

**IN THE COURT OF FIRST INSTANCE
OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE**

10 June 2025

Case No: AIFC-C/CFI/2024/0028

International Academy of Medicine and Science Limited Liability Partnership

Claimant

v

Almaty Oblast Health Department Public Institution

Defendant

JUDGEMENT AND ORDER

Justice of the Court:

The Lord Faulks KC

JUDGMENT

1. This is a case management hearing following previous case management hearings, where the parties were encouraged to try and resolve issues that were outstanding between them arising from a private public partnership entered into by the Claimant and the Defendant. Some matters appear to have been agreed, and others remain outstanding.
2. I have listened to the submissions by Mr. Vataev on behalf of the Claimant, and Mr Lim, on behalf of the Health Institute of the Almaty Region. Having heard these submissions and also considered written submissions, I am satisfied that certain matters have been agreed, albeit that Mr. Lim explains that there are problems internally in authorising various payments. Mr. Vataev makes the point, I think correctly, that although that may well be the case, that does not absolve the Defendant from its obligation to pay, if, in my Judgement, there is such an obligation. That is a matter which Mr. Lim will have to explain to his clients and is outside the scope of the obligations which both parties undertook by entering into the contract.
3. The AIFC Court Rules allow the Court to give judgment on the basis of admissions. There having been two meetings in which the issues were discussed. There are several matters on which I am invited to rule.
4. In relation to the first matter, I will give Judgment for 443,521,300 KZT against the Defendant.
5. As to the second matter, the Claimant seeks an order that the public partner accept the infectious diseases ward building constructed by the private partner on the public partners balance sheet. It is clear from Mr. Lim that that has already been done, so I do not make a separate order in that respect. Although, I record by this Judgement that there has been indication that it has been accepted.
6. The third matter which the Claimant asks for is a recognition that the actions of the public partner on invalidation of the public private contract were unlawful. I would not normally make such an order, but it is clear from my understanding of the history of the matters that there have been problems with this. In my Judgment, there is some force in what the Claimant says, although I do not propose to make an order to that effect.
7. The next matter the Claimant seeks is that the state partner, the Defendant, ensures that the necessary external engineering networks are connected with Public Private object by 1 November 2025. I am prepared to make that Order.
8. I am finally asked to bring Appendix No. 3 in part of the CIC, which is the compensation of the investment costs, into line with the amount of investment costs of the private partner increase in accordance with the approved state examination of design and estimate documentation. I am prepared to make that Order. Although, if it turns out that having made that Order, the Defendant suggests that there is something in any way inaccurate about it, I do not preclude the possibility of the matter being raised at a subsequent hearing. But for the moment, that is the Order I am prepared to make.

DIRECTIONS ORDER

9. As I have indicated during the course of this hearing, there will be a hearing of all matters outstanding in Kazakhstan, at the AIFC Court premises in Astana on 9 and 10 September 2025.
10. Ahead of that hearing, I would like both parties to agree what issues are outstanding and to provide a list of these issues.
11. Two weeks before the hearing i.e. **by no later than 17:00 Astana time on Tuesday 26 August 2025,** there should be skeleton arguments filed by both sides, setting out their respective arguments in respect to those outstanding matters.
12. Both parties shall agree the contents of a core bundle of no more than 100 pages consisting of those documents which the parties can agree are essential reading rather than burdening the Court with documents to which there probably would be very little reference. I do not preclude reference to other documents at the hearing. The core bundle shall be produced electronically by the Claimant and agreed with the Defendant. The Claimant shall deliver two printed hard copies of the Bundle to the Registry **by no later than 17:00 Astana time on Friday 22 August 2025.** The Defendant shall be responsible for printing any hard copies it wishes to have.

By the Court,

The Lord Faulks KC,

Justice, AIFC Court

Representation:

The Claimant was represented by Mr. Sergei Vataev, Mr. Ilya Kirichenko, and Mrs. Yelena Dvoretzkaya-Yusupova, Advocates, Legit Advocates' Bureau, Almaty, Republic of Kazakhstan.

The Defendant was represented by Mr. Valery Lim, Deputy Head of the State Institution "Health Department of Almaty Region", Republic of Kazakhstan.