



## “He is outstanding” Chambers and Partners

Vikram is a highly accomplished and multi-talented advocate who has appeared in many significant cases in the higher courts (including the Supreme Court) in a wide range of fields. He is known for pushing the boundaries of the law, and has appeared in a number of landmark cases, including *Re M, Aintree v James* [2013] UKSC 67, [2014] AC 591; *R (Tracey) v Cambridge University Hospital* [2014] EWCA Civ 33; *Secretary of State for the Home Department v Skripal* [2018] EWCOP 6, [2018] COPLR 220, [2018] Med LR 276; *NHS Trust v Y* [2018] UKSC 46, [2018] 3 WLR 751 in Human Rights; and *Denton v T.H. White Limited* [2014] EWHC 906, [2014] 1 WLR 3926 in Commercial law.

As well as his acute appreciation of the direction in which the law might develop, he is renowned for his extremely effective cross-examination.

His cases are often high profile and attract national media attention. In March 2013, whilst still a Junior, he was named *The Times*' Lawyer of the Week.

His practice is wide-ranging, spanning Public law and Human Rights, Financial Services, Commercial Litigation and Arbitration, Procurement, Construction, Media law, Regulatory and Disciplinary, Indirect and Direct Tax, and Litigation Funding and Costs.

He is specifically recommended in the legal directories in Administrative and Public law, Civil Liberties and Human Rights, Regulatory and Disciplinary law, Court of Protection (Welfare), and Costs and Litigation Funding.

Vikram was previously Junior Counsel to the Crown 'A' Panel (having been on the 'B' and 'C' Panels prior to that).

He taught Administrative law at Cambridge University, and Tort and Criminal law at Oxford University for a number of years. Before that, Vikram studied Undergraduate Law and Medicine at Cambridge before completing the BCL in one year (obtaining the joint highest first in Philosophical Foundations of the Common Law, and firsts in Remedies in Contract and Tort, and in Criminal Justice and Penology) and then completing his medical degree at Oxford.

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## PRACTICE AREAS

- Administrative & Public Law
- Human Rights & Medical Law
- Commercial Law
- Regulatory & Disciplinary
- Tax
- Media Law
- Costs & Litigation Funding

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## PRACTICE AREAS

### ADMINISTRATIVE & PUBLIC LAW

Vikram's busy public law practice covers a large number of areas, including Mental Health, National Security and Immigration, Prisons, Financial Services Regulation, Local Government, Civil Liberties and Human Rights, and appears on behalf of claimants, local authorities, and central government.

Vikram is the Vice Chair of ALBA.

#### Cases:

- **NHS Trust v Y** [2018] UKSC 46; [2018] 3 WLR 751: Whether it was a breach of A2 to fail to seek permission from court before withdrawing CANH in a Prolonged Disorder of Consciousness.
- **Smith v Lancashire Teaching Hospitals NHS Trust & Secretary of State for Justice** [2017] EWCA Civ 1916; [2018] QB 804: s1A(2) Fatal Accidents Act 1976 was in breach of s4 HRA 1998 as being incompatible with A8 read with A14 in refusing bereavement damages to cohabitants of 2 years+.
- **In re Briggs (Incapacitated Person)** [2017] EWCA Civ 1169 [2018] Fam 63: Whether s21A MCA 2005 permitted the determination of withdrawal of CANH from a patient in a Prolonged Disorder of Consciousness.
- **Djaba v West London Mental Health Trust** [2017] EWCA Civ 436; [2018] 1 WLR 1333: Whether mental health tribunals have jurisdiction to determine issues under A5 and/or A8.
- **R (YZ) v Oxleas NHS Foundation Trust** [2017] EWCA Civ 203; [2017] 1 WLR 3518: Whether the transfer of the claimant to a high security mental hospital would breach A3 and/or A8.
- **R (Maggs) v North Bristol NHS Trust & HFEA and Department of Health** (2015): Successful human rights challenge to refusal to continue to store claimant's gametes, resulting in change in HFEA guidance.
- **R (Nyoni) v Secretary of State for Business, Innovation & Skills** [2015] EWHC 3533 (Admin) [2016] ELR 88: Legality of the government's interim policy for student loans for those not settled in the UK, issued

after *Tigere*.

- **R (Tigere) v Secretary of State for Business, Innovation & Skills** [2015] UKSC 57; [2015] 1 WLR 3820: Whether a student loan policy that required the right to stay permanently violated the right to education read with Article 14.
- **R (Tracey) v Cambridge University Hospitals NHS Foundation Trust & Secretary of State for Health** [2014] EWCA Civ 822; [2015] QB 543: Whether Article 8 requires consultation with the patient before a DNACPR decision is made, and whether a national DNACPR policy is mandatory.
- **Westscott Financial Services Ltd v Financial Ombudsman Service** [2014] EWHC 3972 (Admin): Whether, in refusing a stay of the complaints, the FOS had failed to take account of the FSCS litigation in the Commercial Court.
- **R (Kebede) v Secretary of State for Business, Immigration & Skills** [2013] EWHC 2396 (Admin); [2014] PTSR 92: Whether breach of A2P1 and A14 to deny the Claimant a student loan.
- **R (Kadri) v Birmingham City Council & Secretary of State for the Home Department** [2012] EWCA Civ 1432; [2013] 1 WLR 1755: Whether local authorities bound by age assessment decision of SSHD, and whether splitting the system of age assessment for asylum seekers between central and local government was in breach of the EU principle of effectiveness.
- **MD (Afghanistan) v Secretary of State for the Home Department** [2012] EWCA Civ 194; [2012] 1 WLR 2422: Whether it was appropriate to appeal to CA when an application for permission to claim judicial review had been refused on the papers.
- **R (Arogundade) v Secretary of State for Business, Innovation & Skills (Administrative Court)**: Whether the requirement for “*ordinary residence*” in the Education (Student Support) (No. 2) Regulations 2008 implicitly requires lawful residence.
- **R (Moore) v Skipton Fund Ltd & Secretary of State For Health** [2010] EWHC 3070 (Admin); (2011) 117 BMLR 185: Whether Hepatitis C compensation scheme lawful.
- **RH v South London & Maudsley NHS Foundation Trust & Secretary of State for Justice** [2010] EWCA Civ 1273; (2011) 117 BMLR 47: Whether the requirement under MHA 1983 s75(3) that an application should satisfy a tribunal that a restriction order should cease breached the applicant’s rights under Article 8 ECHR.
- **R (V) v South London & Maudsley NHS Foundation Trust & Croydon LBC 7 April 2010 LBC** [2010] EWHC 742 (Admin); (2010) 13 CCL Rep 181: Whether the relevant circumstances under MHA 1983 s11(4) were only those as they appeared to the AHMP at the time of the application for admission for treatment.
- **R (AN) v Secretary of State for Justice** [2009] EWHC 1921 (Admin) [2010] ACD: Challenge to the placement of a high security prisoner who had been under a control order in a single cell based on an alleged breach of Articles 3 and 8 in HMP Belmarsh.
- **Secretary of State for the Environment, Food & Rural Affairs v Downs** [2009] EWCA Civ; [2009] 3 CMLR 46; [2010] Env LR 7: Challenge to the UK pesticides regime as being in breach of Directive 91/414.
- **R (Ross) v West Sussex Primary Care Trust** [2008] EWHC 2252 (Admin); (2009) 106 BMLR 1: Whether the Trust was entitled to refuse funding for a potentially life-extending drug.
- **R (Nathan Brooks) v Secretary of State for Justice** [2008] EWHC 3622 (QB) [2010] Prison LR 266:

Whether the prison service or MOJ had a duty of care towards prisoner where NHS is providing the medical care.

- **R (Page) v Secretary of State for Justice** [2007] EWHC 2026 (Admin); (2007) ACD 100: Whether refusal to exercise Royal Prerogative of Mercy for the early release of a prisoner who has been misled as to his correct release date was lawful.
- **R (Broadbent) v Parole Board (QBD)** 27 May 2005 [2005] EWHC 1207 (Admin); The Times 22 June 2005: Whether a charge and pending prosecution alone could justify a conclusion that there was an unacceptable risk of re-offending.

## HUMAN RIGHTS & MEDICAL LAW

Vikram has an extremely successful and high profile practice acting in all areas of medical law and human rights.

### Cases:

- **NHS Trust v Y** [2018] UKSC 46; [2018] 3 WLR 751: Whether breach of A2 to fail to seek permission from court before withdrawing CANH in a Prolonged Disorder of Consciousness.
- **Secretary of State for the Home Department v Skripal** [2018] EWCOP 6; [2018] COPLR 220; [2018] Med LR 276: Whether it was in the Skripals' best interests for blood to be taken to be sent to the OPCW rather than for a therapeutic purpose.
- **Briggs v Briggs** [2016] EWCOP 53; [2017] 4 WLR 37: A landmark case – the first case in which a court has authorised withdrawal of Clinically Assisted Nutrition and Hydration from a clinically stable patient in a Minimally Conscious State.
- **M v N** [2015] EWCOP 76; [2016] COPLR 88: The first case in which a court has authorised withdrawal of Clinically Assisted Nutrition and Hydration from a patient in a Minimally Conscious State.
- **Re Ashya King** [2014] EWHC 2964 (Fam); [2014] 2 FLR 855: Whether Ashya should be permitted to travel to Prague for proton therapy.
- **Sandwell & West Birmingham Hospitals NHS Trust v CD** [2014] EWCOP 23; [2014] COPLR 650: General guidance for out of hours hearings in Serious Medical Treatment cases.
- **Aintree University Hospitals NHS Foundation Trust v James** [2013] UKSC 67; [2014] AC 591: The meaning of "*futile*" in relation to medical treatment.
- **W v M** [2011] EWHC 2443 (Fam); [2012] 1 WLR 1653: Whether the court had jurisdiction to authorise withdrawal of food and water from a patient in a minimally conscious state.

## COMMERCIAL LAW

Vikram has a very successful commercial litigation practice covering commercial dispute resolution, banking, fraud, energy, insurance/reinsurance, procurement, construction, and media and entertainment.

Vikram is a member of COMBAR, and LCLCBA.

### Cases:

- **SPI North v Swiss Post & Asendia** (ongoing): Multimillion pound claim for damages for breach of exclusive distribution contract against two national postal services.

- **Domestic Arbitration** (2018) (Arbitrator).
- **Jones v NHS Commissioning Board** [2017] EWHC 3557 (QB): Whether claimant GPs entitled to interim injunction restraining termination of GMS contract.
- **EMW Law LLP v Halborg** [2017] EWHC 1014 (Ch); [2017] 3 Costs LO 281: Whether solicitor obliged to disclose to agent without prejudice negotiations with the other side.
- **International Arbitration** (2016) (Counsel).
- **Blankley v Central Manchester & Manchester Children's University Hospitals NHS Trust** [2015] EWCA Civ 18; [2015] 1 WLR 4307: Whether supervening mental incapacity frustrates a conditional fee agreement.
- **Domestic Arbitration** (2015) (Counsel).
- **Jowhari v NHS England** [2014] EWHC 4197 (QB): Whether NHS England owes a statutory duty or a duty in negligence to compensate dentists for economic loss arising out of negligent use of its powers.
- **Denton v T H White Ltd** [2014] EWHC 906; [2014] 1 WLR 3926: Reinterpretation of the *Mitchell* case on noncompliance with court orders.
- **Parker v Shoreham Port Authority** (2013, TCC): Contractual debt claim for expenses of referring dispute to expert determination.
- **Armstrong v Pope & Co** (2011): Professional negligence claim against a solicitor and barrister.
- **Care Aspirations v Sutton & Merton Primary Care Trust** (2010): High Court debt claim against Trust arising out of care home facilities.
- **Hugh James (A firm) v Smith (Chancery Division)** (2009): Restitution claim for mistaken payment.
- **Re Anglian Windows** (2009): Dispute whether guarantees were "contracts of insurance" within s20 of Schedule 2 to the Financial Services and Markets Act 2000.
- **Roadrunner Properties Ltd v Dean** [2003] EWCA Civ 1816; [2004] 1 EGLR 73: An appeal against the Judge's interpretation of expert engineering evidence in context of *Party Wall Act 1996*.
- **Discairn Project Services Limited v Opecprime Development Limited** [2000] BLR 402; (2001) 3 TCLR 16: Whether breach of natural justice was a defence to an application for summary judgment in respect of an adjudicator's award.

## REGULATORY & DISCIPLINARY

Vikram is a "renowned" (Chambers and Partners) regulatory silk who has appeared in a very wide range of tribunals, for Applicants and Respondents – for instance, the General Dental Council, General Medical Council, Immigration Services Tribunal, Care Standards Tribunal, and General Social Care Council. He has also acted in a number of appeals to the High Court from disciplinary bodies.

Vikram is a member of the Executive Committee of ARDL.

Legal Clerk to the independent Appeals Body to Phoneyplus, the premium rate regulator.

### Cases:

- **Bass & Ward v Solicitors Regulation Authority** [2012] EWHC 2012 (Admin): An appeal against a finding

that solicitors had breached Rule 5 of the Code of Conduct 2007 (supervision).

- **Bass & Ward v Solicitors Regulation Authority** [2012] EWHC 2457 (Admin); [2013] 5 Costs LO 651: Whether the costs on an appeal from the SDT should be determined by CPR 52 or by *Baxendale-Walker v Law Society* [2008] 1 WLR 426.
- **Beller v The Law Society** [2009] EWHC 2200 (Admin): Whether SDT was justified in striking a solicitor off the roll who had breached an undertaking given to a client.
- **R (Marshall) v Nursing & Midwifery Council** [2008] EWHC 2931: Whether the responsibility of a “nurse in charge” required the nurse to read the notes of the lower-grade nurses in respect of all patients within their care to check that there had been no omissions or failures on the part of the lower-grade nurses.
- **DAS v Secretary of State for Education and Skills** [2006] 796.PT: Acted for Secretary of State in List 99 appeal (whether s142 Education Act on grounds that Appellant unsuitable to work with children) in Care Standards Tribunal.

## TAX

Vikram has an interesting advisory and litigation practice for both taxpayers and HMRC covering a broad range of direct and indirect tax.

### Cases:

- **Sinclair v HMRC** [2016] EWHC 2820 (Ch): Whether Claimant entitled to act as a Representative within CPR 19.6 in respect of carry back claims.
- **R (Golding) v General Commissioners of Income Tax** [2011] EWHC 2435 (Admin) [2012] STC 381: Whether decision not to issue closure notice tainted by bias against a tax inspector and the chairman of the tribunal.
- **Lower Mill Estate Limited v HMRC** [2010] UKUT 463 (TCC) [2011] STC 636: Whether companies in common ownership supplied leases of land and building services to construct holiday homes could be treated as a single supply for VAT purposes and whether they resulted in a tax advantage contrary to EU law under the Halifax doctrine.
- **R (Golding) v General Commissioner of Income Tax** [2011] EWHC 2435 (Admin) [2012] STC 381: Whether tax inspector and/or chairman of General Commissioners had exhibited apparent bias.
- **Re The Regulation of Private Eye Clinics (2010)**: Acted for potential investors on instruction of leading City firm on the regulation of private eye clinics after the merger of the Healthcare Commission into the Care Quality Commission; covered CQC notification requirements; and whether any statutory and regulatory provisions are capable of piercing the corporate veil.
- **R (Bottomley) v General Commissioners of Income Tax, Pontefract Division** [2009] EWHC 1708 (Admin) [2009] STC 2532: Claim that General Commissioners exhibited apparent bias during a hearing.
- **Lancaster v HMRC** [2010] UKFTT 559 (TC): Dispute with taxi firm over turnover and proper VAT treatment of commission.
- **Christies Care Limited v HMRC (2009)**: Dispute regarding direct tax treatment of employment agency, acting for taxpayer.

- **SRI International v HMRC** [2009] UKFTT 221 (TC): Challenge to decision to refuse to pay VAT refund, pursuant to Directive 86/150.
- **Lai v HMRC (Norris J, 7 October 2008)**: Expenses on refurbishment services that had been rendered to a business more than six months before it became registered for VAT was not capable of constituting input tax in its VAT return.
- **R (Lower Mill) v HMRC** [2008] EWHC 2409 (Admin) [2008] BTC 5743: Whether a claim for judicial review should be adjourned pending the resolution of an appeal to the VAT tribunal.
- **James v HMRC** [2007] UKVAT V20426 [2008] STI 287: Whether remedial works constituted reconstruction of an existing building.

## MEDIA LAW

Vikram has wide experience of the clash between freedom of expression and Article 8 and has appeared in leading cases in the Solicitors Disciplinary Tribunal, Mental Health Review Tribunal, and the Court of Protection.

### Cases:

- **Re C** [2016] EWCOP 21 [2016] COPLR 236: Reporting restriction orders in the Court of Protection in serious medical treatment cases could extend beyond the death of the subject of the proceedings.
- **A Healthcare NHS Trust v P** [2015] EWCOP 15 [2015] COPLR 147: In applications for reporting restriction orders the applicant should identify the parties including the adult in question when notifying the press.
- **Andersons Solicitors v Solicitors Regulation Authority** [2012] EWHC 3659 (Admin): Whether SRA's policy of publishing details of complaints far in advance of the hearing was a proportionate interference with Respondents' Article 8 rights.
- **W v M (by her litigation friend, the Official Solicitor) & a NHS Hospital Trust** [2012] 1 WLR 287: The leading case on reporting restriction orders in the Court of Protection.
- **AH v West London Mental Health Trust** [2010] UKUT 264 (AAC) [2010] MHLR 326; [2011] UKUT 74 (AAC) [2011] MHLR 85: Whether a mental health review tribunal should, for the first time, be heard in public.

## COSTS & LITIGATION FUNDING

Vikram has a busy practice in Costs and Litigation Funding. He now specialises in Commercial Costs, and is one of Lord Justice Jackson's assessors, appointed to give advice in relation to his review into fixed recoverable costs in 2017.

### Cases:

- **Halborg v EMW Law LLP** [2017] EWCA Civ 793; [2018] 1 WLR 52: Whether an LLP which was a solicitors firm acting for itself in litigation was properly regarded as a litigant in person.
- **EMW Law LLP v Halborg** [2017] EWHC 1014 (Ch); [2017] 3 Costs LO 281: Whether solicitor obliged to disclose to agent without prejudice negotiations with the other side.
- **Hyde v Milton Keynes Hospital NHS Foundation Trust** [2017] EWCA Civ 399; [2018] 1 WLR 597: Whether CFA lawful when entered into while legal aid certificate still valid; CA appeal listed for hearing



in 2017.

- **Spencer v Jones SCCO** 6 January 2017: Whether the claimant, who was a solicitor, had proved loss in his costs claim equal to his normal hourly rate for the hours spent.
- **Griffith v Paragon Personal Finance Ltd** (Sheffield County Court, 17 October, 2016): Whether a Conditional Fee Agreement is assignable in law.
- **Weatherford Global Products Ltd v Hydropath Holdings Ltd** [2014] EWHC 3243 (TCC): Whether non party costs order should be made against controller of companies who were parties to litigation.
- **Heron v TNT (UK) Ltd** [2013] EWCA Civ 469; [2014] 1 WLR: Whether mere negligence is sufficient to justify a non party costs order against a solicitor.
- **R (Scott) v Hackney LBC** [2009] EWCA Civ 217; [2009] LLR 775: Whether the effect on public funds justified changing the *Boxall* principles on costs in judicial review.
- **Meretz Investments NV v Britel Corporation NV** [2007] EWHC 2635 (Ch); [2008] 1 Costs LR 42: The principles underlying the apportionment of costs between different parties instructing the same solicitor.
- **Jones v Caradon Catnic Ltd** [2005] EWCA Civ 1821; [2006] 3 Costs LR 427: Enforceability of a CFA which claimed an uplift of 120% where the agreement had a specified maximum of 100%.

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## RECOMMENDATIONS

Recommended as a leading junior by the Legal 500 in Civil Liberties and Human Rights, Professional Discipline and Regulatory Law, and Costs, and in Administrative and Public Law, Professional Discipline, Court of Protection and Costs by Chambers & Partners.

### Quotes

*"Meticulous in his preparation and will always go the extra mile for the client."* – Civil Liberties and Human Rights, Legal 500 (2018)

*"Has great knowledge of costs law and its practical application." "Vikram is a good advocate, who is energetic and hard-working."* – Costs Litigation, Chambers & Partners (2018)

*"Has an effective and persuasive advocacy style."* – Costs, Legal 500 (2018)

*"He's very methodical, calm and controlled." "Vikram is at the top of his game, he'll be brought in for any challenging, high-level case."* – Court of Protection: Health & Welfare, Chambers & Partners (2018)

*"A persuasive advocate."* – Court of Protection and Community Care, Legal 500 (2018)

*"Very personable, easy to communicate with and very quick to explain. He's very calm and his advocacy skills are excellent."* – Administrative & Public Law, Chambers & Partners (2018)

*"Extremely knowledgeable on healthcare judicial review – he always makes things easy for us."* Administrative & Public Law, Chambers & Partners (2018)



*"The man you want to instruct in difficult litigation – determined and robust, while remaining a calm personality."* – Professional Discipline and Regulatory Law, Legal 500 (2018)

*"Very personable and very approachable."* – Professional Discipline, Chambers & Partners (2018)

*"A very smooth operator" who "is able to bring a different perspective to his cases."* – Chambers & Partners

*"He does the difficult cases and makes them seem easy"* – Chambers & Partners

*"Renowned silk whose highly active practice sees him regularly appearing before a range of regulatory bodies..."* – Chambers & Partners

*"He's a great advocate and his written work is excellent."* – Chambers & Partners

*"He's got a real flair to his advocacy, so judges really listen when he talks. He's also very, very good on paper and his attention to detail is second to none."* – Chambers & Partners

*"An excellent advocate, who will go the extra mile for his clients"* – Legal 500

*"A fearless advocate."* – Legal 500

*"A stellar performer."* – Legal 500

*"A very charming advocate who commands the confidence of his clients"* – Chambers & Partners

*"He's very sharp and picks things up really quickly."* – Chambers & Partners

*"A top barrister..."* – Legal 500

*"A great advocate who can think fast on his feet"* – Legal 500

*"Extremely clever"* – Legal 500

*"a 'redoubtable' advocate remarked on for his impressive courtroom style"* – Chambers UK

*"Able, thorough and charming"* – Chambers UK

A *"seriously good barrister"* – Legal 500

A *"rising star"* – Chambers UK

*"A fighter who is at his best in the toughest battles"* – Chambers UK

*"[E]xtremely sharp"* – Legal 500 (2008)

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## APPOINTMENTS

Chair of ALBA

Attorney-General's A Panel 2014 (previously on B and C Panels)

Member of the Executive Committee of the Administrative Law Bar Association

## MEMBERSHIPS

- Bar European Group
  - Administrative Law Bar Association
  - COMBAR
  - Association of Regulatory & Disciplinary Lawyers
  - London Common Law & Commercial Bar Association
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## QUALIFICATIONS

B.C.L. (Law): New College, Oxford, 1993

M.A. (Hons) (Law and Medicine): Clare College, Cambridge, 1996

B.M., B.Ch. (Medicine): New College, Oxford, 1996

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## ADDITIONAL INFORMATION

### Other Professional Qualifications

Vikram qualified as a doctor in 1996 and became registered with the General Medical Council. Before qualifying for the Bar he spent a year practicing as a house doctor in the John Radcliffe Hospital, Oxford, and the Royal United Hospital in Bath. His medical background has proved invaluable in cases involving scientific and technical matters.

### Languages

French and Hindi.

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LONDON

MANCHESTER

SINGAPORE

KUALA LUMPUR

81 Chancery Lane,  
London  
WC2A 1DD  
Tel: +44 (0)20 7832 1111  
DX: London/Chancery Lane 298  
Fax: +44 (0)20 7353 3978

82 King Street,  
Manchester  
M2 4WQ  
Tel: +44 (0)16 1870 0333  
Fax: +44 (0)20 7353 3978

Maxwell Chambers,  
28 Maxwell Road,  
04-03 & 04-04, Maxwell Chamber  
Suites  
Singapore 069120  
Tel: +65 6320 9272

#02-9, Bangunan Sulaiman,  
Jalan Sultan Hishamuddin,  
50000 Kuala Lumpur,  
Malaysia  
Tel: +60 32 271 1085

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