



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

3 September 2024

CASE No: AIFC-C/CFI/2024/0031

Ms. Zhanerke Bakashova

Claimant

Mr. Yergali Dzhuvanyshev

Third Party on the side of the Claimant

v

LLP "Nur Baspana and K"

Defendant

JUDGMENT AND ORDER

Justice of the Court:

Tom Montagu-Smith KC



JUDGMENT AND ORDER

1. Pursuant to a Claim Form made on 28 August 2024 the Claimant seeks an Order from this Court to recognise and enforce the measures set forth in para 41 of the IAC Arbitration Award dated 28 June 2024 made by Ms. Indira Yeleusizova, the sole arbitrator appointed by a letter dated 4 April 2024 of Mr. Thomas Krümmel, the Chairman of the International Arbitration Centre of Kazakhstan, in IAC Arbitration Case No 10/2024.
2. Having read the Award it appears to me that the application is justified. Accordingly, I hereby order:
 - to terminate the preliminary agreement of sale and purchase of real estate object 4-room apartment, business class № 6 in the townhouse located in the Nur City Residential Complex at the address: Taraz, Bayan Duisenov Street, 166, apartment 6 from 29 September 2021;
 - to recover from LLP “Nur Baspana and K” in favour of Ms. Bakashova Zhanerke KZT 23 356 650 (twenty-three million three hundred and fifty-six thousand six hundred and fifty);
 - to recover from “Nur Baspana and K” LLP in favour of Ms. Bakashova Zhanerke's expenses on payment of representative services KZT 200,000 [two hundred thousand] (USD 432.61);
 - to recover from LLP “Nur Baspana and K” in favour of Ms. Bakashova Zhanerke expenses on payment of arbitration fee KZT 250 000, total KZT 23 806 650 (twenty-three million eight hundred and six thousand six hundred and fifty).
3. The Defendant is 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 Defendant within that period has been finally disposed of, whichever is the later.

By Order of the Court,

Tom Montagu-Smith KC,
Justice, AIFC Court

Representation:

The Claimant was represented by Ms. Asiya Amangeldieva, Advocate of Zhambyl Regional Bar Association.

The Defendants were not represented.