

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

23 December 2021

CASE No: AIFC-C/CFI/2021/0013

METALLINVESTATYRAU LLP

Claimant

v

AKSAYSTROY-2020 LLP

Defendant

JUDGMENT AND ORDER

Justice of the Court:

Justice Tom Montagu-Smith QC

ORDER

1. **The Defendant is restrained from disposing of any of its assets in the Republic of Kazakhstan including accounts in any banks, which shall be frozen in the amount of no more than KZT 22,186,710.**
2. **The Defendant has permission to apply to have this Order set aside within 14 days of service upon it of this Order.**

JUDGMENT

1. The Claimant applies for the enforcement of an interim measure made in an award dated 24 November 2021 (“**the Award**”). The Award was made and signed by a sole arbitrator and was issued under the IAC Arbitration and Mediation Rules.
2. By paragraph 43 of the Award, the arbitrator granted the Claimant an interim measure, freezing the Defendant’s property in the Republic of Kazakhstan, including any money in bank accounts, for an amount not exceeding KZT 22,186,710 (“**the Interim Measure**”).
3. The Interim Measure was in the following terms:

“An interim measure is provided in the form of freezing of any property of the Respondent in the Republic of Kazakhstan, including accounts in any banks for an amount not exceeding a total of 22,186,710 (twenty-two million one hundred and eighty-six thousand seven hundred and ten tenge).”
4. Article 27(3) of the AIFC Arbitration Regulations 2017 set out the exclusive circumstances in which recognition or enforcement of an interim measure may be refused. I am not aware that any of those circumstances have been met.
5. Rule 27.31 of the AIFC Court Rules requires a party applying to enforce an interim measure to file written evidence showing that the application is made with the written permission of the Arbitral Tribunal.
6. In this case, the arbitrator granted that permission in paragraph 43(2) of the Award.
7. In the circumstances, I am satisfied that this is an appropriate case for enforcement of the Interim Measure. I will adjust the language of the Interim Measure very slightly, to make it consistent with prior orders of this Court, in particular the Order of Justice Sir Robin Jacob in *JSC Astana International Financial Centre Authority v Onyx Heavy Machinery Ltd* [2020] AIFC 0004 (23 July 2020).
8. I have not heard from the Defendant on the application. In the circumstances, I will allow them a period of 14 days within which to apply to set aside this Order, should they choose to do so.



By the Court,

Representation:

The Claimant was represented by Azhgaliyev Rakhat.

The Defendant was not represented.