THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

STATE BANK OF INDIA (DIFC BRANCH)

Claimant

and

(1) NMC HEALTHCARE LLC
(2) NMC SPECIALITY HOSPITAL LLC, ABU DHABI
(3) NEW MEDICAL CENTRE LLC DUBAI
(4) NEW MEDICAL CENTRE SPECIALITY HOSPITAL LLC, AL AIN
(5) MR. B.R SHETTY

Defendants

ORDER WITH REASONS OF H.E. JUSTICE ANDREW MORAN

UPON the Judgment of H.E. Justice Andrew Moran dated 8 October 2025 (the "Judgment")

AND UPON reviewing the Parties' submission on costs

IT IS HEREBY ORDERED THAT the Fifth Defendant shall pay the Claimant's costs of the proceedings, summarily assessed in the amount of USD 400,000.00

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 22 October 2025
At: 3pm

SCHEDULE OF REASONS

1. For reasons of brevity hereafter, the Court will refer to Mr. B.R Shetty as the Fifth Defendant.

2. By its Judgment, the Court upheld the Claimant's claim against the Fifth Defendant and adjourned the determination of the Claimant's claim for costs.

3. At paragraph 70 of its Judgment, the Court directed that:

> *"A proper and accurate statement of costs shall be prepared and filed by the Claimant's lawyer within seven days of this Judgement, which shall be served upon Mr Shetty, who shall have seven days within which to respond to the amounts claimed."*

4. Those submissions have now been filed, and the Court therefore proceeds as it said it would, to "summarily assess the costs to which the Claimant is entitled pursuant to this Judgement and order".

5. I have carefully considered the Revised Statement of Costs submitted by the Claimant's representatives and find the costs claimed in it to be in excess of what is reasonable and proportionate, including for some of the reasons advanced by the Fifth Defendant in his response, as explained below.

6. The total hours claimed to have been worked by the partner in the case, amounting in total to 257, charged at a high rate for partners in the DIFC (if not the highest), appear to have been assessed on a broad-brush, round-number estimated basis, rather than being the product of a contemporaneous unit of time recording system. There appears to be an excess of work undertaken by the partner, which ought reasonably to have been allocated to more junior lawyers.

7. This approach, together with the careless presentation of the original Statement of Costs, including an egregious error of addition which has not been explained, does not inspire the Court with confidence that this is a carefully assessed and justified claim for costs of the proceedings.

8. Whilst the Fifth Defendant's defence of the proceedings was entirely false and a gross waste of time and costs and was such as would often attract an assessment on an indemnity basis, even that basis of assessment would not entitle a receiving party to costs claimed, if the Court is not satisfied, they are reasonable and proportionate. The Fifth Defendant has satisfied me that the costs claimed by the Law Firm representing the Claimant are in excess of what is reasonable and proportionate. That finding does not apply to the costs incurred in respect of counsel's and the expert witness's fees.

9. A substantial discount from the amount claimed is therefore required to do fairness and justice and to award an amount of costs that represents

a reasonable and proportionate amount for the legal work done and disbursements paid in the case. In all the circumstances, I assess that amount in the total sum of USD 400,000.00 and have made the order above accordingly.