



IN THE COURT OF FIRST INSTANCE

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

24 July 2026

CASE No: AIFC-C/CFI/2025/0021

MICHAEL WILSON & PARTNERS, LIMITED

Claimant

v

(1) CJSC KAZSUBTON
(2) KAZPHOSPHATE LLP
(3) KAZPHOSPHATE LIMITED

Defendants

COSTS ORDER

Justice of the Court:

Justice Sir Stephen Richards



ORDER

The Claimant, Michael Wilson & Partners, Limited, is ordered to pay the following sums by way of costs:

- (1) to the Second Defendant, Kazphosphate LLP, the sum of KZT 2,536,900;**
- (2) to the Third Defendant, Kazphosphate Limited, the sum of USD 5,684.00.**

REASONS

1. My Judgment in this case, dismissing the Claimant's challenge to the lawfulness of the Court's role in relation to the initiation of the enforcement process following the making of Execution Orders in favour of the Second and Third Defendants, was issued on 23 September 2025.
2. Paragraph 48 of the Judgment set a timetable for the making of any application for costs and for any response. Applications for costs were duly made by both the Second Defendant and the Third Defendant on 6 October 2025. No response was received from the Claimant.
3. The matter was then put on hold pending the determination of an application by the Claimant for permission to appeal against the Judgment of 23 September 2025. Permission to appeal was refused by a Judgment and Order of Justice Montagu-Smith KC dated 17 March 2026 (Case No. 48 of 2025). A related request was refused by Order of the same Judge dated 14 April 2026, and a further application was refused by a Judgment and Order of the same Judge dated 17 July 2026. In the circumstances the time has plainly come for a decision on the costs applications arising out of my Judgment of 23 September 2025.
4. I indicated at paragraph 48 of my Judgment that in the absence of any further direction the Court would reach a decision on the costs applications in writing and without a further hearing. There has been no further direction and it remains appropriate to deal with the matter on paper.
5. I direct myself by reference to the Rules in Part 26 of the AIFC Court Rules.
6. I have decided in the exercise of my discretion to make an order about costs. I see no good reason for departing from the general rule that the unsuccessful party will be ordered to pay the costs of the successful party (Rule 26.5). The Claimant was plainly the unsuccessful party, whilst the Second and Third Defendants were the successful parties. The claim was dismissed in its entirety, albeit dismissal depended on the exercise of the Court's discretion to refuse relief on one issue.
7. The Second Defendant claims costs in the total sum of KZT 2,536,900. The claim is supported by a written Statement of Costs. The costs claimed appear to me to have been reasonably and necessarily incurred and to have been proportionate to the matters in issue (Rule 26.11). I will allow them in full.
8. The Third Defendant claims costs in the total sum of USD 5,684.00. Again, the claim is supported by a written Statement of Costs, and again the costs claimed appear to me to have been reasonably and



necessarily incurred and to have been proportionate to the matters in issue. Here, too, I will allow the costs in full.

9. In deciding what was reasonably and necessarily incurred and what was proportionate I have taken into account the procedural history of the case as well as the substantive issues raised. The Claimant's conduct of the proceedings, as set out at paragraphs 31 to 46 of my Judgment, will undoubtedly have added to the work and associated costs for the Second and Third Defendants.
10. I make an Order accordingly for the payment of costs by the Claimant to the Second and Third Defendants.

By the Court,

The Rt Hon. Sir Stephen Richards
Justice, AIFC Court

Representation:

The Claimant was represented by Mr Michael Wilson and Mr Yermek Aubakirov, Michael Wilson & Partners, Limited, Almaty, Kazakhstan.

The First Defendant did not appear and was not represented.

The Second Defendant was represented by Mr Bakhyt Tukulov and Ms Mariya Petrenko, TKS Disputes, Almaty, Kazakhstan.

The Third Defendant was represented by Ms Ardak Idayatova, Mr Farukh Iminov and Mr Usen Tastanbekov, Kinstellar, Almaty, Kazakhstan.