Claim No. CFI 033/2009, CFI 013/2010 & CA 004 /2011

THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

IN THE MATTER OF ORION HOLDINGS OVERSEAS LIMITED (in liquidation)

Between

SHAHAB HAIDER(Liquidator of Orion Holdings Overseas Limited) Respondent
and

ERNST & YOUNG MIDDLE EAST
Applicant

ORDER OF H.E JUSTICE OMAR ALMUHAIRI MADE ON 16 APRIL 2013

UPON reviewing Application Notices CA 004/2011/08, CA 004/2011/09 & CA 004/2011/10 filed on behalf of Ernst & Young ("Applicant") on 2 April 2013

AND UPON considering the Reply submissions filed on behalf of the Liquidator of Orion Holdings Overseas Ltd - Shahab Haider ("Respondent"), dated 9 April 2013

AND UPON considering the Reply to Response submissions on behalf of Ernst & Young on 11 April 2013

AND UPON reviewing the relevant documents in the case file

I HEREBY FIND THAT

On 7 February 2013 the Respondent served P40/01 Notice of Commencement of Assessment of Bills of Costs (in relation to CFI 013/2010, CFI 033/2009 & CA 004/2011) on the Applicant. On 24 February 2013 the Applicant filed three Application Notices (CA 004/2011/04, CA 004/2011/05 & CFI 033/2009/04) requesting an extension to 31 March 2013 to file their Points of Dispute to the Respondent's Bills of Costs, the extension was agreed between the parties and the Court subsequently issued the Order of 28 February 2013 granting the Applicant's extension request. However, the Applicant failed to file its respective Points of Dispute by 12pm on 31 March 2013. On 1 April 2013 the Respondent filed three P40/02 Requests for Default Cost Certificates (CFI 033/2009/05, CA 004/2011/06 & CA 004/2011/07). On 1 April 2013 the Registry issued the Default Cost Certificates. On 2 April 2013 (three days after the agreed extension provided in the Court's Order of 28 February 2013) the Applicant filed three Application Notices (CA 004/2011/08, CA 004/2011/09 &CA 004/2011/10) which contained the Applicant's respective Points of dispute to the Respondent's Bills of Costs along with requests to set aside the three Default Cost Certificates issued on 1 April 2013. On 2 April 2013 the Registry issued directions expediting the Response and Reply to Response submissions to the Application Notices CA 004/2011/08, CA 004/2011/09 & CA 004/2011/10. On 9 April 2013 the Respondent filed their Response and on 11 April 2013 the Applicant filed their Reply to Response.

Pursuant to Rule 40.24 of the DIFC Courts, the Court may set aside or vary a Default Costs Certificate if it appears to the Court that there is some good reason why the Detailed Assessment proceedings should continue. Before me there is no good reason identified. As such and for the above reasons

IT IS HEREBY ORDERED THAT

1. The Application Notices CA 004/2011/08, CA 004/2011/09 & CA 004/2011/10 are refused.

2. The Applicant shall pay the Respondent's Costs of these Applications, to be assessed if not agreed.

3. Paragraph 5 of the Respective Default Cost Certificates issued by the Registrar on 1 April 2013 shall be replaced by the following:

> *5. The sums in paragraphs 2, 3 and 4 above to be paid by the Paying Party to the Receiving Party by no later than **12pm on 1 May 2013**.*

Issued by

Mark Beer

Registrar

Issued On: 17 April 2013

Time: 5 pm