



IN THE COURT OF FIRST INSTANCE

OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

4 September 2026

CASE No: AIFC-C/CFI/2026/0029

CLAIMANT

Claimant

v

DEFENDANT

Defendant

ORDER ON COSTS

Justice of the Court:

Justice Tom Montagu-Smith KC



ORDER

1. The Claimant shall pay the Defendant's costs of the claim, summarily assessed in the sum of USD 14,000.

REASONS

1. On 29 July 2026, I issued a judgment dismissing the Claimant's challenge to an arbitrator.
2. The Defendant seeks its costs of the claim. They are sought in the total sum of USD 16,243.48.
3. The Claimant does not resist a costs order in principle. However, it argues that the costs sought are disproportionate, duplicative and inadequately particularised.
4. As to the latter complaint, the costs schedule submitted is in the usual form and contains broadly the sort of detail I would expect to see.
5. The Claimant points out that the issues raised in the claim had previously been substantially argued out before the arbitrator. The Defendant, it says, relied substantially on the reasoning of the arbitrator.
6. Some challenge is made to the accuracy of the schedule. The schedule is however signed and contains a statement of truth. Subject to a small calculation error (of USD 9), I accept that it is accurate. In particular, I have no reason to doubt the fact that Ms Zgonnikova did in fact undertake the work recorded in the schedule. Nor is there any reason to doubt that Mr Tukulov undertook the work attributed to him, in supervising the work of the more junior members of the team.
7. I do not consider that the use of three fee earners is disproportionate or indicates significant duplication. It is not an unusual feature of commercial litigation.
8. Standing back, I do not consider the overall sum spent to be disproportionate. There are always some efficiencies which could have reduced the work done. Taking that into account, I make a small reduction to the sum claimed. Doing the best I can, I assess the Defendant's costs at USD 14,000.

By Order of the Court,

Justice Tom Montagu-Smith KC,
Justice, AIFC Court



Representation:

The Claimant was represented by Mr Aidar Kashkarbayev, Ms Dinara Cherniyazova, Ms Kamar-Sulu Yermekbayeva, lawyers, Almaty, Kazakhstan.

The Defendant was represented by Mr Bakhyt Tukulov, Partner, Ms Mariya Petrenko, Senior Associate, TKS Disputes LLP, Almaty, Kazakhstan.