**Claim No: ARB 005/2017**

**THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS**

**IN THE COURT OF FIRST INSTANCE**
**BEFORE JUSTICE SIR RICHARD FIELD**

BETWEEN

**YYY LIMITED**

Claimant

and

**ZZZ LIMITED**

Defendant

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**RULING AND DECLARATION OF JUSTICE SIR RICHARD FIELD**

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**UPON** the Defendant's application to the Joint Judicial Committee under Article 5 of Decree 19 of 2016 ("Decree 19") dated 29 June 2017

**AND UPON** hearing Counsel for the Claimant at a hearing on 30 June 2017

**AND UPON** the Claimant contending that: (a) a stay under Decree 19 does not prevent the court from making an order ancilliary to the Court's order of 22 June 2017 ("the original order"); (b) the Defendant had irrevocably submitted to the jurisdiction of the Court at the hearing on 24 June 2016 by its Counsel expressly accepting that the Court had jurisdiction to grant the original order by virtue of Article 17.1 of the Management Agreement that provides that the DIFC shall be the seat of any arbitration conducted under that provision; and (c) the Defendant had improperly abused the machinery provided under Decree 19 to bring a question of jurisdiction to the Joint Committee by lodging a claim that was hopelessly unsustainable and presented for the improper motive of achieving delay.

**AND UPON** the Claimant applying for an order that the original order shall be suspended until the conclusion of a hearing at a return date to be listed and that the Defendant in the meantime be ordered until the return date, inter alia, to reinstate the YYY signage and branding in the YYY (the "YYY") and to provide the former Acting General Manager with such assistance as he reasonably requires to act as the General Manager of the YYY subject to any contrary direction issued by, inter alios, the Dubai Department of Economic Development and the Dubai Department of Tourism and Commerce Marketing

**AND UPON** it being accepted that in the events that had happened a stay pursuant to Article 5 of Decree 19 was in operation

**AND UPON** the Court declining to make the order sought by the Claimant by reason of the said stay

**THE COURT OF ITS OWN MOTION HEREBY DECLARES THAT:**

1. By reason of the said stay, no order could or would be made by the Court consequent on the hearing conducted on Wednesday 28 June 2017.

2. The interim order made following the hearing on 24 June 2017 suspending the original order until the hearing conducted on Wednesday 28 June 2017 lapsed upon the completion of that hearing.

3. By reason of (1) and (2), the original order is no longer suspended and the return date referred to in that order is adjourned generally pending a decision of the Joint Committee on whether the Court has jurisdiction.

Issued by:
**Maha Al Mehairi**
Judicial Officer
Date of issue: 2 July 2017
At: 10am