



CL-2018-000182

**IN THE HIGH COURT OF JUSTICE**

**BUSINESS AND PROPERTY  
COURTS OF ENGLAND  
AND WALES**

**COMMERCIAL COURT  
(QBD)**

**IN THE MATTER OF AN ARBITRATION CLAIM**

**BEFORE: The Honourable Mr Justice Butcher**

**BETWEEN:-**

**PROCESS AND INDUSTRIAL DEVELOPMENTS LIMITED**

**Claimant/Claimant in the Arbitration**

**- and -**

**THE FEDERAL REPUBLIC OF NIGERIA**

**Defendant/Respondent in the Arbitration**

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**ORDER**

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**UPON JUDGMENT** being given for the Claimant in these proceedings on 16 August 2019

**AND UPON** the Order dated 16 August 2019 staying all consequential matters for a further hearing

**AND UPON** hearing Leading Counsel for the Claimant and Leading Counsel for the Defendant at a hearing on 26 September 2019

**AND UPON** the Claimant undertaking to cause any monies obtained by the Claimant as part of its enforcement activities pursuant to the order made in

paragraph 1 below to be retained in a client account of its English solicitors pending the determination of any appeal by the Defendant to the Court of Appeal

**IT IS ORDERED THAT:**

1. Subject to the undertaking referred to above and paragraphs 5-6 below, pursuant to Section 66(1) of the Arbitration Act 1996, the Claimant has leave to enforce the final arbitration award dated 31 January 2017 rendered in the arbitration proceedings between the Claimant and the Defendant in the same manner as a judgment or order of the court to the same effect.
2. The Claimant's costs of this arbitration claim, including, for the avoidance of doubt, the costs of:
  - 2.1. the Claimant's application dated 5 October 2018;
  - 2.2. the Defendant's application to adduce expert evidence dated 17 May 2019; and
  - 2.3. the costs of the Hearing on 26 September 2019,shall be paid by the Defendant, such costs to be assessed if not agreed.
3. The Defendant shall make an interim payment to the Claimant on account of its costs in the sum of £250,000 within 14 days of the date of this order.
4. The Defendant shall have permission to appeal on Grounds 2 to 6 of the Defendant's Note of proposed Grounds of Appeal dated 24 September 2019. The Defendant's application for permission to appeal in respect of Ground 1 in that Note is refused.
5. There shall be a stay of execution in respect of paragraph 1 above pending the determination of the Defendant's appeal to the Court of Appeal, subject to satisfaction in full of each of the following conditions:
  - 5.1. The Defendant shall make the payment to the Claimant set out in paragraph 3 above within the 14 days specified in that paragraph.

5.2. The Defendant shall pay the sum of US \$200 million into the Court Funds Office within 60 days of the date of this order.

6. The Claimant may apply to increase the amount referred to in paragraph 5.2 above, if there is an indication that the Defendant's appeal will not be determined by the Court of Appeal within 15 months of the date of this order.
6. The Defendant's application for permission to appeal the imposition of the terms at paragraph 5 above is refused.

Dated this 26th day of September 2019