



IN THE COURT OF FIRST INSTANCE

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

7 June 2024

CASE No: AIFC-C/CFI/2024/0011

Mr. Damir Mukashev

Claimant

v

«OPTOGRAD» LLP

Defendant

Kairat Berdenov

Defendant

Almat Berdenov

Defendant

JUDGMENT AND ORDER

Justice of the Court:

The Rt. Hon. The Lord Faulks KC

JUDGMENT AND ORDER

1. Pursuant to a Claim Form made on 22 May 2024 the Claimant seeks an Order from this Court to recognise and enforce the measures set forth in paragraph IV of the Clarification of the IAC Arbitration Award dated 8 April 2024 made by Ms. Snezhana Kutsenko, the sole arbitrator appointed by a letter dated 14 November 2023 of Mr. Thomas Krümmel, the Chairman of the International Arbitration Centre of Kazakhstan, in IAC Arbitration Case No. 35/2023.
2. Having read the Award it appears to me that the application is justified. Accordingly, I hereby order:

Based on the above, in accordance with Art. 26, Art. 27 of the IAC Rules, Art. 9 of the Civil Code of the Republic of Kazakhstan, the Arbitral Tribunal allowed to fix the dispute settlement between Mr. Damir Mukashev IIN 750420301403 to "OPTOGRAD" LLP BIN: 120540013063, Mr. Kairat Berdenov IIN: 880530301913, Mr. Almat Berdenov IIN 810621300124 on the agreed terms.

In case of non-fulfilment of the agreed terms by the Respondents, to collect jointly from "OPTOGRAD" LLP BIN: 120540013063, Mr. Kairat Berdenov IIN: 880530301913, Mr. Almat Berdenov IIN 810621300124 in favour of Mr. Damir Mukashev the amount of debt in the amount of 24,168,711 KZT minus the paid amounts at the time of application to the AIFC Court for issuance of an order to enforce the terms of the settlement agreement.

At the time of application to the AIFC Court the amount of debt to Mukashev Damir Maksatovich is 14,168,711 (fourteen million one hundred sixty-eight thousand seven hundred and eleven) KZT. The Respondents shall pay 14,168,711 (fourteen million one hundred sixty-eight thousand seven hundred and eleven) KZT to the Claimant.
3. The Defendants are given liberty to apply to have this Order set aside within 14 days of service upon it of this Order.
4. This Order shall not be enforced (a) until after the end of the period set out in paragraph 3 above or (b) until after any application made by the Defendants within that period has been finally disposed of, whichever is the later.

By the Court,

The Rt. Hon. The Lord Faulks KC,
Justice, AIFC Court

Representation:

The Claimant was represented by Mr. Daniyar Niyazgulov, Director, Benefits & Partners law firm, Astana, Kazakhstan.

The Defendants were not represented.