



IN THE COURT OF FIRST INSTANCE

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

24 July 2026

CASE No: AIFC-C/CFI/2025/0053

(1) CLAIMANT A
(2) CLAIMANT B

Claimants

v

DEFENDANT

Defendant

COSTS ORDER

Justice of the Court:

Justice Sir Stephen Richards

ORDER

It is ordered that:

- (1) CLAIMANT A and CLAIMANT B are to pay DEFENDANT the total sum of USD 25,015.40 by way of costs in respect of the jurisdiction issue;**
- (2) DEFENDANT is to pay CLAIMANT A and CLAIMANT B the total sum of USD 7,250 by way of costs in respect of the anti-suit injunction issue.**

REASONS

1. In my Judgment in this case, dated 22 June 2026, I dismissed (1) the challenge by CLAIMANT A and CLAIMANT B to the jurisdiction of the Arbitral Tribunal and (2) the application by DEFENDANT for an anti-suit injunction. Costs were reserved and a timetable was laid down for applications for costs and responses. I have taken into account the applications and responses subsequently received from the parties, allowing any minor departure from the timetable.
2. DEFENDANT applies for costs in the sum of USD 25,015.40 in respect of the jurisdiction issue and submits that each party should bear its own costs in respect of the anti-suit injunction issue.
3. CLAIMANT A and CLAIMANT B apply for costs in the sum of USD 14,500 in respect of the anti-suit injunction issue and submit that each party should bear its own costs in respect of the jurisdiction issue, alternatively that DEFENDANT should be awarded a substantially lower sum than the amount claimed in respect of that issue.
4. I have directed myself by reference to the Rules about costs in Part 26 of the AIFC Court Rules.
5. By Rule 26.4 the Court has a wide discretion as to the award of costs. By Rule 26.5, if the Court decides to make an order as to costs, (1) the general rule is that the unsuccessful party will be ordered to pay the costs of the successful party, but (2) the Court may make a different order. By Rule 26.11, where the Court is to assess the amount of costs it will allow costs which were reasonably and necessarily incurred and were proportionate to the matters in issue.
6. On the jurisdiction issue CLAIMANT A and CLAIMANT B were plainly the unsuccessful parties and should in my view be ordered to pay the costs of DEFENDANT, the successful party, in accordance with the general rule. The jurisdiction challenge was rejected in full by the Court. The matters now put forward by CLAIMANT A and CLAIMANT B do not justify a departure from the general rule.
7. As to the amount of costs on the jurisdiction issue, the sum of USD 25,015.40 claimed by DEFENDANT strikes me as being on the high side but it is supported by a signed Statement of Costs and cannot in my view be said to be disproportionate to the matters in issue. I note too that it is not out of line with the sum of USD 14,500 claimed by CLAIMANT A and CLAIMANT B in respect of the anti-suit injunction issue which was a much shorter issue.
8. As regards the anti-suit injunction issue, DEFENDANT was the unsuccessful party, in that its application was dismissed, but there appears to me to be good reason in this instance for departing to some extent from the general rule. DEFENDANT was no doubt justified in applying for an injunction



in the first place: as I observed at §34 of the judgment, there was probably a case for the grant of such an injunction at that time. The application was dismissed, however, because circumstances had changed and the application had become moot by the time of the hearing. DEFENDANT was wrong to persist in the application in those changed circumstances, by way of an amended application and pursuit of an injunction at the hearing rather than withdrawing the application. I do not think that an order for each party to bear its own costs would do justice to the situation. In my view the just result is an order that DEFENDANT pay one half of the costs of CLAIMANT A and CLAIMANT B on this issue. The sum claimed (and supported by documentation) is USD 14,500. One half of that is USD 7,250.

9. For those reasons I will order the payment of costs in the total amount of USD 25,015.40 by CLAIMANT A and CLAIMANT B to DEFENDANT in respect of the jurisdiction issue, and the payment of costs in the total amount of USD 7,250 by DEFENDANT to CLAIMANT A and CLAIMANT B in respect of the anti-suit injunction issue.

By the Court,

The Rt Hon. Sir Stephen Richards
Justice, AIFC Court

Representation:

The Claimants were represented by Mr Alexander Korobeinikov, Partner, Mr Khaidar Beissov, Ms Alissa Inshakova, lawyers, Baker McKenzie Kazakhstan BV, Almaty, Kazakhstan.

The Defendant was represented by Mr Bakhyt Tukulov, Partner, Ms Maria Petrenko, Senior Associate and Mr Artem Kuznetsov, Associate, TKS Disputes, Almaty, Kazakhstan.