Claim No. CFI 022/2025

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

TAYSEER ALI

Claimant

and

SADAPAY TECHNOLOGIES LTD

Defendant

ORDER WITH REASONS OF H.E. JUSTICE ROGER STEWART

UPON the Order of H.E. Justice Roger Stewart KC dated 18 September 2025 (the "Order")

AND UPON the Defendant's Appeal Notice dated 14 October 2025, seeking permission to appeal against the Order (the "PTA Application")

AND UPON the Order of H.E. Justice Roger Stewart KC dated 20 November 2025 refusing the PTA Application and ordering the Defendant to pay the Claimant's costs of responding to the PTA application and making provision for the immediate assessment of such costs (the "20 November Order")

AND UPON considering the Claimant's Statement of Costs dated 21 November 2025 (the "Statement")

AND UPON considering the Defendant's submissions in response to the Statement dated 8 December 2025

AND UPON considering the Claimant's submissions in response to the Defendant's submissions dated 9 December 2025

AND UPON considering the Rules of the DIFC Courts ("RDC")

IT IS HEREBY ORDERED THAT:

1. The Claimant's costs are assessed in the sum of AED 23,433.33

2. The said costs shall be paid by the Defendant to the Claimant by no later than 4pm on 29 December 2025.

Issued by:
Hayley Norton
Assistant Registrar
Date of issue: 16 December 2025
At: 11am

SCHEDULE OF REASONS

1. By the 20 November Order, the Defendant was ordered to pay the costs of responding to the PTA application.

2. The Claimant seeks the sum of AED 53,650 which is made up as to 14 hours and 30 minutes of work by Noorhan Abdullatif AlZaabi at a rate of AED 3,700 per hour.

3. The Defendant asserts:

(a) That no proof of payment has been provided;

(b) That the rate claimed is unreasonably high; and

(c) That the time taken was unreasonable given that the submission was only 2.5 pages long and that the submission overlapped with submissions in two other linked cases meaning that 43.5 hours were spent on three short submissions.

4. The Claimant responded by asserting:

(a) That the statement of costs was signed with a statement of truth by Ms Noorhan Abdullatif Alzaabi, an Emirati lawyer, reflecting the actual fees for work she personally carried out and was in accordance with RDC 38.34-38.36;

(b) That the hourly rate was appropriate for work done by a practitioner with 13 years of DIFC litigation experience; and

(c) The work done covered reviewing the Defendant's permission to appeal applications and materials, considering the Court's orders and authorities, taking instructions from the Claimant and preparing tailored written submissions in each claim in circumstances where the

applications were determined entirely on the papers.

Discussion

5. I remind myself that:

(a) RDC 38.20(1) provides that where, as here, the Court makes an order about costs without indicating the basis on which the costs are to be assessed, the costs will be assessed on the standard basis;

(b) RDC 38.17 provides that whatever the basis of assessment the Court will not allow costs which have been unreasonably incurred or are unreasonable in amount;

(c) RDC 38.18 requires that if the amount of costs is to be assessed on the standard basis, the Court will:

(i) Only allow costs which are proportionate to the matters in issue; and

(ii) Resolve any doubt which it may have as to whether costs were reasonably incurred or reasonable and proportionate in amount in favour of the paying party; and

(d) RDC 38.21 requires that the Court is to have regard to all the circumstances in deciding whether costs assessed on the standard basis:

(i) were proportionately and reasonably incurred; and

(ii) were proportionate and reasonable in amount.

6. I do not consider that there is any merit in the Defendant's submission that there has been no invoice or proof of payment produced. As the Claimant asserts the Statement of Costs was in the required form, compliant with the Court orders and signed with a statement of truth.

7. I do consider it appropriate to consider that this Statement of Costs is one of three Statements of Costs filed in relation to one of three actions which were dealt with by the Court and the parties at the same hearing and where permission to appeal applications were dealt with at the same time. Although there were differences between the three actions, there was a substantial similar background and a substantial overlap between the submissions made, particularly in opposing the applications for permission to appeal.

8. I have reviewed the Statements of Costs in the other two actions. Each of them is for an identical amount and for 14 hours and 30 minutes of work by the same fee-earner. I have also reviewed the skeleton arguments in opposition to the permission to appeal applications. Although the arguments were substantively different, they undoubtedly contained substantial areas where the points taken were the same- e.g. in relation to the lateness of the appeals. Further the arguments traversed similar arguments of law and substantially the same authorities and principles.

9. It follows that it appears very likely that the overall time taken for all three actions in preparing opposition to the permission to appeal applications was 43.5 hours with the work being performed on all three cases and then divided in three.

10. It follows that the total costs being sought amount to almost 5.5 days (assuming an 8-hour working day).

11. In the Court's view that amount of time raises real doubt in the Court's mind as to whether the costs claimed were reasonably claimed or were reasonable in amount. The Court does not, of course, know what amount of time was spent taking instructions from each of the three separate claimants. The Court further accepts:

(a) That the Defendant raised arguments and cited authorities in its PTA Application which had not initially been put forward (or, at the very least, were put forward in a different way);

(b) That it was necessary to consider and research those arguments; and

(c) That the appeals were all out of time and that it was reasonable for the Claimant to object to the application on that basis (as well as others).

12. Nonetheless the Court considers that either the total time claimed or the rates charged were excessive or both. The justification for different higher hourly rates lies in the skill and experience of the practitioner whose time is being charged for. Senior practitioners with high hourly rates are expected to work efficiently and productively applying their experience. Some tasks (e.g. research) may be better done by more junior employees at lower hourly rates.

13. In this case all time is claimed by one senior employee at a relatively high hourly rate. The Court is in a good position to assess the majority of the amount of work necessary to respond to the permission to appeal applications as there is substantial overlap with the work the Court had to do in considering the three permission to appeal applications.

14. In the Court's view no more than 16 hours of work should have been necessary, in total, for a senior and experienced practitioner for all three cases in doing the work necessary to respond to the permission to appeal applications other than liaising with each Claimant and taking instructions. The latter work would reasonably add an hour per case so as to produce a total of 19 hours work for all three applications. This would mean 6.33 hours per case amounting to AED 23,433.33 per response. This is accordingly the sum which I allow by way of assessment.