

PROFILE & BIOGRAPHY

HIRAN DE ALWIS

LL.B (COL.), ATTORNEY AT LAW

CHARTERED ARBITRATOR FCI ARB (LOND.)

Overview of Contents;

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- a. State of advocacy and contribution to the development of law in Sri Lanka [Significant Cases]
- b. Posts held in internationally recognized associations and the contribution of the applicant and awards received.
- c. Publications and presentations submitted based on research carried out by the applicant as an Attorney-at-Law.



Mr. Hiran de Alwis is a Legal Counsel and Arbitrator in Colombo. He is engaged in practice as a Legal Counsel with chambers for over 25 years with expertise and practice specially in Civil and Commercial law litigation, Commercial and International Arbitration. especially in the areas of Financial services, Banking, Company Law, Construction disputes, Leasing, Factoring, Family Law, Writ and Fundamental rights Jurisdictions.

Mr. Hiran de Alwis FCI Arb, Attorney-at-Law is presently the Chair Chartered Institute of Arbitrators London (Sri Lanka Branch).

He is presently the Chairman of the Board of Governors and Chief Legal Advisor Sri Lanka National Arbitration Centre. He also previously was a Director of the Colombo Stock Exchange and functioned as the Chairman, Arbitration and Dispute Resolution Committee of the Colombo Stock Exchange.

Upon his schooling at St. Joseph's College Colombo, he was awarded an AFS Scholarship to study in New Zealand. Upon obtaining a Degree of Bachelor of Laws (LLB) from the University

of Colombo, he also became an Attorney-at-Law of the Supreme Court of Sri Lanka. Apart from being a Fellow of CIArb, he is also a Fellow of the Malaysian Institute of Arbitrators. He also possesses a Post Graduate Diploma in Law (Merit) in International Dispute Resolution from the University of London, UK.

He has presented several papers and made presentations to several professional Bodies including the National Chamber of Commerce, the Law Conferences of the Bar Association of Sri Lanka, The Institute of Architects, Contractors Associations, The Kunming China International Arbitration Centre on International trade, Corporate Law Association on Financial Claims due on imprecisely drafted Arbitration clauses.

He has functioned as a Company Director and has been a member of the Bar Council of Sri Lanka, and also was Chairman of the National Law Conference BASL, 2021.

He has been appointed by several Ministers of Justice for committees on reforms to Arbitration Laws and for developing of Arbitration Law and practice.

He also has participated in several international conferences, Law Asia and also at the centenary London Conference of CIArb in 2015.

Apart from his practice as a Lawyer, Counsel and Arbitrator he has special interests in cross border trade and interest in private and public International Law, Economics, and is bilingual.

Amongst his interests are, Cricket, Reading, Music and Child rights. He also has been a member of the Schools Under 17 National Cricket Champions and a member of the Colombo University Cricket team.

He is married with 3 children and lives in Colombo, Sri Lanka.

One of his objectives is for enhancing a robust and effective dispute resolution system to facilitate a more peaceful and orderly world order.

HIRAN DE ALWIS | LL.B (Col.), Attorney at Law

Chartered Arbitrator FCI Arb (Lond.)

BIOGRAPHY & ANNEXTURES

LEGAL COUNSEL IN CIVIL LITIGATION, COMMERCIAL LITIGATION, COMMERCIAL ARBITRATION, INTERNATIONAL ARBITRATION AND RELATED ADVISORY SERVICES.

SPECIALIZING IN FINANCIAL SERVICES, BANKING, COMPANY LAW, LEASING, FACTORING, FAMILY LAW, WRIT AND FUNDAMENTAL RIGHTS ISSUES.

PRACTICING MAINLY IN COMMERCIAL HIGH COURT, DISTRICT COURT COLOMBO & KANDY, COURT OF APPEAL AND SUPREME COURT OF SRI LANKA SINCE 1994

PASSIONATE ABOUT READING, MUSIC, CRICKET & CHILD RIGHTS.

\ EDUCATIONAL QUALIFICATIONS

DEGREE	:	BACHELOR OF LAW DEGREE (LL.B) FACULTY OF LAW, UNIVERSITY OF COLOMBO (1992)
PROFESSIONAL	:	ATTORNEY-AT-LAW SUPREME COURT OF SRI LANKA (1994)
		CHARTERED ARBITRATOR (LONDON) FCI ARB FELLOW - CHARTERED INSTITUTE OF ARBITRATORS, UK
POST GRADUATE	:	POST GRADUATE DIPLOMA IN LAW (MERIT) (INTERNATIONAL DISPUTE RESOLUTION) UNIVERSITY OF LONDON, UK
EDUCATION	:	ST. JOSEPH'S COLLEGE, COLOMBO 10, SRI LANKA (1984)

\ PROFESSIONAL WORK

PRACTICING AS LEGAL COUNSEL (OVER 25 YEARS +)
CHAMBERS - COLOMBO, SRI LANKA

\ AREAS OF PRACTICE, KNOWLEDGE, SKILLS AND CAPABILITY

LEGAL COUNSEL IN CIVIL AND COMMERCIAL LAW LITIGATION, COMMERCIAL ARBITRATION AND INTERNATIONAL ARBITRATION

SPECIALIZING IN FINANCIAL SERVICES, BANKING, COMPANY LAW, LEASING, FACTORING, FAMILY LAW, WRIT AND FUNDAMENTAL RIGHTS ISSUES.

PRACTICING MAINLY IN COMMERCIAL HIGH COURT, DISTRICT COURT COLOMBO, KANDY, COURT OF APPEAL AND SUPREME COURT OF SRI LANKA.

\WORK EXPERIENCE

CHAMBERS OF
(LATE) HONOURABLE LAKSHMAN KADIRGAMAR PC, M.P. (1993-94)

JUNIOR COUNSEL IN CHAMBER OF
ROMESH DE SILVA, PC (1995-2004)

(HONY) CHIEF LEGAL ADVISOR
SRI LANKA NATIONAL ARBITRATION CENTRE

(HONY) LEGAL ADVISOR
COLLEGE OF GENERAL PRACTITIONERS (2005)

\PROFESSIONAL RESPONSIBILITIES

CHAIRMAN BOARD OF GOVERNORS AND (HONY) CHIEF LEGAL ADVISOR
SRI LANKA NATIONAL ARBITRATION CENTRE

FORMER DIRECTOR, COLOMBO STOCK EXCHANGE
APPOINTED BY HON. MINISTER OF FINANCE

FORMER CHAIRMAN, ARBITRATION AND DISPUTE
RESOLUTION COMMITTEE OF COLOMBO STOCK EXCHANGE

DISCIPLINARY COMMITTEE MEMBER OF SUPREME COURT
NOMINATED BY BASL TO BE APPOINTED UNDER THE JUDICATURE ACT
BY THE HON. CHIEF JUSTICE.(2020 TO DATE)

CHAIRMAN (2023/24)
CHARTERED INSTITUTE OF ARBITRATORS LONDON (SRI LANKA)

CHAIRMAN
NATIONAL LAW CONFERENCE (2021), BAR ASSOCIATION OF SRI LANKA

FORMER MEMBER
BAR COUNCIL 1997/ 98 & 2014/ 15

\ OTHER PROFESSIONAL PRESENTATIONS

CONVENER OF THE OVERSEAS RELATIONS COMMITTEE OF THE NATIONAL BAR ASSOCIATION OF SRI LANKA (2005/06)

PAPER ON COMPANIES ACT:
'WINDING UP REFORMS'
PRESENTED TO THE NATIONAL LAW CONFERENCE 2003

PAPER ON DEVELOPING COLOMBO
REGIONAL/INTERNATIONAL ARBITRATION HUB
PRESENTED TO THE NATIONAL LAW CONFERENCE 2010 & BAR ASSOCIATION LAW JOURNAL 2010

MEMBER OF COMMITTEE FOR
"REFORMS TO ARBITRATION LAWS"
APPOINTED BY FORMER MINISTER OF JUSTICE

PRESENTATION OF PAPER ON FINANCIAL CLAIMS DUE TO IMPRECISELY DRAFTED ARBITRATION CLAUSE TO NATIONAL CHAMBER OF COMMERCE OF SRI LANKA AND CORPORATE LAWYERS ASSOCIATION

ADDRESSED NATIONAL CHAMBER OF COMMERCE AND CONTRACTORS ASSOCIATION OF SRI LANKA

PRESENTATION SPEECH ON ARBITRATION PROTECTION AND INTERNATIONAL TRADE TO CHINA KUNMING INTERNATIONAL COMMERCIAL ARBITRATION CENTRE. ON 20TH NOV 2019

\ BACKGROUND, EDUCATION & EXTRA CURRICULAR ACTIVITIES

DATE OF BIRTH : 18TH JULY 1966 (57 YEARS)
FAMILY : MARRIED WITH 3 CHILDREN

TAX STATUS : REGISTERED TAX PAYER SINCE 1997

SCHOOL : ST. JOSEPH'S COLLEGE – COLOMBO 10
SCHOOL PREFECT
PRIZE WINNER: ECONOMICS,
GENERAL KNOWLEDGE & ENGLISH

CRICKET SRI LANKA UNDER-17
(NATIONAL CHAMPIONSHIP TEAM)

UNIVERSITY : MEMBER - LAW FACULTY MOOT COURT TEAM TO INDIA
DEBATING TEAM
LAW FACULTY CRICKET CAPTAIN
COLOMBO UNIVERSITY CRICKET TEAM

\REFERENCES

- 1) HIS LORDSHIP THE CHIEF JUSTICE OF THE SUPREME COURT OF SRI LANKA
- 2) HON. ATTORNEY GENERAL
- 3) PRESIDENT OF THE BAR ASSOCIATION OF SRI LANKA
- 4) HON. PRIYASATH DEP PC
FORMER CHIEF JUSTICE
- 5) HON. G.P.S. DE SILVA
FORMER CHIEF JUSTICE
- 6) HON. JUSTICE K.T. CHITRASIRI
FORMER JUDGE COMMERCIAL COURT AND SUPREME COURT
- 7) HON. JUSTICE GAMINI AMARASEKERA
FORMER JUDGE COMMERCIAL COURT, COLOMBO
- 8) ROMESH DE SILVA PC
FORMER PRESIDENT BAR ASSOCIATION OF SRI LANKA (BASL)
- 9) W. DAYARATNE PC
FORMER PRESIDENT BAR ASSOCIATION OF SRI LANKA (BASL)
- 10) DR. HARSHA CABRAL PC

**STATE OF ADVOCACY AND CONTRIBUTION
TO THE DEVELOPMENT OF LAW IN SRI LANKA**
[SIGNIFICANT CASES]

- (A) SENIOR LEGAL COUNSEL WITH OWN CHAMBERS.
- (B) APPEARED AS LEGAL COUNSEL IN LARGE NUMBER OF TRIAL AND ARBITRATIONS FOR ALMOST ALL BANKS, FINANCIAL FIRMS, BOI, SCHOOLS CRICKET BOARDS, RUGBY, WRESTLING BOARDS AND ENFORCEMENT OF FOREIGN AND LOCAL ARBITRATIONS (NUMBERS OVER 4000) – LETTERS OF APPRECIATION ANNEXED AND CONTINUOUS TAX PAYER ON PROFESSION OVER LAST 22 YEARS.
(VIDE LETTERS J & C, LOLC GROUP, SIERRA GROUP)
- (C) SC HC CALA331/2010 - APPEARED FOR BOI (RESPONDENT)
COURT UPHELD THE LEGAL PRINCIPLE THAT A FOREIGN COMPANY CANNOT USE A POWER OF ATTORNEY TO SIGN A PROXY ON BEHALF OF PLAINTIFF COMPANY (SEES LANKA VS. BOI – ANNEXED C₁)
- (D) CA TAX 16/2014 - FOR APPELLANT
COURT UPHELD LEGAL PRINCIPLE THAT STAMP DUTY FOR BONUS SHARES IS PAYABLE ONLY ON THE PAR VALUE OF THE CERTIFICATE AND NOT MARKET VALUE (ANNEXED D₁)
- (E) CA WRIT 314/2016 - FOR PETITIONERS VS. UDA AND KADUWELA MC
COURT HELD LEGAL PRINCIPLE OF A WRIT OF MANDAMUS TO COMPEL PUBLIC OFFICIALS TO PERFORM STATUTORY DUTY AND ORDERED OPERATION OF AN UNAUTHORIZED WAREHOUSE AND GRANTED WRIT (ANNEXED E₁)
- (F) CA WRIT 306/2015 – FOR RESPONDENT – SCHOOLS RUGBY ASSOCIATION
COURT DISMISSED PETITION UPHELD LEGAL PRINCIPLE THAT WHEN THERE’S AN ALTERNATE REMEDY WRIT CANNOT LIE (ANNEXED F₁)
- (G) CALA 509/2005 – FOR CREDITOR RESPONDENT BANK
COURT UPHELD LEGAL PRINCIPLE THAT A LIQUIDATOR IN A WINDING UP CASE IS AN OFFICER OF COURT AND ONE OF THE OBJECTIONS OF WINDING UP PROCEDURE IS PROTECTION OF CREDITORS AND DISMISSED APPEAL (ANNEXED G₁)
- (H) CA 2006(2) SLR SILVA vs. SILVA – FOR PETITIONER
COURT UPHELD LEGAL PRINCIPLE OF DISCRETION UNDER SECTION 175(1) OF C.P.C. TO BE GRANTED WHERE SPECIAL CIRCUMSTANCES ARISE IN THE INTEREST OF JUSTICE (ANNEXED H₁)

- (i) HCCA 394/2005 (F) – FOR RESPONDENT
COURT UPHELD LEGAL PRINCIPLE THAT WHEN SUSPICION CAST ON LAST WILL THE BURDEN IS THE PROPOUNDER OF THE WILL AND UPHELD DC. JUDGEMENT AND SET ASIDE THE LAST WILL (ANNEXED I₁)

- (j) HC CIVIL 6/2006 (3) – FOR SUBSTITUTED RESPONDENTS
COURT UPHELD THE RIGHTS OF THE RABEA TRADE MARKS (OF SUBSTITUTED RESPONDENT) AND DISMISSED AN APPEAL UNDER THE INTELLECTUAL PROPERTY CODE AND UPHELD PRINCIPLE THAT THE STATUTORY PROVISIONS BE STRICTLY FOLLOWED (ANNEXED J₁)

- (k) HC CIVIL 251(14) – FOR PLAINTIFF
COURT UPHELD LEGAL PRINCIPLE THAT ELECTRONIC TRANSACTIONS ACT SUPERSEDES THE COMPUTER SP: PROV. ACT 2005 AND PERMITS ELECTRONIC EVIDENCE AS PRIMARY EVIDENCE.

- (l) HC CIVIL 16/2007/CO – FOR CREDITOR RESPONDENT
COURT UPHELD LEGAL PRINCIPLE THAT COMPANY ACT WINDING UP APPLICATIONS ARE NOT TO ENGAGE IN FRAUD AND LIFTED CORPORATE VEIL AND DISMISSED PETITION.

- (m) SCFR 420/17 – FOR PETITIONER SIERRA VS. KDU
COURT GRANTED INTERIM ORDER AND LEAVE TO PROCEED ALSO ON 14(1) BUT RESPONDENT PARTY WITHDREW TENDER AND CASE WITHDRAWN (ANNEXED M₁)

- (n) APPEARED PREVIOUSLY AS JUNIOR COUNSEL IN SEVERAL LANDMARK CASES SUCH AS AIR LANKA VS. LEO SAMSON, BOI WATERS EDGE CASE, SUNDAY LEADER CLOSURE CASE.

- (o) SEVERAL COMMERCIAL ARBITRATIONS AND COMMERCIAL HIGH COURT CASES UPHOLDING UNCITRAL, ICC, FIDIC RULES.

- (p) SCFR 209/2015 – FOR 7TH RESPONDENT
COURT VACATED INTERIM ORDER OBTAINED BY PETITIONER STOPPING A WIND POWER PLANT.

- (q) SC 118 (20421 L) – FOR PLAINTIFF – RESPONDENT
SC UPHELD DC AND HCCA JUDGEMENT OBTAINING A REVINDICATION ACTION AND EJECTMENT. APPEARED IN ALL 3 FORUMS.

- (r) DC KANDY 725/2017 – FOR PLAINTIFF BY TAIWAN COMPANY
IN POSSIBLY LARGEST FINANCIAL CLAIM OVER RS. 2,000,000 (RUPEES TWO BILLION) PROCEEDING AGAINST DEFENDANT.

- (s) ICC ARBITRATION – FOR RESPONDENT
BRITISH LIVING VS. SIERRA – ORIGINAL OBJECTION TO JURISDICTION UPHELD BY TRIBUNAL AND CLAIMS DISMISSED AS ICC RULES WRONGLY INVOKED.

- (T) SIERRA vs. DPMC – FOR CLAIMANT
UNANIMOUS ARBITRATION AWARD FOR CLAIMANT AND COUNTER CLAIM
REJECTED.

- (U) DC 757/09 – FOR PLAINTIFF
SUED FOREIGN BANK. COURT UPHELD DUTY OF CARE AND GRANTED
JUDGEMENT AGAINST DEFENDANT BANK.

- (V) SC 54/ 2012 FOR BOI – APPEAL BY BONAVENTURE APPARELS DISMISSED

- (W) SC 136/2011 FOR RESPONDENT RABEA TEA. — INTELLECTUAL PROPERTY
TRADE MARK CASE. REGISTRATION AND GAZETTES CONFIRMED. COMMERCIAL
HIGH COURT JUDGEMENT UPHELD. APPEAL BY STASSEN EXPORTS LTD
DISMISSED.

**POSTS HELD
IN INTERNATIONALLY RECOGNIZED ASSOCIATIONS
AND THE CONTRIBUTION OF THE APPLICANT
AND AWARDS RECEIVED**

- (A) MEMBER CHARTERED INSTITUTE OF ARBITRATORS LONDON

- (B) DELEGATE TO CHARTERED INSTITUTE OF ARBITRATOR CENTENARY CONFERENCE LONDON, WHERE LONDON CONFERENCE PRINCIPLES ESTABLISHED

- (C) LAWASIA DELEGATE – SRI LANKA, MALAYSIA

- (D) ESTABLISHED UNCITRAL RULES OF ARBITRATION FOR GOVERNING OF LOCAL ARBITRATIONS AT SLNAC.

- (E) CHAIRMAN CHARTERED INSTITUTE OF ARBITRATORS LONDON (SRI LANKA BRANCH) 2023/24

**PUBLICATIONS AND PRESENTATIONS SUBMITTED
BASED ON RESEARCH CARRIED OUT BY THE APPLICANT
AS AN ATTORNEY-AT-LAW**

- (A) PAPER PRESENTED TO NATIONAL LAW CONFERENCE 2010
ON DEVELOPING SRI LANKA AS A REGIONAL INTERNATIONAL ARBITRATION HUB
FOR FDI AND TO BLJ (ANNEXED A)

- (B) PAPER PRESENTED TO NATIONAL LAW CONFERENCE 2003
ON COMPANY ACT – WINDING UP REFORMS
(ANNEXED B)

- (C) PAPER PRESENTED TO NATIONAL LAW CONFERENCE 2016
ON ARBITRATION SESSION PERSPECTIVES
(ANNEXED C)

- (D) ADDRESS TO NATIONAL CHAMBER OF COMMERCE 2009
ON IMPORTANCE OF ARBITRATION FOR BUSINESS
(ANNEXED D)

- (E) ADDRESS TO STOCK EXCHANGE AND SEC AT CAPITAL MARKET DEVELOPMENT
WORKSHOP 2011
ON IS STOCK MARKET OVER REGULATED
(ANNEXED E)

- (F) PRESENTATION TO SRI LANKA INSTITUTE OF ARCHITECTS IN 2012
ON DISPUTE RESOLUTION IN CONSTRUCTION CONTRACTS

- (G) PRESENTATION TO CHINA KUNMING INTERNATIONAL COMMERCIAL
ARBITRATION SERVICE ON ARBITRATION PROTECTION AND PROMOTION OF
INTERNATIONAL TRADE – (NOVEMBER 2019)

- (H) WEBINARS AND LECTURES FOR BASL 2021/22 ON ARBITRATIONS, INTERIM
RELIEFS IN CIVIL LAW.

\CONTACT INFO

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