



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

4 December 2023

CASE No: AIFC-C/CFI/2023/0046

LLP “TEMIR ZAT”

LLP “BauProject”

LLP “MCI Group”

Claimants

v

Joint Venture “Alaygyr” LLP

Defendant /Respondent

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 30 November 2023 the Claimant seeks an Order from this Court to recognise and enforce the measures set forth in paragraph 12 of the IAC Interim Relief Award dated 23 October 2023 made by the panel of arbitrators (the presiding arbitrator – Dr. Jaroslaw Turlukowski appointed by a letter dated 8 June 2023, arbitrator on behalf of the Claimant – Mr. Arman Shaikenov appointed by the letter dated 9 February 2023, and arbitrator on behalf of the Respondent – Mr. Dmitriy Bratus appointed by the letter dated 9 February 2023) appointed by Mr. Thomas Krümmel, the Chairman of the International Arbitration Centre of Kazakhstan, in the IAC Case No. 29 of 2022.
2. Having read the Award it appears to me that the application is justified. Accordingly, I hereby order:
 1. To grant the Respondent's request for interim relief dated 15 August 2023 in part.
 2. Prohibit the Claimant from alienating the Claimant's movable and immovable property.
 3. To prohibit the Claimant from disposing of the funds on the Claimant's bank accounts in the amount of the Respondent's claimed counterclaims 15,572,318,798.61 tenge (Fifteen billion five hundred seventy-two million three hundred eighteen thousand seven hundred ninety-eight tenge sixty-one tiyn).
 4. To consider that the prohibitions established by this Award do not apply to:
 - fulfillment by the Claimant of its obligations to third parties, which arose for the Claimant before the present Award;
 - fulfillment by the Claimant of its obligations to its employees under labour contracts concluded before the date of this Award and in the amount of wages, for which it was established before the date of this Award.
 5. Prohibit the Claimant from undertaking obligations towards third parties after the date of this Award and obligations related to the alienation of movable and immovable property without written permission from the Arbitral Tribunal.
 6. Reject the issuance of an order for the Claimant to provide the Respondent with a bank guarantee in the amount of 116,908,442 tenge (One hundred sixteen million nine hundred eight thousand four hundred forty-two tenge) for the Respondent's representatives and other expenses related to the arbitration proceedings.
3. The Claimants are given liberty to apply to have this Order set aside within 7 days of service upon it of this Order.

By the Court,

Justice, The Rt. Hon. The Lord Faulks KC

Representation:

The Claimants were not represented.

The Defendant was represented by Mr. Adilkhan Bazarbayev, Ms. Zhanel Khabieva.