THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

FURSA CONSULTING

Claimant

and

BAY GATE INVESTMENT LLC

Defendant

ORDER WITH REASONS OF ASSISTANT REGISTRAR HAYLEY NORTON

UPON the Judgment of H.E. Justice Thomas Bathurst dated 21 August 2025

AND UPON the Claimant's Application No. CFI-010-2024/7 dated 19 November 2025 seeking a Default Costs Certificate (the "Application")

AND UPON reviewing all other relevant case documents filed in this matter

IT IS HEREBY ORDERED THAT:

1. The Application is dismissed.

2. The Claimant shall bear its own costs of the Application.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 23 January 2026
At: 3pm

SCHEDULE OF REASONS

1. On 19 November 2025, the Claimant filed Application No. CFI-010-2024/7 seeking the issuance of a Default Costs Certificate (the "Application").

2. The Application states that the Claimant intends to apply for an order that:

> "The DIFC Courts issue a Default Costs Certificate **pursuant to Rule 40.17** of the Rules of the DIFC Courts in respect of the Bill of Costs served on 16 October 2025, no Points of Dispute having been served within the time prescribed by **RDC 40.15**.
>
> because
>
> The Defendant failed to serve Points of Dispute within 21 days of service of the Claimant's Bill of Costs dated 16 October 2025. The Claimant is therefore entitled to a Default Costs Certificate quantifying the recoverable costs as set out in the Detailed Professional Fees and Disbursements previously filed and served."
>
> (emphasis added)

3. In support of the Application, the Claimant relies on the witness statement of Nasir Hakim Salman Basheer, dated 7 November 2025. It is said therein that, on 16 October 2025, the Claimant served upon the Defendant's legal representatives, the following documents:

> "(a) the Notice of Commencement of Detailed Assessment (Form P40/01);
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> (b) the Schedule of Detailed Professional Fees;
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> (c) the Schedule of Disbursements with invoices; and
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> (d) the cover letter entitled "Detailed Professional Fees and
>
> Disbursements - CFI-010-2024"".

4. Having reviewed the Court file, I find that the Claimant has failed to comply with the procedural requirements set out in Rule 40.5 of the Rules of the DIFC Courts ("RDC"). RDC 40.5 requires that detailed assessment proceedings be commenced by the receiving party serving on the paying party both (i) a Notice of Commencement in Form P40/01; and (ii) a copy of the bill of costs.

5. RDC 40.5 is clear that a request for detailed assessment proceedings must be made by way of a specific procedure, namely, using Form P40/01 and paying the associated filing fee, and not by way of a general P23 Application Notice.

6. As the Claimant has failed to comply with the mandatory procedural requirements for commencing detailed assessment proceedings, it is not entitled to rely upon RDC 40.15 and 40.17 for the issuance of a Default Costs Certificate.

7. Accordingly, the Application must be dismissed, and the Claimant shall bear its own costs of the Application.