



IN THE COURT OF FIRST INSTANCE
OF THE ASTANA INTERNATIONAL FINANCIAL CENTRE

4 May 2022

CASE No: AIFC-C/CFI/2022/0010

ERG RECYCLING LLP

Claimant

and

DA CHEN LLP

Defendant

JUDGMENT AND ORDER

Justice of the Court:

Justice The Rt. Hon. The Lord Faulks QC

JUDGMENT AND ORDER

1. Pursuant to a Claim Form made on 28 April 2022 the Claimant seeks an Order from this Court to enforce the measures set forth in Part 4 «Resolution Part of the Award» of the Final Arbitration Award dated 5 April 2022 made by Ms. Yelena Nesterova, the sole arbitrator appointed by a letter dated 3 September 2021 of Ms. Barbara Dohmann QC, the Chairman of the International Arbitration Centre of the AIFC in Kazakhstan, in Case IAC Arbitration No 5/2021.

2. Having read the Award it appears to me that application is justified. Accordingly, I hereby order:

That Da Chen LLP pay to ERG Recycling LLP:

 - (1) a penalty in the amount of 613,878,697.55 (six hundred and thirteen million eight hundred and seventy-eight thousand six hundred and ninety-seven KZT, 55 tiyn);
 - (2) arbitration costs in the amount of 6,373,363.52 (six million three hundred and seventy-three thousand three hundred and sixty-three KZT, 52 tiyn).

By no later than 6pm Nur-Sultan time on Wednesday 18 May 2022, being 14 days from the date of this Judgment and Order.

3. The Defendant is given liberty to apply to have this Order set aside within 7 days of service upon it of this Order.

By the Court,

Sowwan Faull



Representation:

The Claimant was represented by Mr. Ruslan Sadrtidinov, ERG Recycling LLP

The Defendant was represented by Ms. Karlygash Nurpisova, Deheng Law Offices LLP