



Claim No: CL-2019-000752

**IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
COMMERCIAL COURT (QBD)**

BEFORE: MR JUSTICE BUTCHER

CL-2019-000752

Dated: 24 January 2020

IN AN ARBITRATION CLAIM

**AND IN THE MATTER OF APPLICATIONS UNDER SS. 67 AND 68 OF THE
ARBITRATION ACT 1996**

BETWEEN

THE FEDERAL REPUBLIC OF NIGERIA

Claimant

- and -

PROCESS AND INDUSTRIAL DEVELOPMENTS LIMITED

Defendant

Claim No: CL-2018-000182

**AND IN THE MATTER OF AN APPLICATION UNDER S.66 OF THE
ARBITRATION ACT 1996**

PROCESS AND INDUSTRIAL DEVELOPMENTS LIMITED

Claimant

- and -

THE FEDERAL REPUBLIC OF NIGERIA

Defendant

ORDER

UPON the award of an ad-hoc tribunal in an arbitration between Process and Industrial Developments Limited (“P&ID”) and the Federal Republic of Nigeria (“FRN”) under the Rules of the Nigerian Arbitration and Conciliation Act (Cap A18 LFN 2004) published on 31 January 2017 (“the Final Award”)

AND UPON P&ID’s application under section 66 of the Arbitration Act 1996 dated 16 March 2018 to enforce the Final Award (Case No: CL-2018-000182) (“the Enforcement Application”)

AND UPON the order of Butcher J in the Enforcement Application dated 26 September 2019, as varied by the Order of Butcher J dated 28 November 2019 (“the Butcher J Order”)

AND UPON FRN’s challenge under sections 67 and 68 of the Arbitration Act 1996 and application for an extension of time, dated 5 December 2019 (“the Set-Aside Application” and the “Extension of Time Application”, respectively)

AND UPON FRN’s application to rely on new grounds to resist the Enforcement Application and application for relief from sanctions, dated 5 December 2019 (“the Section 66 Response Application” and the “Relief from Sanctions Application”, respectively)

AND UPON FRN’s application for an Order that the Extension of Time Application and the Relief from Sanctions Application be heard together with the Set-Aside Application and the Section 66 Response Application (“the Rolled-Up Application”)

AND UPON FRN’s application dated 18 November 2019 to vary paragraph 5 of the Butcher J Order

IT IS ORDERED THAT

1. The Rolled-Up Application is dismissed.
2. There shall be a hearing to determine FRN’s Extension of Time Application and Relief from Sanctions Application (“the Threshold Issues Hearing”).

3. By 4pm on 21 February 2020 P&ID shall serve any witness evidence on which it wishes to rely at the Threshold Issues Hearing.
4. By 4pm on 20 March 2020 FRN shall, if so advised, serve any reply evidence in response to P&ID's evidence served pursuant to paragraph 3 above, on which it wishes to rely at the Threshold Issues Hearing.
5. The parties shall seek to list the Threshold Issues Hearing, with a time estimate of 2 days, on the first available date after 21 April 2020. It shall be fixed for the convenience of counsel insofar as possible, but shall in any event be listed to have taken place by 30 July 2020.
6. Paragraph 5 of the Butcher J Order shall be varied so as to substitute for the words "*pending the determination of the Defendant's appeal to the Court of Appeal*" the words "*until (i) the determination of the Defendant's appeal to the Court of Appeal or (ii) the final determination by the Commercial Court of the Defendant's applications dated 5 December 2019 for an extension of time and relief from sanctions, whichever is the later*".
7. The costs of this case management conference, including the costs of the Rolled-Up Application, shall be reserved to the Threshold Issues Hearing.

Dated this 24th day of January 2020