



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

18 October 2024

CASE No: AIFC-C/CFI/2024/0019

SIA RESTCOM GROUP

Claimant

v

(1) BALKHASHPOLYMETALL LLP

and

(2) POLYMETTECH LLP

Defendants

COSTS ORDER

Justice of the Court:

Justice Sir Stephen Richards

ORDER

The Claimant (SIA Restcom Group) is ordered to pay to the Second Defendant (Polymettech LLP) its costs in the total sum of six million eight hundred and thirty one thousand five hundred tenge (KZT 6,831,500).

REASONS

1. At the conclusion of the substantive judgment in this case, dated 12 September 2024, the Court directed that any application by the Defendants for costs be made in writing within 14 days and that the Claimant might respond within 14 days thereafter. An application for costs was subsequently made by the Second Defendant alone. No response was received from the Claimant. This decision on the application is made on the papers, in line with the approach taken in the substantive judgment with the assent of the parties.
2. The costs sought by the Second Defendant consist of KZT 6,770,000 in legal fees of the attorney representing the Second Defendant in the Court, and KZT 61,500 for the notary certifying the translation of relevant documents, making a total of KZT 6,831,500.
3. I am satisfied that this is an appropriate case for the payment of costs. The general rule under Rule 26.5 of the AIFC Court Rules is that the unsuccessful party will be ordered to pay the costs of the successful party. There is no reason to make a different order here. The Second Defendant, as the successful party, is therefore entitled to costs.
4. On the basis of my knowledge of the case and the materials before me, I am in a position to make an immediate assessment of costs under Rule 26.13.
5. The amounts claimed by the Second Defendant are supported by verifying documents. I am satisfied, in the terms of Rule 26.11, that such costs were reasonably and necessarily incurred and were proportionate to the matters in issue.
6. Accordingly, the Claimant is ordered to pay the Second Defendant's costs in full.

By the Court,

The Rt Hon. Sir Stephen Richards

Justice, AIFC Court



Representation:

The Claimant was not represented.

The First Defendant was not represented.

The Second Defendant was represented by Ms. Gulmira Abenova, Attorney at law, Republic of Kazakhstan.