

IN THE GRAND COURT OF THE CAYMAN ISLANDS

CAUSE NO: FSD 237 of 2023 (IKJ)

FINANCIAL SERVICES DIVISION

BETWEEN:

- (1) ABRAAJ SPV 108 LIMITED
- (2) ABRAAJ SPV 127 LIMITED

PLAINTIFFS

-and-

IGCF SPV 21 LIMITED

DEFENDANT

CAUSE NO: FSD 262 of 2023 (NSJ)

FINANCIAL SERVICES DIVISION

BETWEEN:

- (3) SHAN E-ABBAS ASHARY
- (4) AL JOMAIH POWER LIMITED
- (5) DENHAM INVESTMENT LTD.

PLAINTIFFS

-and-

- (1) KES POWER LIMITED
- (2) IGCF SPV 21 LIMITED
- (3) KP CORPORATE DIRECTOR LIMITED
- (4) MARK SKELTON
- (5) SHAHERYAR ARSHAD CHISHTY
- (6) SAMEER ARSHAD CHISHTY
- (7) DARIN DANIEL BAUER
- (8) ADEEB AHMAD

DEFENDANTS

THIS ORDER is filed by Dillon Eustace, attorneys-at-law for the 2nd and 4th to 8th Defendants, whose address for service is Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands [REF: CLK/TIG01.7]

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ORDER

UPON the Writ of Summons dated 18 August 2023 filed by the Plaintiffs (the "**SPV 21 Proceedings Plaintiffs**") in Cause No. FSD 237 of 2023 (IKJ) (the "**SPV 21 Proceeding**")

UPON the Writ of Summons dated 31 August 2023 filed by the Plaintiffs (the "**Ashary Plaintiffs**") in Cause No. FSD 262 of 2023 (NSJ) (the "**Ashary Proceeding**")

UPON the Summons for Directions (the "**Ashary Summons**") dated 25 January 2024 filed by the 2nd and 4th – 8th named Defendants (the "**Ashary Defendants**") in the Ashary Proceeding

UPON an Amended Summons for Directions dated 26 January 2024 filed by the Defendant ("**SPV 21**") (and together with the Ashary Plaintiffs, the SPV21 Plaintiffs and the Ashary Defendants, the "**Parties**") in the SPV21 Proceeding (the "**SPV 21 Amended Summons**")

UPON the Ashary Summons and the SPV 21 Amended Summons being referred to as the "**Case Management Applications**"

UPON leading counsel for the SPV 21 Proceedings Plaintiffs, the Ashary Plaintiffs, SPV 21 and the Ashary Defendants being heard on 31 May 2024 in relation to the Case Management Applications

UPON the judgment of the Court dated 14 June 2024 in respect of the Case Management Applications ("**the Case Management Judgment**")

UPON a Case Management Order dated 1 October 2024 in respect of the Case Management Judgment

UPON an Order dated 1 October 2024 for the conduct of the SPV 21 Proceedings and the Ashary Proceedings

THIS ORDER is filed by Dillon Eustace, attorneys-at-law for the 2nd and 4th to 8th Defendants, whose address for service is Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands [REF: CLK/TIG01.7]

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UPON a Summons dated 21 November 2024 having been issued by the 2nd and 4th – 8th Defendants in the Ashary Proceedings seeking certain orders in respect of discovery (“**the Discovery Summons**”)

UPON a Consent Order dated 26 November 2024 between the parties to the SPV 21 Proceedings amending paragraph 2 of the Case Management Order

AND UPON the Court having agreed on 6 December 2024 to rule on the Discovery Summons on the papers without the need for an oral hearing after the filing of evidence and submissions by the Parties to the Ashary Proceedings, as set out in this Order

IT IS HEREBY ORDERED THAT:

1. The Ashary Plaintiffs shall file evidence in response to the Discovery Summons, if so advised, by 4.00 p.m. on 6 January 2025.
2. The Ashary Defendants shall file evidence in reply, if so advised, by 4.00 p.m. on 13 January 2025.
3. The parties to the Ashary Proceedings shall thereafter seek to agree and file with the Court by 20 January 2025 a list of issues for determination by the Court and if they are unable to reach agreement by that date they shall by 27 January 2025 file a list of issues identifying which issues are agreed and which are not agreed.
4. The Parties to the Ashary Proceedings shall file and exchange written submissions (limited to 10 pages) in relation to the Discovery Summons by 4.00 p.m. on 10 February 2025. In respect of the submissions, to the extent that reliance is placed on the correspondence and documents exhibited to the affidavit evidence, the Parties should identify precisely which letters and statements are relied on.
5. The costs of and occasioned by this order shall be costs in the cause.

THIS ORDER is filed by Dliion Eustace, attorneys-at-law for the 2nd and 4th to 8th Defendants, whose address for service is Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands [REF: CLK/TIG01.7]
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6. Liberty to apply.

DATED the 27 day of December 2024

FILED the 27 day of December 2024

A handwritten signature in blue ink, appearing to read "Segal", is written above a horizontal line.

**THE HONOURABLE JUSTICE SEGAL
JUDGE OF THE GRAND COURT**

THIS ORDER is filed by Dillon Eustace, attorneys-at-law for the 2nd and 4th to 8th Defendants, whose address for service is Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands [REF: CLK/TIG01.7]

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AGREED AS TO FORM AND CONTENT

Bedell Cristin

**Bedell Cristin
Attorneys for the
Ashary Plaintiffs**

Dillon Eustace

**Dillon Eustace Cayman
Attorneys for 2nd and 4th to
8th Defendants in the Ashary
Proceedings**

THIS ORDER is filed by Dillon Eustace, attorneys-at-law for the 2nd and 4th to 8th Defendants, whose address for service is Landmark Square, West Bay Road, PO Box 775, Grand Cayman KY1-9006, Cayman Islands [REF: CLK/TIG01.7]

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