Claim No. DEC 001/2025

IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

TECHTERYX LTD.

Claimant/Applicant/Receiving Party

and

(1) ARIA COMMODITIES DMCC

Defendant/Respondent/Paying Party

(2) MATTHEW WILLIAM BRITTAIN

Respondent/Paying Party

(3) MASHREQ BANK PSC
(4) EMIRATES NBD BANK PJSC
(5) ABU DHABI ISLAMIC BANK PJSC

Defendants

ORDER WITH REASONS OF THE REGISTRAR AYESHA BIN KALBAN

UPON the Order of H.E. Justice Michael Black dated 27 March 2026, as amended on 30 March 2026, awarding the Claimant its costs of and occasioned by Application No. DEC-001-2025/17 (the "Alternative Service Application") on the standard basis, to be assessed by the Registrar if not agreed

AND UPON the Amended Order with Reasons of the Registrar dated 3 August 2026 assessing the costs of the Alternative Service Application in the sum of AED 54,059.62 and preserving the separate question of the costs of the detailed assessment proceedings

AND UPON the Claimant filing a completed Bill of Costs and a Statement of Costs dated 11 August 2026 claiming AED 34,768.72 for the costs of the detailed assessment proceedings

AND UPON the Claimant confirming that the further claim does not include the AED 4,800 previously allowed for preparation and checking of the Bill of Costs

AND UPON the Respondents having been afforded an opportunity to respond to that further claim and no submissions in response having been filed within the period allowed

AND UPON considering the Statement of Costs, the relevant settlement correspondence and the applicable Rules of the DIFC Courts (the "RDC")

IT IS HEREBY ORDERED THAT:

1. The Claimant's costs of the detailed assessment proceedings concerning the Alternative Service Application are assessed on the standard basis in the sum of **AED 33,554.47**, comprising AED 29,500 in professional fees and AED 4,054.47 in recoverable filing fees.

2. The assessment in paragraph 1 is additional to the sum of AED 54,059.62 assessed by the Amended Order with Reasons dated 3 August 2026 and does not include the AED 4,800 previously allowed for preparing and checking the original Bill of Costs.

3. The Registry shall issue a Final Costs Certificate for the aggregate amount of **AED 87,614.09**, payable by the First and Second Respondents to the Claimant, comprising AED 54,059.62 for the Alternative Service Application and AED 33,554.47 for the costs of the detailed assessment proceedings (the "Amount").

4. The First and Second Respondents shall pay the Amount within 14 days of the date of the Final Costs Certificate.

5. If the Amount remains unpaid after expiry of the period set out in paragraph 4 above, simple interest shall accrue on the unpaid balance at 9% per annum from the following day until payment in full, pursuant to Practice Direction No. 4 of 2017.

Issued by:
Delvin Sumo
Assistant Registrar
Date of Issue: 20 October 2026
At: 2pm

SCHEDULE OF REASONS

Introduction and scope

1. I determine the Claimant's claim for its costs of the detailed assessment proceedings arising from Application No. DEC-001-2025/17, the Alternative Service Application. The Claimant seeks AED 34,768.72. This determination concerns the additional costs of the assessment process, not the quantum of the Alternative Service Application costs already assessed.

2. By an Order dated 27 March 2026, amended on 30 March 2026, H.E. Justice Michael Black ordered the First and Second Respondents to pay the Claimant's costs of and occasioned by the Alternative Service Application on the standard basis, to be assessed by the Registrar if not agreed.

3. By the Amended Order with Reasons dated 3 August 2026, I assessed the Alternative Service Application costs at AED 54,059.62, reducing the claim of AED 70,249.62 by AED 16,190. The assessed amount included AED 4,800 for preparation and checking of the original Bill of Costs. I did not at that time quantify the further costs of the detailed assessment proceedings because no separate schedule was before me. I expressly preserved the position under RDC 40.44.

4. I have reviewed all materials now before me, including the Claimant's Statement of Costs dated 11 August 2026, its confirmation that the claim excludes the AED 4,800 previously allowed, the completed Bill of Costs, and the parties' earlier settlement correspondence relevant to the costs of assessment. I have also considered the guidance in the reasons for detailed assessment in *Korek Telecom Company LLC and others v Iraq Telecom Limited and another* (ARB-012-2023 and CA-016-2024), insofar as applicable. I refer below to the material necessary to explain my findings.

5. The Respondents were afforded an opportunity to respond to the claim for AED 34,768.72 but filed no submissions within the period allowed.

Applicable principles

6. RDC 40.44 provides that the receiving party is entitled to the costs of the detailed assessment proceedings unless an enactment, the Rules or a relevant Practice Direction provides otherwise, or the Court makes another order. RDC 40.45 requires consideration of all the circumstances when deciding whether to make a different order, including the parties' conduct, the amount by which the bill has been reduced and whether it was reasonable to claim or dispute particular items.

7. RDC 40.46 requires me to take account, when determining who should bear the costs of the detailed assessment, of a written offer to settle the underlying costs if expressed to be without prejudice save as to the costs of the detailed assessment.

8. RDC 38.17 provides that costs unreasonably incurred or unreasonable in amount are not to be allowed. RDC 38.18 provides that, on the standard basis, I must allow only proportionate costs and resolve any doubt about reasonable incurrence or reasonable and proportionate amount in favour of the paying party. I also apply RDC 38.21 and 38.23, having regard to the work undertaken, its importance, complexity, skill and responsibility, time spent and surrounding circumstances.

9. The approach in *Korek*, drawing on *Melody v Melance* [2020] DIFC CA 010, is consistent with an examination of actual work rather than an arbitrary percentage reduction. *Korek* also emphasises that assessment is adversarial and that objections should be particularised; the Court should not construct an opposing case for a paying party. Those observations do not shift the standard-basis burden away from the Claimant, but they inform my assessment of the significance of the absence of any response to this further costs claim.

Entitlement and the parties' conduct

10. The Claimant commenced the assessment of the Alternative Service Application costs on 4 May 2026. The Respondents served Points of Dispute on 25 May 2026 and the Claimant served Replies on 16 June 2026. The bill was assessed on the papers. The assessment involved a genuine dispute requiring the Claimant to examine and answer particular objections. It was reasonable in principle to incur further costs to pursue the existing costs order.

11. I take account of the fact that the original bill was reduced by AED 16,190, approximately 23%. The Respondents succeeded on objections to aspects of drafting, senior review and repeated costs-related work. That is relevant under RDC 40.45, but does not of itself justify a percentage reduction in the Claimant's entitlement to the costs of the assessment. The Claimant recovered AED 54,059.62, substantially above the amount for which the Respondents contended.

12. On 8 April 2026, the Claimant offered, without prejudice save as to costs, to accept AED 44,849.66 in settlement of its Alternative Service Application costs, which it then stated to be AED 52,764.30. On 15 April 2026, the Respondents counteroffered AED 18,000, maintaining that the application was procedural and the fees excessive. The eventual assessment of AED 54,059.62 exceeded both offers. I do not treat the Respondents' attempt to negotiate as misconduct, but the outcome supports the conclusion that the Claimant acted reasonably in proceeding to assessment rather than accepting the counteroffer.

13. I therefore find that the Claimant retains its ordinary entitlement under RDC 40.44. I see no sufficient basis to order it to bear a specified proportion of its otherwise reasonable assessment costs. That conclusion concerns entitlement only, it remains necessary to scrutinise the amount claimed.

Assessment of the additional costs

14. The Statement identifies four fee earners: Max Davis, Legal Director with 17 years' experience, at AED 3,350 per hour; Malavika Vijayan, Associate with two years' experience, at AED 2,000 per hour; Mohammad Haykal, Associate, at AED 1,900 per hour; and Maha AlAmri, Paralegal, at AED 1,400 per hour. The recorded time totals 15 hours and 45 minutes, producing AED 29,500 in professional fees. The Statement

groups work under attendances, other work and documents rather than setting out a dated narrative for each attendance. I have taken that limitation into account.

15. The professional-fee components are AED 670 for Mr Davis's first attendance, AED 200 for Ms Vijayan's attendance on opponents, AED 3,470 for attendances on others, AED 300 for other work and AED 24,860 for work on documents. The document component comprises AED 2,680 for Mr Davis (48 minutes), AED 13,400 for Ms Vijayan (6 hours 42 minutes), AED 380 for Mr Haykal (12 minutes) and AED 8,400 for Ms AlAmri (6 hours). These entries reconcile to the AED 29,500 claimed.

16. I consider the rates reasonable in the circumstances. Mr Davis's rate of AED 3,350 is marginally above the indicative AED 3,298 for practitioners with over ten years' experience in Registrar's Direction No. 1 of 2023, but the total senior time claimed is limited to 72 minutes. The other rates are below the relevant indicative benchmarks. I do not regard the modest difference in Mr Davis's rate as sufficient to justify a reduction to his limited attendances.

17. I have scrutinised the document work, which accounts for most of the claim. The Claimant had to consider the Respondents' Points of Dispute, prepare and serve Replies, and address the assessment on the papers. Six hours and 42 minutes of associate time and six hours of paralegal time are not, in themselves, excessive for that work. The combination of a junior associate and a paralegal is also consistent with appropriate delegation. I allow the document-work component of AED 24,860 in full.

18. I have considered whether the additional senior attendance and communications indicate duplication. The Statement records 48 minutes of Mr Davis's document work and two separate 12-minute attendances, together with 1 hour 24 minutes of Ms Vijayan's attendance on others and modest attendances by Mr Haykal. Although the generic category descriptions limit precision, the total time is modest in the context of a contested assessment and there is no identified duplicated task. I find no sufficient basis for a reduction to the remaining AED 4,640 in professional fees.

19. The Statement includes AED 5,268.72 described as filing fees. That amount is consistent with the 7.5% costs-assessment filing fee prescribed by Practice Direction No. 5 of 2014 when applied to the original bill of AED 70,249.62. However, in accordance with the Court's practice, the recoverable filing fee is calculated by reference to the amount ultimately allowed on assessment, rather than the amount originally claimed. As I assessed the Claimant's costs of the Alternative Service Application at AED 54,059.62, I allow reimbursement of the filing fee at 7.5% of that amount, being AED 4,054.47.

20. The Claimant expressly confirmed that its claim for AED 34,768.72 does not include the AED 4,800 previously allowed for preparing and checking the original Bill. The categories and amounts in the new Statement do not identify a second claim for preparing that original Bill. I accept the confirmation for the purpose of this assessment.

21. Having considered each category of costs, the total time incurred, the applicable hourly rates, the work generated by the contested assessment, the settlement history and the absence of submissions from the Respondents, I find that the professional fees of AED 29,500 were reasonably and proportionately incurred. I have separately adjusted the recoverable filing fee to AED 4,054.47 for the reasons given at paragraph 19 above. I do not consider that any further reduction is warranted. Accordingly, I assess the Claimant's costs of the detailed assessment proceedings in the total sum of **AED 33,554.47**.

Final certificate, payment and interest

22. The completed Bill filed on 11 August 2026 reflects my previous assessment of AED 54,059.62. Adding the further costs of the detailed assessment proceedings, which I have assessed at AED 33,554.47, produces a total of AED 87,614.09. I therefore direct the Registry to issue a Final Costs Certificate in that aggregate amount pursuant to RDC 40.39 to 40.43.

23. RDC 38.40 ordinarily requires payment of costs within 14 days of the certificate stating the amount where costs are assessed under RDC Part 40. I direct payment within 14 days of the Final Costs Certificate. Practice Direction No. 4 of 2017 provides a default simple judgment-interest rate of 9%, subject to the rate or commencement date prescribed in the judgment, which I apply, to accrue within 14 days of the date of the Final Costs Certificate.