

IN THE SMALL CLAIMS COURT

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

18 July 2025

CASE No: AIFC-C/SCC/2025/0023

MR. ALEXANDER BERDYUGIN

Claimant

v

PRIVATE COMPANY “WHITE ROCK Ltd.”

Defendant

JUDGMENT

Justice of the Court:
Justice The Lord Banner KC

ORDER

1. **The Claim is allowed.**
2. **The Defendant shall pay the Claimant the sum of 1,934,040 Tenge within 21 days of this Order.**
3. **No Order as to costs.**

JUDGMENT

1. By this claim the Claimant seeks damages for non-payment of wages and pension payments which he says were due under an employment contract between him and the Defendant.
2. The contract (Employment Contract No. 1/2021) was signed on 1st November 2021. The Claimant resigned by letter dated 2nd September 2024, effective 1st October 2024.
3. The Defendant is an AIFC Registered Company and therefore subject to the AIFC Employment Regulations, bringing this dispute within the jurisdiction of the AIFC Court: see Regulation 4 of those Regulations.
4. The Claimant claims that he is owed 1,883,534 Tenge in unpaid wages and 50,506 Tenge in unpaid mandatory pension contributions. The Claimant has produced documentary evidence to substantiate both aspects of the claim: paysheets demonstrating the alleged unpaid wages, and an ENPF balance and transactions statement in relation to the alleged unpaid pension contributions.
5. The Defendant does not contest the jurisdiction of the Court. It does not deny the existence and validity of the contract, or the effective date of the Claimant's resignation. Its defence states that the Defendant *"partially disagrees with the claims, specifically disputing the amount of salary arrears"*. It goes on to state that *"The calculation of salary arrears submitted to the Court by the Claimant is believed to lack reliable data and cannot be accepted by the Court as admissible evidence, since it does not reflect the agreed special conditions and is not signed by the Company"*. The Defendant therefore appears to accept that it bears some liability to the Claimant for unpaid sums due, but it disputes the quantum owed. It does not, however, offer an alternative figure, let alone offer any evidence to back up that alternative figure.
6. The Court finds the Claimant's documentary evidence to be credible on its face. There is nothing about either the paysheets or the ENPF statement which indicates they are not authentic. The Defendant has offered no evidence to contradict their *prima facie* credibility, nor has it sought to test the Claimant's evidence at a hearing.
7. The Court therefore finds that the Claimant has discharged the burden of proof in relation to both the unpaid wages and unpaid pension contributions. The Claim is therefore allowed.
8. The Claim Form seeks an order for costs, but the Court is not satisfied that the Defendant's behaviour has been unreasonable so as to justify such an order pursuant to Rule 26.9(2) of the AIFC Court Rules. There were no applicable court fees in the present case and therefore Rule 26.9(1) does not apply.

By Order of Court,

The Lord Banner KC
Justice, AIFC Court

Representation:

The Claimant was represented by Ms. Aigerim Kalibekova, Legal consultant of the Chamber of Legal consultants' "Justice League".

The Defendant was represented by Mr. Malik Yessenbayev, Director of the Private Company "White Rock Ltd."