



IN THE SMALL CLAIMS COURT

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

28 February 2024

CASE No: AIFC-C/SCC/2023/0032

Mr. Sayan Abdikhairanov

Claimant

v

Astana International Exchange Ltd.

Defendant

JUDGMENT

Justice of the Court:

Justice Charles Banner KC

ORDER

1. The Claim is dismissed.

JUDGMENT

1. By Order dated 5th December 2023, the Court adjourned these proceedings for the reasons set out in the Judgment of that date (“**the December Judgment**”). The same abbreviations as are defined in the December Judgment are used below.
2. The Claimant accepts that the Defendant, AIX, filed a report to CIP in the terms outlined in para. 4 of the December Judgment, as it had said to the Court that it would do.
3. However, CIP’s stance remains that the period in which the Claimant worked for AIX remotely from the USA did not qualify as relevant work for the purposes of the Tripartite Agreement which governed the terms of his scholarship. The Claimant strongly contests that position.
4. The insurmountable difficulty that the Claimant has in these proceedings is that CIP are not a party to these proceedings and the AIFC Court does not in any event have jurisdiction to determine the Claimant’s dispute with CIP. This conclusion is reinforced by (albeit not dependant upon) the fact that, as explained in AIX’s written submissions, the Claimant has already sought to ventilate that dispute in the domestic courts of the Republic of Kazakhstan.
5. The Claimant has tried to circumnavigate this difficulty by submitting that AIX is a party to the Tripartite Agreement. The Court rejects that submission for the reasons given by AIX in its written submissions. In particular, there is insufficient evidence to demonstrate on the balance of probabilities that AIX agreed to become a party to the Tripartite Agreement. In any case, this submission, even if correct, would not assist the Claimant since his complaint is against CIP, not AIX.
6. The Claim is therefore dismissed.

By Order of the Court,

Charles Banner KC
Justice, AIFC Small Claims Court

Representation:

The Claimant was represented by himself.

The Defendant was represented by Ms. Guldana Mirasheva, Head Legal at Astana International Exchange Ltd, Astana, Kazakhstan.