

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

10 February 2025

CASE No: AIFC-C/CFI/2023/0038

International Academy of Medicine and Sciences
Limited Liability Partnership

Claimant

v

State Institution “Health Department of Almaty Region”

Defendant

JUDGMENT

Justice of the Court:

The Lord Faulks KC

JUDGMENT

1. This is a judgment further to my judgment in this case issued on 12 November 2024, after a trial. Judgment was in favour of the Claimant.
2. The Claimant applies to the Court for an Order for costs.
3. The total claimed is twenty-eight million, five hundred and eight thousand and one hundred and three Tenge (28,508,103 KZT).
4. I have the power to order an immediate assessment of costs under AIFC Court Rule 6.13.
5. The successful party is normally entitled to their costs under AIFC Court Rule 26.5(1).
6. The basis of an order for costs is that they were “reasonably necessarily and proportionately incurred” AIFC Court Rule 26.11.
7. The Defendant challenges some elements of the Claimant’s costs but gives no substantial reasons for such challenges.
8. The Claimant responds by pointing out that the Defendant did not engage in bona fide settlement negotiations and ran the case all the way to trial. It also pointed out that the costs are less than 10% of the award.
9. I am not persuaded that there are good reasons for not ordering the costs to be paid in full. In reaching that conclusion, I bear in mind my own experience of costs in this type of case and the way in which the litigation was conducted. I make an Order accordingly.
10. I am also asked to make an Execution Order in the sum of 153,000,000 KZT, that being the sum owed by way of a contractual penalty, there being no dispute as to the amount owing. I have the power to make such an Order under Article 30.9 of the AIFC Court Rules and will make the Order accordingly.
11. That leaves the question of management fees. As I indicated in my judgment, this sum should be capable of agreement. In the absence of any agreement, I direct that both parties file submissions in writing within 14 days of the Orders referred to above. I will then decide on the total management fees owing. This figure should be up to date.
12. For the avoidance of doubt, the Execution Order should be for 153,000,000 KZT.

By the Court,

The Lord Faulks KC,
Justice, AIFC Court



Representation:

The Claimant was represented by Mr. Sergei Vataev, Mr. Ilya Kirichenko and Mrs. Yelena Dvoretzkaya-Yussupova, Advocates, Legit Advocates' Bureau, Almaty, Republic of Kazakhstan.

The Defendant was represented by Mr. Valery Lim, Deputy Head of the State Institution "Health Department of Almaty Region".