THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

GULF PETROCHEM FZ LLC

Claimant/Appellant

and

(1) PETROCHINA INTERNATIONAL (MIDDLE EAST) COMPANY LIMITED
(2) PETROCHINA INTERNATIONAL (SINGAPORE) PTE LTD
(3) INTERTEK SHARJAH FZ LLC
(4) INTERTEK FUJAIRAH FZC LLC (BRANCH OFFICE)

Defendants/Respondents

ORDER WITH REASONS OF H.E. JUSTICE NASSIR AL NASSER

UPON reviewing the Claimant's Appeal Notice dated 26 September 2023 seeking permission to appeal against my Order dated 19 September 2023 (the "Application for Permission to Appeal")

AND UPON reviewing the Respondents' submissions dated

AND UPON reviewing all relevant material in the case file

AND UPON reviewing 44.19 of the Rules of the DIFC Courts (the "RDC")

IT IS HEREBY ORDERED THAT

1. The Application for Permission to Appeal is refused.

2. Each party shall bear their own costs.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 19 October 2023
Time: 4pm

SCHEDULE OF REASONS

1. This is an Appeal brought by the Claimant in this Claim, against the order issued on 19 September 2023 (the "Order").

2. The background of this Claim is relevantly set out in the Order and need not be repeated in the course of this decision.

3. In accordance with RDC 44.19, permission to appeal may be granted in limited situations, being when there is a real prospect that the appeal would succeed, or where there is another compelling reason why the appeal should be heard.

4. In review of the Application for Permission to Appeal filed by the Claimant, I find that the Appeal does not meet the requirements under RDC 44.19. I briefly set out my reasons below.

5. The Claimant submits that there were procedural irregularities pursuant to Rule 1.6 of the RDC. The Claimant asserts that I have ordered a stay of the enforcement procedure for the Third and Fourth Defendants when their Application was filed in CFI-048-2023 and not under the Enforcement case file ENF-196-2023.

6. I am of the view that there existed two requests within the Third and Fourth Defendants' Application, one seeking to set aside the Default Judgment, which is now subject to review by Justice Le Miere, the second was for a stay of the enforcement procedure. Therefore, pursuant to RDC 1.6(2) and (3), I ordered that there be a stay the enforcement procedure against the First, Second, Third and Fourth Defendants pending the decision of Justice Le Miere.

7. Therefore, in light of the Claimant's submission, I am of the view that the Appeal does not have a prospect of success and I also do not find a compelling reason for the Appeal to be heard, and therefore the Appeal does not satisfy the requirements of RDC 44.19.

8. Each party shall bear their own costs.