THE DUBAI INTERNATIONAL FINANCIAL CENTRE COURTS

IN THE COURT OF FIRST INSTANCE

BETWEEN

PANTHER REAL ESTATE DEVELOPMENT LLC

Claimant

and

MODERN EXECUTIVE SYSTEMS CONTRACTING LLC

Defendant

CONSENT ORDER

UPON the Part 7 Claim Form dated 8 December 2019 (the "Claim Form")

AND UPON paragraph 10 of the Ruling of Justice Sir Richard Field dated 9 November 2022 ordering the parties' experts on quantum, Mr Brian Allan for the Claimant and Mr Rohit Singhal for the Defendant, to each produce a final itemised statement showing the totals of the sums of damages the Court is awarding to each of the parties

AND UPON the Claimant's Final Itemised Statement dated 8 June 2023 (the "Claimant's Final Itemised Statement")

AND UPON the Defendant's Final Itemised Statement dated 9 June 2023

AND UPON the Defendant's email correspondence to the Registry dated 21 June 2023 formally agreeing to Mr Allan's figure of AED 3,431,507.36 (the "Defendant's Email dated 21 June")

AND UPON the Order of Justice Richard Field dated 3 July 2023 ordering the Defendant to pay the Claimant the total sum of AED 3,431,507.36 (the "Order dated 3 July 2023")

AND UPON the Defendant's email correspondence to the Registry dated 3 July 2023 clarifying their position in respect to the Defendant's Email dated 21 June

AND UPON the Claimant's email correspondence to the Registry dated 11 July 2023 confirming that the Order dated 3 July 2023 should only state the sum agreed as reflected in the Claimant's Final Itemised Statement

AND UPON the Amended Order of Justice Sir Richard Field dated 17 July 2023

AND UPON the Defendant's email of 17 July 2023 which requested that a specific Order be made directing the Claimant to pay the Defendant the ordered amount of AED 3,431,507.36

AND UPON the DIFC Court Registry's request dated 15 August 2023 that the Parties agree a proposed draft Amended Order

IT IS HEREBY ORDERED THAT:

1. The Defendant agrees to the quantum of Mr. Brian Allan's calculation of the damages owed by the Claimant to the Defendant in the sum of AED 3,431,507.36, as set out in the Claimant's Final Itemised Statement, which sum shall be payable by the Claimant (Panther Real Estate Development LLC) to the Defendant (Modern Executive Systems Contracting LLC).

2. Any sum payable by the Claimant (Panther Real Estate Development LLC) to the Defendant (Modern Executive Systems Contracting LLC) pursuant to this Order shall be subject to an Order for Costs issued by the Court in respect of TCD-003-2019 and CA016-2022, such Order to make clear the final sum owed in respect of the Parties' costs in TCD-003-2019 and CA-016-2022 and such costs sum to be adjusted against the sum of AED 3,431,507.36 before any payment is made.

3. The Claimant will seek to attempt to agree the costs awarded to it in CA-016-2022 with the Defendant within 14 days of the date of this Order failing which, the Claimant may commence costs assessment proceedings.

4. The Court makes the following directions in relation to the Parties' costs in TCD-003-2019, pursuant to Direction No. 2 in the Judgment of Justice Sir Richard Field dated 26 September 2022:

(a) Parties are to exchange submissions on costs in TCD-003-2019 within 30 days of the date of this Order;

(b) Parties are to exchange reply submissions on costs in TCD-003-2019 within 30 days of paragraph (a) above.

(c) Parties are to attempt to agree to the quantum of costs within 14 days of the Court determining the issue of liability, failing which the Parties may commence cost assessment proceedings.

Issued by:
Delvin Sumo
Assistant Registrar
Date of issue: 6 September 2023
At: 2pm