at the Thai court and OTCC. Since Trade Competition Act has been recently enacted regarding franchise agreements, this new trade competition dispute is rarely brought to the court in Thailand and could be a precedent for the realm of Thai trade competition law.
- Representing Thailand's biggest power generating company with respect to a defamation claim due to advertising offenses and wrongful act, in which the client claims compensation of THB 100 million against the defendants.
- Representing one of Thailand's largest mobile phone operators on trademark registration matter by filing an appeal to the Board of Trademark contesting the Registrar's instruction not to register the client's mark.
- Representing one of the largest Japanese apparel companies involving several million THB claims by its supplier.
- Representing one of the largest national petroleum companies in connection with its investigation and litigation concerning its palm-oil business totaling THB 22.6 billion (USD 727 million).
- Advising on a potential claim against one of the largest truck companies in Thailand concerning an accident inside its manufacturing premise.

- Representing one of the leading UK Universities in connection with a claim against one of Thailand's leading professional legal services firms.
- Representing a group of investors concerning their investment claims against fraudulent companies and directors.
- Representing a major European luxury automotive company on various legal issues including labour disputes and compliance.
- Representing one of the largest automobile manufacturing company's claims for trademark infringement by a well-known independent car importer.
- Representing one of the leading low-cost carriers on its dispute with customers related to its loyalty program and providing advice on consumer protection matters in Thailand to over 500 cases at the Office of the Consumer Protection Board (OCPB) valued over billions of THB.
- Representing Uniqlo, a global Japanese clothing apparel company in defending a claim against its supplier.

Labour and Employment Disputes

- Representing the largest solar farm company in Thailand in relation to unfair dismissal claims by one of its directors.
- Representing an investment company in the court on a dispute involving directors in the company claiming for additional employment and compensation benefits in the total sum of THB 54 million (USD 1.6 million).
- Representing a major Thai security brokerage company in connection with the claim of several million THB by its former management before the Labour Courts of Thailand.
- Representing 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.
- Representing one of the largest oil and gas companies in the region for claim damages against its former employee due to business operation negligence in the amount of billions of THB.

Restructuring and Insolvency

- Representing a total of 87 savings co-operatives consisting of state-owned enterprises, universities, corporations and hospitals, the largest group of creditors of Thai Airways International Public Company Limited (THAI) in THAI's business rehabilitation proceeding, holding an aggregate debt of THB 45.65 billion or approximately

65% of the airline's debenture debts and 13% of the airline's total debt.

- Representing AEC Securities PCL., Country Group Securities PCL., Srisawad Finance PCL. (BFIT), and Volvo Group (Thailand) Co., Ltd., creditors of THAI's business rehabilitation proceeding in connection with their debt claims with THAI.
- Representing several high net worth individuals who are creditors of THAI's business rehabilitation proceeding in connection with their debt claims with THAI.
- Represented one of the US government-owned banks concerning a claim by the former owners of Thailand's leading cement manufacturer for an amount of THB 190 million.
- Representing the second-largest bank in South Korea, Shinhan Bank, which is a creditor, on its syndicate loan dispute with Jasmine International PCL (JAS) that went through a business restructuring and rehabilitation plan for the amount of USD 9.6 million.

Litigation on bills of exchange and promissory notes

- Representing a full-service brokerage firm providing services including securities brokerage, and investment advisory on its defense against investor claims on debt securities that were sold five years ago and went default amounting to THB 200 million (USD6.1 million).
- Representing 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).
- Representing 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.

Criminal Cases

- Defending a reputable holding company with investments in the telecom, media and technology (TMT) sector, including digital businesses with respect to the offense of being a co-principal for corruption at the Central Criminal Court for Corruption and Misconduct Cases.

- Represented and advised a subsidiary of one of the largest oil and gas companies in the region throughout the proceedings with the police officer in a money-laundering case regarding cross-border call center.
- Representing a high net worth individual client on their defense against criminal allegations related to fraudulent documents.

Publications and Presentations

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