محكمة قطر الدولية
ومركز تسوية المنازعات

QATAR INTERNATIONAL COURT
AND DISPUTE RESOLUTION CENTRE

In the name of His Highness Sheikh Tamim bin Hamad Al Thani,

Emir of the State of Qatar

Neutral Citation: [2026] QIC (A) 13

IN THE QATAR FINANCIAL CENTRE

CIVIL AND COMMERCIAL COURT

APPELLATE DIVISION

[On appeal from [2026] QIC (F) 41]

Date: 26 July 2026

CASE NO: CTFIC0064/2025

J

Claimant/Respondent

v

K

Defendant/Applicant

JUDGMENT

Before:

Lord Thomas of Cwmgiedd, President

Justice Sir William Blair

Justice Dr Hassan Al-Sayyed

Judgment

Introduction

1. The Applicant, by an application dated 6 July 2026, sought to appeal against the decision of the First Instance Circuit given on 21 June 2026 refusing to vacate the date fixed for the trial of these proceedings. Reasons were given in a judgment dated 1 July 2026.

Background

2. In brief outline, these proceedings (which relate to the transfer of shares in alleged breach of the QFC Companies Regulations 2005) were begun by the Respondent on 18 November 2025 and are part of worldwide attempts to enforce an arbitration award in favour of the Respondents for sums in excess of €250m.

3. The Applicant challenged the jurisdiction of the Court to hear the proceedings; that application was dismissed by the First Instance Circuit in a judgment dated 29 March 2026 ([2026] QIC (F) 7). The Applicant appealed to this Court on the issue of jurisdiction. We initially fixed the hearing on jurisdiction as a rolled-up application and appeal for 2 July 2026. The Applicants immediately sought an adjournment of the hearing.

4. On 9 June 2026, we adjourned the hearing of the rolled up application to appeal on jurisdiction to 28 September 2026, but made it an express term of the adjournment that:

   > *To mitigate any material delay resulting from the grant of the Applicant's request to adjourn the date of the hearing of its application, it is a term of the adjournment that proceedings before the First Instance Circuit must continue without any stay until the hearing of the application on 28 September 2026.*

5. The First Instance Circuit on 11 June 2026 made procedural directions and fixed the date of the hearing of the trial of the proceedings in relation to the share transfer for 19-20 August 2026.

6. On 18 June 2026, the Applicant applied to the First Instance Circuit for the hearing to be re-listed for a later date. That application was refused on 21 June 2026. As noted above, reasons for that refusal were given on 1 July 2026 ([2026] QIC (F) 41).

7. The Applicants sought leave to appeal against that decision on two grounds:

    i. The First Instance Circuit erred in not having sufficient regard to the Applicant's right to choose its counsel.

    ii. The decision is not consistent with the Overriding Objective.

8. It was contended there would be a risk of serious injustice to the Applicant.

9. We received written submissions from the Applicant and Respondent. After consideration of the submissions, we refused permission to appeal and dismissed the application on 22 July 2026 for reasons to be given later. These are our reasons for refusal and dismissal.

Ground 1: Choice of Counsel

10. There is no suggestion that the case cannot be ready by the trial dates of 19 and 20 August 2026. There was a suggestion in the submissions to the First Instance Circuit that a witness might be on holiday, but that is no longer relied on. An order has been made for the service of expert evidence on Russian law; there is no suggestion that it cannot be complied with.

11. The application made on ground 1 is essentially made on the unavailability of counsel of the party's choice. It is not suggested that other counsel could not be ready and prepared for trial. The First Instance Circuit's decision refusing to vacate the trial date was given on 21 June 2026 (reasons following on 1 July 2026). That was more than two months before the hearing, giving ample time to put alternative arrangements in place. We have also noted that the present counsel for the Applicant were not counsel before the First Instance Circuit when the jurisdiction issue was argued.

12. We accept that there might be some duplication in costs, but we do not think that is a decisive consideration. The issues on jurisdiction (which have been thoroughly prepared by the existing team) are completely different to the issues on the validity of

the share transfers (as summarised in the First Instance Circuit's earlier judgment of 29 March 2026). The issues on the share transfers involve issues of factual evidence as to what was done when the shares were transferred, legal argument on QFC company law (particularly article 132 of the QFC Companies Regulations 2005, and obligations owed to the QFC Authority and QFC Companies Registration Office), as well as some issues of Russian law. There is no apparent reason why the counsel work on those issues cannot, if necessary, be done by a separate team. Any extra costs are wholly insignificant in relation to the sum of at least €250m due under the arbitral award and the huge costs so far incurred in the litigation to enforce it.

13. The issue before us was therefore whether the First Instance Circuit acted unreasonably in balancing the considerations relating to (i) counsel of choice, (ii) the availability of the panel of judges appointed to hear the case and who have dealt with the litigation to date, and (iii) the delay in waiting for a trial before that panel until December 2026, taking into account the greater speed at which the Qatar International Court operates generally in contradistinction to some other courts around the world, the massive ongoing litigation across the world between the parties, the applications made for adjournments in this litigation in Qatar, and the issues on the interim injunctions.

14. The judgment the First Instance Circuit reached in balancing these considerations as set out in its reasons was, in our judgment, a fair decision that was entirely open to them within the range of reasonable decisions. We see no proper basis on which we could overturn that decision.

15. As this ground of appeal is founded on choice of counsel, we do not think there is in any event a risk of serious injustice as other counsel can do the case, and as noted already there has been ample time to put alternative arrangements in place since the Court's decision of 21 June 2026 which made the position perfectly clear.

Ground 2: The Overriding Objective

16. There is no merit in the ground that the First Instance Circuit failed to comply with the Overriding Objective and in particular the objective of hearing claims efficiently and cost-effectively.

17. Paragraphs 7 and 8 of the First Instance Circuit's judgment were clear:

> *7. The second ground relied on in the application for relisting is that the application for leave to appeal against the dismissal of the jurisdictional challenge by this Court has been extended by the Appellate Division to 28 September 2026. If the appeal were to succeed, so the Applicant's argument went, the hearing would fall away. It appears, however, that the application for permission to appeal was originally set down for 2 July 2026. It was then adjourned, at the behest of the Applicant, to 28 September 2026. But, in granting the application for an adjournment, the Appellate Division expressly stated that it will not result in the stay of the proceedings before this Court. Seeking an adjournment of the proceedings in this Court on the basis that the application for leave to appeal is to be heard first appears to be in direct conflict with what the Appellate Division has said.*
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> *8. In any event, the Applicant's argument loses sight of the prospect that the dismissal of the jurisdictional challenge may be upheld by the Appellate Division, in which event the finalisation of the matter will be extended to 2027. Moreover, the converse of the Applicant's argument is also true. If the claim were to be dismissed on the merits, the application for leave to appeal will fall away, which will save the time of the Appellate Division.*

18. We consider that the First Instance Circuit was correct in both of these paragraphs. The second needs no elaboration. As to the first, we decided as a term of the adjournment that the proceedings should continue without a stay. The First Instance Circuit has, in the exercise of its discretion, reached its decision entirely in accordance with our decision and with the Overriding Objective.

19. It was also suggested that, in furtherance of the Overriding Objective, we should substitute a new panel of judges to enable the hearing to take place after the hearing of the appeal on jurisdiction but before December 2026. We decline to do so. This panel has been the panel which has dealt with the case since proceedings were issued: it is in the interests of justice and the fair and efficient use of the resources of the Court that it should continue to hear these proceedings.

Costs

20. As the application has failed, we order that the Applicant pay the Respondent's costs, subject to any submissions made to us by 2 August 2026.

By the Court,

[signed]

Lord Thomas of Cwmgiedd, President

A signed copy of this Judgment has been filed with the Registry.

<u>Representation</u>

The Claimant/Respondent was represented by Mr Thomas Williams KC of Kings Chambers (Manchester, United Kingdom), and by Mr Ahmed Durrani, Mr Umang Singh, and Mr Masham Sheraz of Sultan Al-Abdulla & Partners (Doha, Qatar).

The Defendant/Applicant was represented by Sir James Eadie KC and Mr Tom Cleaver of Counsel Blackstone Chambers (London, United Kingdom), instructed by Omani & Partners LLP (Doha, Qatar).