Claim No: CFI 045/2020

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

(1) EMIRATES NBD BANK PJSC

Claimant / Applicant

(2) HSBC BANK MIDDLE EAST LIMITED
(3) ICICI BANK LIMITED, BAHRAIN LIMITED
(4) ICICI BANK UK PLC
(5) UNION BANK OF INDIA
(6) BANK OF JORDAN COMPANY
(7) NATIONAL BANK OF BAHRAIN BSC
(8) AHLI UNITED BANK BSC (DIFC BRANCH)
(9) COMMERCIAL BANK OF DUBAI PSC
(10) WARBA BANK KSCP

Claimants

and

(1) KBBO CPG INVESTMENT LLC
(2) MR KHALEEFA BUTTI BIN OMAIR YOUSIF ALMUHARI
(3) HIS EXCELLENCY SAEED MOHAMED BUTTI MOHAMED ALQEBAISI
(4) INFINITE INVESTMENT LLC
(5) GROUP OF FATHIMA CO LLC
(6) FATHIMA SUPERMARKET LLC (SHARJAH)
(7) FATHIMA SUPERMARKET WLL (ABU DHABI)
(8) FATHIMA TRADING & SUPERMARKET COMPANY WLL
(9) FAIRWAY GENERAL TRADING
(10) FAIRWAY CATERING SERVICES LLC (DUBAI)
(11) FAIRWAY CATERING SERVICES LLC (ABU DHABI)
(12) FATIMA GENERAL MARKET LLC
(13) TELE LINK COMMUNICATION LLC
(14) ONE PREPAY COMPANY LLC
(15) TECHLINK SYSTEMS LLC
(16) FRESHLY FROZEN FOODS FACTORY LLC
(17) SENORA FOODS LLC
(18) SPECTRAMI DMCC
(19) ONE PREPAY COMPANY LLC (KSA BRANCH)

Defendants / Respondents

ORDER OF JUSTICE SIR JEREMY COOKE

PENAL NOTICE

IF YOU MR KHALEEFA BUTTI BIN OMAIR YOUSIF ALMUHAIRI DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND YOU MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

THIS ORDER

UPON the Second Respondent's urgent application made on short notice to the Court dated 20 May 2020

AND UPON the amended application of the Second Respondent dated 21 May 2020

AND UPON upon reading the Witness Statement of Paul Hughes date 21 May 2020

AND UPON the Order of Justice Sir Jeremy Cooke dated 15 May 2020 (the **"15 May Order"**)

IT IS HEREBY ORDERED THAT:

INTERIM INJUNCTION

1. The Second Respondent's Applications of 20 and 21 May 2020 are refused.

2. As soon as reasonably practicable, the Second Respondent shall take such steps as are reasonably available:

(1) To procure the payment to the Applicant of the Funds; and

(2) To prevent the Funds from being disposed or, dealt with or diminished in value.

3. The steps referred to in paragraph 2 above shall include the Second Respondent taking the following steps as soon as reasonably practicable and in any event by 21:00 on Thursday 21 May 2020:

(1) The Second Respondent shall issue to the parties referred to in paragraph 4 below, written instructions informing them of this Order and directing them:

(a) Not to dispose of, deal with or diminish the value of the Funds;

(b) To pay to the Applicant immediately the Funds or such part of them as remains in their custody or control;

(2) Where the Second Respondent is aware that the Funds or any part or them has been transferred to any other third party not named in Schedule C or paragraph 4 below, whether directly or indirectly, he shall by 21:00 on Thursday 21 May 2020 issue written instructions to that third party, informing him of this Order and directing him:

(a) Not to dispose of, deal with or diminish the value of the Funds;

(b) To pay to the Applicant immediately the Funds or such part of them as remains in their custody or control.

4. The parties referred to in paragraph 3(1) above are:

(1) KBBO General Trading Sole Proprietorship LLC;
(2) NOV Partners;
(3) Noor Capital PSC;
(4) Mubashir Financial Services;
(5) Creative Mark Limited;
(6) Advanced Facilities Management Services LLC;
(7) Centurion Investment;

5. By 16:00 time on 27 May 2020, the Second Respondent must provide an update to the Applicant's legal representatives as to the steps taken by the Second Respondent in compliance with Paragraphs 2 and 3 of this Order and any responses received.

6. Upon receipt of any sum referred to in paragraphs 2 and 3 above, the Applicant shall hold that sum to the Order of the Court in an interest bearing account established and used solely for the purpose of holding the sums so received until further Order of the Court.

7. By 21:00 on 21 May 2020, the Second Respondent must, subject to paragraph 16(2) of the 15 May Order, inform the Applicant's legal representatives, to the best of his current ability what has become of and who now holds the Funds. By 16:00 on 27 May 2020, the Second Respondent must, subject to paragraph 16(2) of the 15 May Order, provide an update to the Applicant's legal representatives as to his then understanding of what has become of and who now holds the Funds.

8. By 11:00 on 28 May 2020, the Second Respondent must, subject to paragraph 16(2) of the 15 May Order, swear and serve on the Applicant's legal representatives an affidavit setting out, to the best of its ability, the information referred to in paragraph 7 of this Order and full details of the steps taken to comply with paragraphs 2 and 3 of this Order and any responses received as a result of complying with that paragraph.

9. For the avoidance of doubt, all times specified in this order are in Gulf Standard Time.

CONTINUING OBLIGATIONS UNDER 15 MAY ORDER

10. Save where amended by this Order, the remaining obligations under the 15 May Order continue to be binding on the Second Respondent and the remaining Respondents.

11. Costs reserved.

Issued by:
Nour Hineidi
Deputy Registrar
Date of issue: 21 May 2020
At: 6.30pm

SCHEDULE C

THE FUNDS

DATE	PAYING BANK	RECIPIENT	RECEIVING BANK AND ACCOUNT NUMBER	AMOUNT (USD)	AMOUNT (AED)
24 Nov 2019	Warba Bank (K.S.C.P.)	Group of Fathima Co LLC	Dubai Islamic Bank PJSC (A/C XXX)	42,945,528	157,704,570
24 Nov 2019	Warba Bank (K.S.C.P.)	Fathima Trading & Supermarket Company WLL	Arab Bank PLC (A/C XXX)	1,348,620	4,952,403.644
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	Fathima Trading & Supermarket Company WLL	Arab Bank PLC (A/C XXX)	9,291,177	34,070,748
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	Abu Dhabi Commercial Bank PJSC (A/C XXX)	20,411,953	74,850,632
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	Al Masraf Arab Bank for Investment & Foreign Trade (A/C XXX)	9,659,851	35,422,675
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	Tele Link Communication LLC	Al Masraf Arab Bank for Investment & Foreign Trade (A/C XXX)	15,283,893	56,046,036
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	Arab Bank PLC (A/C XXX)	4,101,834	15,041,426
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	Dubai Islamic Bank PJSC (A/C XXX)	11,044,451	40,500,000
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	First Abu Dhabi Bank PJSC (A/C XXX)	2,744,785	10,065,126
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	National Bank of Umm Al Quwain PSC (A/C XXX)	6,839,104	25,078,996
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	United Bank Limited (A/C XXX)	9,445,966	34,638,358
25 Nov 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	Union National Bank (A/C XXX)	1,368,585	5,018,600
10 Dec 2019	ICICI Bank Limited, Bahrain Branch	KBBO CPG Investment LLC	HSBC Bank Middle East Limited (A/C XXX)	25,333,333	93,036,665
10 Dec 2019	Warba Bank (K.S.C.P.)	KBBO CPG Investment LLC	HSBC Bank Middle East Limited (A/C XXX)	14,666,666.66	53,863,334.56
22 Dec 2019	Warba Bank (K.S.C.P.)	KBBO CPG Investment LLC	HSBC Bank Middle East Limited (A/C XXX)	5,500,000	20,198,750
23 Dec 2019	ICICI Bank Limited, Bahrain Branch	One Prepay Co LLC	Al Masraf Arab Bank for Investment & Foreign Trade (A/C XXX)	5,785,191.77	21,243,224.17
23 Dec 2019	ICICI Bank Limited, Bahrain Branch	Group of Fathima Co LLC	First Abu Dhabi Bank (A/C XXX)	2,840,186.88	10,429,166.22
23 Dec 2019	ICICI Bank Limited, Bahrain Branch	Freshly Frozen Foods Factory LLC	Standard Chartered Bank (A/C XXX)	874,621.35	3,211,609.61
			TOTAL	189,485,747	695,372,320