



## Kongkoch Yongsavasdikul

Partner

T: +66 2 838 1750 ext. 1784

E: kongkoch.y@kap.co.th

### Languages

- Thai
- English

### Education

- LL.M in Taxation, the University of Florida, Fredric G. Levin College of Law, USA
- LL.M, Vanderbilt University Law School, USA
- LL.B (Honors), Thammasat University, Thailand

[www.kudunandpartners.com](http://www.kudunandpartners.com)

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

### Profile

Kongkoch's principal areas of practice include corporate, mergers & acquisitions, project financing, fundraising, capital markets including initial public listing (IPO), corporate restructuring, and infrastructure funds. He has spent around 15 years in practice representing both the buy and sell side in a wide spectrum of public and private transactions including entire business transfers (EBT) of companies across a broad range of industries such as financial services, digital asset exchange platforms, healthcare, renewable energy (solar and wind), real estate and TMT including tech start-ups and e-commerce. His capital markets credentials include establishing some of the award-winning and ground-breaking infrastructure funds in the country.

Kongkoch has an appetite for highly complex and challenging work, which allows him to structure innovative business-oriented solutions for his clients, along with a profound interest in digital law and a keenness to assist startups. He is at the forefront of the digital law evolution, having advised various global tech companies in the business of blockchain including digital assets, cryptocurrencies and cryptocurrency exchange, e-sports, finTech and NFTs on regulatory compliance, governance, licensing, data privacy and protection and cybersecurity.

### Areas of Expertise

- Corporate and M&A, including acquisition and disposal of equity interest in listed companies
- Capital markets
- Infrastructure funds
- Digital law including blockchain and cryptocurrencies

### Professional Experience

- Senior Associate, Weerawong, Chinnavat & Partners
- Associate, Siam City Law Offices

### Awards and Rankings

- Outstanding lawyer by ALB Asia's 40 Under 40 list, 2022
- Rising Star Partner in Capital Markets by Asialaw, 2023
- Rising Star Partner by IFLR1000, 2023
- Notable practitioner by IFLR1000, 2019 – 2022

**Practice Focus**

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

**Corporate and M&A**

- Representing Opes Callen with respect to the proposed acquisition of shares in DRJL Group Ltd. (engaging in the business of cosmetic products with the brand name, Dr. Jill) from the sellers involving project financing from offshore lenders for a total value of THB 2.385 billion and further representing DRJL post-acquisition with the amalgamation with the SPV company as part of the transaction structure.
- Represented Pataranan Asset Co., Ltd., a developer of low-rise condos worth THB 2 billion on the transfer of all shares including obligations to continue the construction to SENA Development Plc for a total value of THB 385 million.
- Representing Eternal Energy Public Company Limited on the transfer of 25% shares or 7,297,500 ordinary shares in SSUT Company Limited to Eastern Power Group Public Company Limited for approximately THB 1.25 billion.
- Representing Energy Absolute Public Company Limited (“EA”), one of the leading producers of alternative energy products using modern technology, in connection with the disposition of 100% investment in E Transport Holding Co., Ltd., a subsidiary of EA, consisting of nine subsidiaries and an associate company, via a highly complicated process of Entire Business Transfer (EBT) to Thai Smile Bus Co., Ltd., a key player in the transportation service industry in Thailand with a significant total value of THB 6 Billion.
- Representing Perceptra, a deep tech startup, providing artificial intelligence services to assist doctors in medical diagnosis with respect to seed fund raising to develop AI technology aiming to assist doctors in medical diagnosis.
- Representing My Health Group — a pioneer in providing innovative medical services for Thai people’s health offering many solutions such as myHealthFirst, myhealthWorld, myHealthMob, myHealthPeek, myHealthRoom and myHealthQue — with respect to series A funding for AI technology research, various systems that assist hospitals and medical staff and offering apps for health care systems during the COVID-19 pandemic.
- Representing TPP Healthcare International Company Limited — a subsidiary company of Mahachai Hospital Public Company Limited — in financing the construction of one of the largest hospital projects in Bangkok, which is MedPark Hospital, located in the heart of the new business district, Rama IV Road, Bangkok on a huge land belonging to the Crown Property Office from the Government Savings Bank, a state-owned Thai bank for the total amount of THB 3.5 billion (USD 117 million).
- Representing Quantifi Photonics Limited, a company headquartered in New Zealand and an expert in harnessing, manipulating, and

measuring the physical properties of light, with respect to the indirect share acquisition of SmarTest Thailand Ltd., a designer and manufacturer of high-speed test and measurement equipment used in optical communication, semiconductor manufacturing, and defense and aerospace industries.

- Representing Next Energy Development Company Limited on the acquisition of beneficial ownership of 100% of the shares in Panova Co., Ltd. and Panova Holding 5 Co., Ltd. for the project in relation to the development of a waste to energy project including the provision of Municipal Solid Waste (MSW) disposal services to the host Municipality in the Central region of Thailand with a capacity of not less than 350 (three hundred and fifty) tonnes/day by (i) converting MSW to refuse-derived fuel (“RDF”) and (ii) using RDF to generate electricity under the VSPP Feed-in Tariff (FiT) scheme in the amount of the THB115 million (USD 3.8 million).
- Representing SKY ICT, an IT solution provider focusing on security and engineering services, in its acquisition of 46.8% shares in SAL Group (Thailand) Co., Ltd. from Triple I Logistics Public Company Limited (Triple I) for business expansion to the aviation industry amounting to THB 212 million (USD 7 million).
- Representing CAT Telecom, one of the largest Thai telecommunications firms on its business expansion into the satellite industry by way of a joint venture with a satellite operator, Thaicom operating a satellite management business under the concessionaire with the Ministry of Transport valued at THB 10 million (USD 323,625).
- Representing a consortium consisting of Opes Callan Limited, Hatton Equity Partners (Thailand) and Japan South East Asia Finance Fund L.P., a private equity invested by Development Bank of Japan, on its acquisition of 100% stake (including project financing) in Microfiber Industries Limited for the total value of THB 1.85 billion (USD 58.6 million).
- Represented Hatton Equity as lead counsel with respect to the proposed acquisition of shares in DRJL Group Ltd., a renowned cosmetic brand engaging in manufacturing and distribution business with the brand name, Dr. Jill from the sellers for a total value of THB 2.38 billion (approximately USD 72.88 million).
- Representing Principal Healthcare – Ubon Ratchathani Company Limited, a subsidiary of Principal Capital Public Company Limited on its acquisition of the entire business of Ruamphaetsapphasit Company Limited, a company operating a private hospital business under the name “Sunpasitinter Hospital” located in Ubon Ratchathani province, by way of an entire business transfer (EBT) with a deal value of THB 500 million (USD 16 million).
- Representing Virajsilp Company Limited, a company operating a private hospital business under the name “Virajslip Hospital” located in Chumphon province, in connection with the entire business transfer (EBT) of the hospital business to Principal Healthcare – Chumphon Company Limited (PRINH Chumphon), a subsidiary of Principal

Capital Public Company Limited, with a deal value of THB 570 million (USD 17.9 million).

- Representing Hatton Equity Partners (Thailand) Company Limited for the equity investment in Panyadee, the International School of Samui.
- Representing Miss Parleerat Panboonhom in connection with the acquisition of shares in Thailand Iron Works Public Company Limited through an unconditional voluntary tender offer with the deal value of THB 1,086 million (USD 34.2 million).
- Representing T.K.S. Technologies Public Company Limited, a Thai listed company, for the acquisition of shares in TBSP Public Company Limited through a voluntary tender offer, with a deal value of approximately THB 308 million (USD 9.9 million).
- Representing BG Container Public Company Limited, a Thai listed company, as the lead counsel for outbound investment in the energy sector through the indirect acquisition of 67% shares in a project company, operating a solar power plant project with 100 Megawatt in Phu Yen Province, Socialist Republic of Vietnam, with a deal value of THB 1.26 billion (USD 40.2 million).
- Representing Centralcon Investment Holding (Hong Kong) Company Limited on its acquisition of approximately 1,117 rai of land comprising of 77 land title deeds located in Chonburi Province, Thailand, part of the Eastern Economic Corridor, the special development zone under the strategic plan of Thailand 4.0.
- Representing a client as legal counsel for the intended acquisition of the going concerns of 239 branches of one of the largest international fast-food franchises in the world through a competitive bidding process.
- Representing B. Grimm Public Company Limited, a major Thai listed company engaging in the energy sector, as the lead counsel for an outbound investment through an acquisition of 55% shares in a foreign company operating a solar power plant project with 420 Megawatts in Tay Ninh Province, the Socialist Republic of Vietnam with a total investment amount of approximately THB 1.13 billion (USD 36.5 million).
- Representing TIME dotCom International Sdn Bhd - a subsidiary of a Malaysian listed company for the acquisition, through a partial voluntary tender offer, of 38.75 percent of the issued share capital of Symphony Communication Public Company Limited, with an approximate total value of THB 1,540 million (USD 49.5 million).
- Representing Sky ICT Public Company Limited for the acquisition of 100% shares in Raytel Co., Ltd. by way of an entire business transfer (EBT) and the issuance of newly issued shares to a private placement investor as a share swap consideration, with a deal value of THB 540 million (USD 17.4 million).
- Representing Sky ICT Public Company Limited for the acquisition of 34% shares in Turnkey Communication Service Company Limited by way of an entire business transfer (EBT) and the issuance of newly

issued shares to a private placement investor as a share swap consideration, with a deal value of THB 1.55 billion (USD 50 million).

- Representing the purchaser to purchase 50% shares in Sky ICT Public Company Limited from its major shareholders through a voluntary tender offer, with a deal value of approximately THB 116 million (USD 3.7 million).
- Representing Gunkul Engineering Public Company Limited, a Thai listed company engaging in the renewable energy sector, for the acquisition of 100% shares in BMP Solar Company Limited, operating a solar power plant of 8 Megawatts, with a deal value of approximately THB 244 million (USD 7.8 million).
- Representing Gunkul Engineering Public Company Limited, a Thai listed company engaging in the renewable energy sector, for the acquisition of shares in Rang Ngern Solution Company Limited, operating solar power plants of 55 Megawatts, with a deal value of approximately THB 554 million (USD 17.8 million).
- Representing a client in its acquisition of equity interest in a limited company currently engaging in the development of a renewable power plant using wind energy.
- Providing legal opinions and services on fund-raising projects such as angel investments, series funding, and venture capitals for several tech start-ups in the business of online financial investment, online education, cloud accounting software and transportation services. A selection of companies include:
  - Finnomena Co., Ltd.
  - SkillLane Education Co., Ltd.
  - Flow Account Co., Ltd.; and
  - Urban Mobility Tech Co., Ltd.

### **Capital Markets**

- Representing NSL Foods Public Company Limited on the offering of 75,000,000 ordinary shares through an initial public offering (IPO) on the Stock Exchange of Thailand (SET) in the total amount of THB 75 million (USD 2.49 million).
- Representing Sky ICT Public Company Limited in connection with allocation of newly issued ordinary shares of the Company by way of private placement to the connected person of the Company including the application for a waiver from the requirement to make a tender offer for all securities of the business by virtue of a resolution of the Shareholders' Meeting Whitewash in the total amount of THB 527,760,000 (USD 17.6 million).
- Assist Kerry Express (Thailand) Limited in the issuance of employee stock ownership plan (ESOP), part of warrant of the Company's IPO process.
- Representing a major consumer finance company in Thailand, on its corporate restructuring and initial public offering (IPO) on the Stock

Exchange of Thailand (SET). The IPO was 250 million shares for a total offering size of THB 1.73 billion (USD 57.7 million).

- Representing Team Consulting Engineering and Management Public Company Limited in connection with the domestic initial public offering, July 2018, with an approximate total value of THB 435.6 million (USD 14 million).
- Representing Villa Kunalai Public Company Limited, a real estate and property developer, in connection with the domestic initial public offering.
- Representing Siam Technic Concrete Public Company Limited on their domestic initial public offering. (*ongoing*)

#### **Awards and Recognitions**

- Recognized as an outstanding lawyer by ALB Asia's 40 Under 40 list, 2022
- Rising Star Partner in Capital Markets by Asialaw, 2023
- Rising Star Partner by IFLR1000, 2023
- Notable practitioner by IFLR1000, 2019 – 2022

#### **Publications and Presentations**

- Legal Panelist in the webinar, “FinTech, AI & Fundraising – In Action: Series A & Beyond” by Legal in Action, hosted by Thai Listed Companies Association
- Speaker in the webinar, “ALB Virtual Thailand In-House Legal Summit 2021 : Setting the Right Itinerary for Thailand's PDPA journey” organized by Asian Legal Business
- Legal panelist in the startup seminar, “Ready, Get Set, Go!” organised by Entrepreneur Advisory Center, a collaboration comprising Kingsford Securities PCL, To Exit (2Ext) and Kudun and Partners.
- Speaker in the seminar “Law Lab for Startups: Knowledge Series: Understand Startups” organized by the Faculty of Law, Chulalongkorn University.
- Speaker on the legal landscape of Startups in Thailand in the session “FinTech, AI & Fundraising – In Action: Series A & Beyond” by Legal in Action, organized by นางสาว Thai Business and TLCA
- Speakers at the SME NEXTFORMATION Program, hosted by True Digital Park on topic “Legal for SME and Startup”
- Speaker on “Key Legal Issues when Considering a Spin-off” at the Chulalongkorn University Technology Center (UTC), 2022
- Speaker on “Supporting Ecosystem Startups: Advisory, Finance and Legal” at the Faculty of Law, Chulalongkorn University.

- Speaker on “Holding & Tax Management – Game Plan for Family Business”, organized by the Association of Family Business Entrepreneurs (AFBE), 2022
- Speaker on “Director's Liability Risks & Mitigation Plans” in the 2019 In-House Congress organized by the In-House Community Counsel.
- “Digital Business 2022 Thailand Chapter by International Comparative Legal Guide” of the Thailand Chapter of the Digital Business 2022 guide by the International Comparative Legal Guide (ICLG)
- Recurring author of Bangkok Bank’s Innohub blog. Some of the articles published include:
  - Essential Legal and Business Issues for Startups (Chapter 1);
  - Essential Legal and Business Issues for Startups (Chapter 2); and
  - Term sheets and due diligence for startup fundraising.