



IN THE SMALL CLAIMS COURT

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

24 March 2023

CASE No: AIFC-C/SCC/2022/0024

Shanghai Construction Group Co. Ltd Kazakhstan Branch

Claimant

v.

TeksheTas Company LLP

Defendant

JUDGMENT

Justice of the Court:

Justice Charles Banner KC



ORDER

1. **The claim is allowed.**
2. **The Defendant shall pay the Claimant the sum of 16,839,426 Tenge by 16:00 Astana time on 15 April 2023.**

JUDGMENT

1. By this claim the Claimant, Shanghai Construction Group Co. Ltd Kazakhstan Branch, seeks an order requiring the Defendant, TeksheTas Company LLP, to pay damages amounting 16,839,426 Tenge pursuant to a contract between the parties dated 21 February 2020 for the supply of crushed stone. The amount claimed reflects what the Claimant says is the difference between sums it paid the Defendant under the contract until the end of 2021 and the amount of crushed stone delivered by the Defendant.
2. The claim was originally commenced on 29 November 2022 in the Specialised Interdistrict Economic Court of Astana. On 7 December 2022, the parties signed a Transfer of Cases Consent Form in which they agreed to terminate the proceedings in that court and transfer the case to the AIFC Court, if the AIFC Court were to accept the case.
3. By Order dated 23 December 2022, the Chief Justice of the AIFC Court, Rt. Hon. Lord Mance, held that the case was appropriate for transfer to and determination by the AIFC Court, and declared that the AIFC Court had jurisdiction of the case.
4. The value of the claim is below USD 150,000 and therefore the claim falls within the jurisdiction of the AIFC Small Claims Court: see Rule 28.2(1) of the AIFC Court Rules.
5. Following the Order of Chief Justice Lord Mance, the Claimant filed a claim form with the AIFC Court on 1 February 2023. In response, on 15 February 2023 the Defendant filed a document entitled 'Claim Admission' in which it confirmed that it does not contest the claim, subject to a request that, due to a difficult financial situation and the seasonal nature of its main activity, the deadline for payment of the sums claimed by the Claimant is not until 15 April 2023.
6. The Claimant has not commented on the Defendant's request in relation to the payment deadline.
7. Upon consideration of the papers in these proceedings, including those mentioned above, the Court is satisfied that the claim should be allowed. The Court orders the Defendant to pay the Claimant the sum of 16,839,426 Tenge. The deadline requested by the defendant of 15 April 2023 is slightly longer than the Court would ordinarily require, but given that it is only a fairly short extension and the Claimant has not objected to it, the Court will accede to this request in the circumstances of this case. In doing so, the Court has had regard to the Defendant's timely co-operation in these proceedings.



By Order of the Court,

A handwritten signature in black ink that reads 'Charles Banner'.

Charles Banner KC,
Justice, AIFC Court



Representation:

The Claimant was represented by Mr. Yuriy Kamaletdinov, an independent external lawyer, Astana, Kazakhstan.

The Defendant was represented by Mr. Rustem Zhanisbayev, financial director at TesheTas Company LLP, Astana, Kazakhstan.