IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

N/A

BETWEEN

PHILIP

Claimant

and

PEDRO

Defendant

ORDER WITH REASONS OF H.E. JUSTICE SIR JEREMY COOKE

UPON the Arbitration Claim filed on 4 March 2026 (the "Claim") by which the Claimant applied for an order pursuant to Article 17(3)(b) of the DIFC Arbitration Law and Part 43 of the Rules of the DIFC Courts (the "RDC") appointing Mr Jon Elvey as sole arbitrator (the "Proposed Arbitrator") to preside over the ad hoc DIFC arbitration proceedings to be held between the Claimant and the Defendant under an amended charterparty for the charter of the vessel "PHOENIX" (the "Charterparty")

AND UPON the Defendant lodging, via the eRegistry, an Acknowledgement of Service indicating an intention to contest the jurisdiction of the DIFC Courts at 6.31pm on 21 September 2026, which was subsequently issued by the Court on 22 September 2026 (the "Acknowledgment of Service")

AND UPON the Defendant's Application No. ARB-016-2026/1 dated 23 September 2026 seeking an extension of time to file and serve its Acknowledgement of Service to the Claim and an order under RDC 12.1 declaring that the DIFC Courts do not have jurisdiction under Article 17(3)(b) of the DIFC Arbitration Law to appoint an arbitrator in relation to the Charterparty (the "Application")

AND UPON the Application having been served on the Defendant on 23 September 2026 and the Claimant having failed to file any evidence in answer within the prescribed time under RDC 23.46

IT IS HEREBY ORDERED THAT:

1. The Application for an extension of time for filing and serving an Acknowledgement of Service, in the absence of opposition from the Claimant, be determined on the papers.

2. The Defendant's time for filing and serving an Acknowledgement of Service contesting jurisdiction of the Court is extended to 22 September 2026.

3. The Defendant's Application for an Order under RDC 12.1 declaring that the DIFC Courts have no jurisdiction under Article 17(3)(b) of the Arbitration Law is deemed to be served on the Claimant on the date when this Order is served.

4. The First Witness Statement of Emma Fidler dated 21 September 2026 is deemed to be served on the Claimant on the date when this Order is served.

5. The Claimant shall have 28 days following such service in which to file and serve any evidence in opposition to the Defendant's Application referred to in paragraph 3 of this Order.

6. The Defendant shall have 14 days thereafter to file and serve any evidence in reply.

7. The Defendant shall bear the costs of the Application to extend time for filing and serving its Acknowledgement of Service.

8. Otherwise, costs are reserved.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 21 October 2026
At: 3pm

SCHEDULE OF REASONS

1. The Defendant seeks the Court's indulgence to file and serve an Acknowledgement of Service almost 6 months out of time, but that Application is not opposed and there would appear to be no prejudice to the Claimant which cannot be compensated in costs. The interests of justice require that the issue of jurisdiction to appoint an arbitrator under the Bareboat Charterparty be determined in the absence of agreement as to the basis of any arbitration between the Parties which is mandated for the resolution of their disputes under it.

2. Following the Court's order above to validate the Acknowledgement of Service by extending time for its filing and service to 22 September 2026, the Claimant must now be given the opportunity to respond to the substantive application relating to the jurisdiction of the Court and for that matter to be determined, either on the papers or in a hearing. The Parties should seek to agree whether it the issue is appropriately determined on the papers or not and in the event of disagreement, set out in a letter accompanying their evidence, in submissions of not more than 2 pages, their reasons why the Court should determine the issues in one way or the other.

3. The Court has therefore set a timetable for further evidence on the jurisdiction issue but points out that, in accordance with the Rules, witness evidence is not the place for submissions which should be made in Skeleton arguments prior to a hearing or in submissions in writing which the Court will direct, if the Court decides to determine the issues on the papers.