Claim No: CFI 045/2020

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) EMIRATES NBD BANK PJSC
(2) HSBC BANK MIDDLE EAST LIMITED
(3) ICICI BANK LIMITED, BAHRAIN LIMITED
(4) ICICI BANK UK PLC
(5) UNION BANK OF INDIA
(6) BANK OF JORDAN COMPANY
(7) NATIONAL BANK OF BAHRAIN BSC
(8) AHLI UNITED BANK BSC (DIFC BRANCH)
(9) COMMERCIAL BANK OF DUBAI PSC
(10) WARBA BANK KSCP

Claimants/Respondents

and

(1) KBBO CPG INVESTMENT LLC
(2) MR KHALEEFA BUTTI BIN OMAIR YOUSIF ALMUHARI

Defendants/Respondents

(3) HIS EXCELLENCY SAEED MOHAMED BUTTI MOHAMED ALQEBAISI

Defendant

(4) INFINITE INVESTMENT LLC

Defendant/Respondent

(5) GROUP OF FATHIMA CO LLC
(6) FATHIMA SUPERMARKET LLC (SHARJAH)
(7) FATHIMA SUPERMARKET WLL (ABU DHABI)
(8) FATHIMA TRADING & SUPERMARKET COMPANY WLL
(9) FAIRWAY GENERAL TRADING
(10) FAIRWAY CATERING SERVICES LLC (DUBAI)
(11) FAIRWAY CATERING SERVICES LLC (ABU DHABI)
(12) FATIMA GENERAL MARKET LLC

Defendant

(13) TELE LINK COMMUNICATION LLC
(14) ONE PREPAY COMPANY LLC

Defendants/Applicants

(15) TECHLINK SYSTEMS LLC

Defendant

(16) FRESHLY FROZEN FOODS FACTORY LLC
(17) SENORA FOODS LLC

Defendants/Applicants

(18) SPECTRAMI DMCC

Defendant

(19) ONE PREPAY COMPANY LLC (KSA BRANCH)

Defendant/ Applicant

CONSENT ORDER

UPON the First to Second, Thirteenth to Fourteenth, Sixteenth to Seventeenth and Nineteenth Defendants (the **"Applicants"**) having applied by

application notice dated 5 June 2020 (the **"Discharge Application"**) to discharge certain provisions of the order of Justice Sir Jeremy Cooke dated 15 May 2020 (the **"Order"**) and subsequent orders dated 21 May 2020, 23 May 2020 and 1 June 2020 (the **"Subsequent Orders"**), which application is to be heard on 30 June and 1 July 2020

AND UPON the Applicants having further applied by application notice dated 13 June 2020 for an order to ensure that steps taken pursuant to paragraphs 19 to 20 of the order of Justice Sir Jeremy Cooke dated 15 May 2020 (the **"Order"**) are not rendered irreversible prior to the disposal of the Discharge Application (the **"Modification Application"**)

AND BY CONSENT

IT IS ORDERED THAT

1. Until the disposal of the Discharge Application:

a. To the extent that the First Defendant procures the execution of the First Moveables Security Document and the Second Moveables Security Document and the provision of copies thereof to the First Claimant pursuant to paragraphs 19(1) to 19(2) of the Order:

i. The Claimants shall be able to use such copy documents to effect registration of their security interests, but such copy documents shall otherwise be held by the First Claimant to the order of the Court;

ii. In the event that paragraph 19 of the Order or the relevant parts thereof are discharged: (1) The First Claimant shall return such copy documents and any further copies thereof to the First Defendant; and (2) the Claimants shall consent to, and shall take all necessary steps to facilitate, the reversal and undoing of any security interest and registration thereof which has come about by the taking of these steps.

b. To the extent that the First Defendant procures the taking of steps by the Nineteenth Defendant to register the Account Pledge Agreement between the Nineteenth Defendant and HSBC Saudi Arabia on the Securities Register in Saudi Arabia pursuant to paragraph 19(3) of the Order, and in the event that paragraph 19 of the Order or the relevant parts thereof are discharged:

i. The Claimants shall consent to, and shall take all necessary steps to facilitate, the reversal and undoing of such registration and of any security interest created by the taking of these steps;

ii. The Claimants shall further procure that HSBC Saudi Arabia shall consent to, and take all necessary steps to facilitate, the reversal and undoing of such registration and of any security interest created by the taking of these steps.

c. Any monies paid into the Dirham Collection Account, the Dollar Collection Account or any other account with any of the Claimants pursuant to the Cash Sweep Provisions of paragraph 20 of the Order:

i. Shall not be the subject of any form of set-off and shall be held to the order of the Court in an interest bearing account established and used solely for the purpose of holding the sums so received until disposal of the Discharge Application.

ii. In the event of paragraph 20 or the relevant parts thereof being discharged, all such monies shall be repaid to the First Defendant or Defendants who made such payments.

2. There be no order as to costs in respect of this Consent Order. For the avoidance of doubt all other costs incurred to date in connection with the Discharge Application shall be reserved to be determined at the hearing on 30 June and 1 July 2020

Issued by:
Nour Hineidi
Deputy Registrar
Date of issue: 18 June 2020
At: 2pm