

IN THE COURT OF APPEAL, CIVIL DIVISION



REF: A4/2019/2601(A)



PROCESS AND INDUSTRIAL DEVELOPMENTS LIMITED -v- FEDERAL REPUBLIC OF NIGERIA

ORDER made by the Rt. Hon. Lord Justice FLAUX

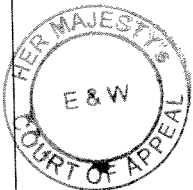
On consideration of the application for a stay of the current appeal
And on consideration of the papers and without an oral hearing

Decision:

The current appeal is stayed until determination by the Commercial Court of the appellant's Extension of Time Application and Relief from Sanctions Application (as defined in the Order dated 24 January 2020 of Butcher J).

Reasons

Whilst I appreciate that both Butcher J and I have indicated that the current appeal should be fixed for hearing as expeditiously as possible, it would be a waste of Court time and costs for the appeal to be fixed if the appellant's fraud challenge is to proceed. It will not be clear whether that challenge is to proceed until the Commercial Court has determined the appellant's Extension of Time Application and Relief from Sanctions Application. Under the terms of the Order dated 24 January 2020 of Butcher J, those Applications will be heard between 21 April 2020 and 31 July 2020. If those Applications are unsuccessful that will be an end of the matter and the current appeal can then be fixed. If those Applications are successful, the Commercial Court will proceed to deal with the substance of the fraud challenge and the current appeal will in all probability have to be stayed again pending the determination of that fraud challenge.

**Notes:**

- 1) Where an application (other than an application for permission to appeal) has been refused on the papers, the applicant may request that the decision be reconsidered.
- 2) An application for reconsideration must be filed within 7 days after the party is served with notice of the decision.
- 3) The reconsideration will be determined by the same or another judge on paper without an oral hearing; except that the judge determining the reconsideration on paper may direct that the reconsideration be determined at an oral hearing, and must so direct if the judge is of the opinion that the reconsideration cannot be fairly determined on paper without an oral hearing: see CPR 52.24.

J. Flaux

Date: 29 January 2020

By the Court

DATED 29TH JANUARY 2020
IN THE COURT OF APPEAL

ORDER

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