

17 March 2022

CASE No: AIFC-C/SCC/2022/0004

IZI CHAINA CORPORATE LIMITED LIABILITY COMPANY

Claimant

v

HONGKONG FONIX HITECH INDUSTRIES CO., LTD

Defendant

JUDGMENT

Justice of the Court:

Justice Tom Montagu-Smith QC

ORDER

1. There shall be judgment for the Claimant on the claim. The Defendant shall pay the Claimant US \$ 98,488 by 6pm Nur-Sultan time on 30 March 2022.

JUDGMENT

1. In this claim, the Claimant seeks judgment for US\$ 98,488 from the Defendant.
2. The parties entered into 4 contracts dated 1 September 2019, 14 December 2019, 21 December 2019 and 21 February 2020 pursuant to which the Claimant agreed to provide railway carriage of goods. The

total price agreed for the
case, payment was due by 30



Court

services was US\$ 135,488. In each
December 2020.

3. On 30 December 2020, the Defendant proposed that the debt be rescheduled, for payment in 4 instalments, between 16 February 2021 and 16 August 2021. The Claimant agreed and the parties entered into 4 agreements, recording the schedule of instalments. At the same time, the parties agreed to submit any disputes under the agreements to the exclusive jurisdiction agreement of the AIFC Court.
4. The Defendant paid the first instalment of US\$ 37,000, but has failed to pay the subsequent instalments. The outstanding balance is US\$ 98,488.
5. The Claimant issued this claim on 11 February 2022. The claim was supported by documents which evidence the debts due. The Defendant filed a response on 22 February 2022. The Defendant stated that it had *“partially paid the debt in the amount of 37,000 USD”* and that the *“remaining amount of 121,480 USD... will be repaid before the end of 2022. Due to the delay in the production of goods, we cannot deliver it to our client and receive money for settlement...”*
6. The Defendant’s response amounts to an admission of the claim, albeit for a greater sum than is in fact claimed or due. The terms of the response appeared to me to be a request for time to pay within the meaning of the AIFC Court Rules, Rule 10.8. On 3 March 2022, I therefore directed that the Defendant make clear what proposal it was making for payment and provide supporting material. The Defendant failed to provide any response.
7. In the circumstances, I give judgment for the Claimant in the sum claimed. I allow the usual 14 days for payment under the AIFC Court Rules, Rule 24.15. I decline to grant the Defendant further time to pay. The Defendant has suggested only that payment be deferred until the end of 2022, which is far too long. In any event, the Defendant has failed to provide any explanation or support for its request.

By the AIFC Small Claims Court,

Tom Montagu-Smith QC
Justice, AIFC Small Claims Court



Representation:

The Claimant was represented by Mr. Lesnikov Petr, CEO of “Lesnikov, Ilyichev and Partners”. The Defendant was not represented.