IN THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF APPEAL

BETWEEN

ARB-004-2022

MIRMA

Appellant/Claimant

and

MOBAL

Respondent/Defendant

ARB-005-2023

MOBAL

Respondent/Claimant

and

MIRMA

Appellant/Defendant

ORDER OF THE COURT OF APPEAL

UPON the Claimant's Arbitration Claim dated 10 February 2022 seeking an order to set aside an ICC arbitral award dated 2 November 2021 (the "Claim")

AND UPON the Judgment of H.E. Justice Shamlan Al Sawalehi dated 8 February 2023, dismissing the Claim (the "Judgment")

AND UPON the Claimant in ARB-004-2022 ("Mirma") filing an Appeal Notice dated 1 March 2023 seeking permission to appeal against the Judgment (the "Permission Application")

AND UPON the Defendant in ARB-004-2022 filing a Respondent's Notice to the Permission Application dated 26 May 2023, and applying for a security over costs as a condition to the appeal (the "Appeal Conditions Application")

AND UPON the Order of H.E. Justice Shamlan Al Sawalehi dated 20 March 2023 in ARB-005-2023 recognising an arbitral award (the "Order")

AND UPON Mirma's Application No. ARB-005-2023/1 dated 13 April 2023 seeking to set aside the Order (the "Set Aside Application")

AND UPON the Claimant in ARB-005-2023 ("Mobal") filing Application No. ARB-005-2023/2 dated 26 May 2023 seeking permission to file a counterclaim; and security over costs (the "Counterclaim Application" or the "Adjournment Conditions Application")

AND UPON the Order of H.E. Justice Shamlan Al Sawalehi dated 12 September 2023, dismissing the Permission Application, the Set Aside Application and the Counterclaim Application connoting that the Appeal Conditions Application and the Adjournment Conditions Application falls away

AND UPON the Renewed Application for Permission to Appeal filed by the Claimant in ARB-004-2022 on 3 October 2023 (the "Renewed Permission Application"), seeking permission to appeal the Judgment

AND UPON the Appellant's Skeleton Argument filed on 3 October 2023 in support of the Renewed Permission Application

AND UPON Mirma's supplementary skeleton argument filed on 1 November 2024 ahead of the Appeal Hearing before the Court of Appeal

AND UPON the Appeal Hearing held before Chief Justice Wayne Martin, the Deputy Chief Justice H.E. Ali Al Madhani and Justice Robert French, with counsel for the Claimant and counsel for the Defendant in attendance on 7 November 2024

IT IS HEREBY ORDERED THAT:

1. The Renewed Permission Application in ARB-004-2022 is dismissed in respect of all grounds of appeal.

2. Pursuant to RDC 4.51, the court directs that the Renewed Permission Application in ARB-005-2023 be heard by the Court of Appeal without

being first heard by the judge at first instance.

3. The Renewed Permission Application in ARB-005-2023 is dismissed in respect of all grounds of appeal.

4. The Applicant for Permission to Appeal is to pay the Respondent's costs of each Application, to be determined by the court.

5. Reasons for the decision will be published in due course.

6. Following the publication of the reasons, the parties are to confer and notify the court of an agreed process for the determination of the quantum of the costs, or in default of agreement, provide the court with their respective submissions in relation to that process.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 8 November 2024
At: 2pm