



IN THE SMALL CLAIMS COURT
OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

5 April 2023

Case No: AIFC-C/SCC/2022/0025

PRIVATE COMPANY DOCUMENTOLOG GLOBAL LIMITED

Claimant

v.

LLP KOSTANAY METAL STRUCTURES PLANT

Defendant

JUDGMENT

Justice of the Court:

Charles Banner KC



ORDER

1. The Claim is allowed.
2. The Defendant shall pay the Claimant the sum of 564,969.65 within 14 days of this Order.

JUDGMENT

3. By this claim, the Claimant seeks to recover what it says are sums due by the Defendant under a contract dated 28th May 2021 ("**the Contract**") for what can broadly be summarised as the provision by the Claimant to the Defendant of information technology services.
4. The Claimant contends that the Defendant has failed to fulfil its obligations under the Contract to pay the Claimant KZT 874,733. The Claimant seeks to recover this sum, together with a surcharge of KZT 40,236.65 pursuant to Articles 293-298 of the Civil Code of the Republic of Kazakhstan and the terms of the Contract.
5. The law applicable under the contract is the law of the Republic of Kazakhstan. The Parties have agreed that any disputes under the contract may be decided by the AIFC Court.
6. The Claimant filed its Claim Form on 23rd December 2022. Under rule 28.12 of the AIFC Court Rules ("**the Rules**"), the Defendant was required, within 14 days, either to admit the claim by filing and serving an admission in accordance with Part 10 of the Rules, or file a Small Claim Defence, or make an application to dispute the jurisdiction of the Small Claims Court in accordance with Part 6 of the Rules. The Defendant did none of these things.
7. On 9th January, the Claimant applied for Default Judgment under Part 9 of the Rules. However, under Rule 28.7, Part 9 does not apply to proceedings in the Small Claims Court. The Court therefore does not have jurisdiction to determine the application for Default Judgement.
8. On 10th February 2023 the Defendant wrote to the Court stating that on 18th January 2023, it had paid the claimant KZT 350,000 towards the sums claimed. The Defendant concluded the letter by asking the Court "*not to fully recognize the claim, since we paid part of the amount owed*". The Court has also been provided with a Payment Order No. 28 dated 18th January 2023 evidencing the payment.
9. The Court is satisfied on the evidence that the Defendant has indeed paid the Claimant KZT 350,000 towards the sums claimed by the Claimant.
10. The Defendant has had every opportunity to dispute its liability to pay the remaining amount, but has not done so.
11. The Court therefore allows the Claim and requires the Defendant to pay the Claimant the sum of 564,969.65 within 14 days of the Court's order.



By the AIFC Small Claims Court,

Charles Banner, KC
Justice, AIFC Small Claims Court

Representation:

The Claimant was represented by Ms. Ayan Kabenova, Leading Lawyer, Private Company Documentolog Global Limited.

The Defendant was represented by Mr. Sayasat Kubzhasarov, Deputy General Director, LLP Kostanay Metal Structures Plant.