Claim No. CFI 069/2024

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) KESHAV GLOBAL TRADING LLC
(2) KESHAV GLOBAL PRIVATE LIMITED

Claimants

and

ETG COMMODITIES HOLDING LIMITED

Defendant

and

BANK OF INDIA, DIFC BRANCH

Non-Party Respondent

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

UPON the Defendant's Application Notice dated 22 September 2026 for a non-party disclosure order (the "NPO Application")

AND UPON the Non-Party Respondent's Application for an extension of time dated 5 October 2026 (the "Extension Application")

AND UPON reading the First Witness Statement of Matthew Showler dated 5 October 2026 filed in support of the Extension Application **AND UPON** reading the Defendants' Second Witness Statement of Harriet Lucy McLaughlin Fong dated 9 October 2026 **AND UPON** reading the Non-Party Respondent's Second Witness Statement of Matthew Showler dated 12 October 2026 **AND UPON** the Extension Application being considered on the papers

IT IS HEREBY ORDERED THAT:

1. The time for the Non-Party Respondent to file and serve its evidence in reply to the Sixteenth Witness Statement of Zarghona Fazal dated 21 September 2026 is extended from 5 October 2026 to 16 October and the time for any reply evidence from the Defendant is extended to 22 October 2026.

2. The Non-Party Respondent shall pay the costs of the Extension Application to be the subject of summary assessment, if not agreed, but not to be assessed or paid until determination of the NPO Application.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 14 October 2026
At: 2pm

SCHEDULE OF REASONS

1. The Non- Party Respondent has been aware of the request for documents since 22 May 2026 and was chased for provision of them on 24 June 2026 and 30 August 2026 and only declined to provide the same on 3 September 2026. Whether or not it took legal advice on this is not known, but a responsible Bank should have done so. The NPO Application was issued and served on 20 September 2026, although some two and a half weeks later, could not have come as a surprise to the Non-Party Respondent and the Non-Party Respondent should have been aware of what was sought and why it might or might not comply with the NPO and so able to respond to any NPO Application.

2. The Non-Party Respondent did not instruct lawyers until 30 September 2026 in relation to the NPO Application, the date of the Court Order setting a timetable for objections and responses.

3. The Defendant agreed to an extension of time of 2 days to 7 October 2026 for the Non- Party Respondent to file its evidence in opposition, but the Non-Party Respondent, on 5 October sought an extension of time to 21 October 2026.

4. The Non-Party Respondent now says it can produce its evidence in opposition by 16 October 2026 and in circumstances where the exchanges on the extension of time have dragged matters out until today, little point is served in ordering service in any shorter time. The Non-Party Respondent has thus achieved its objective without the existence of any good reason for an extension of time of the length sought. Whatever the objections may be to production of the documents sought, they cannot involve complex issues and the time sought was unreasonable given the background to which I have referred.

5. In these circumstances, the Non-Party Respondent must bear the costs of the Extension Application which are to be summarily assessed, if not

agreed, but not before the determination of the NPO Application and the costs thereof.

6. Absent any good reason for a hearing, I shall determine the NPO Application on the papers.