Techteryx LTD. Vs (1) Aria Commodities DMCC, (2) Mashreq Bank PSC, (3) Emirates NBD Bank PJSC, (4) Abu Dhabi Islamic Bank PJS (DEC 001/2025)

This judgment of H.E. Justice Michael Black KC was given on the Return Date of a without notice proprietary and freezing injunction originally granted in aid of proceedings in the High Court of the Hong Kong Special Administrative Region Court of First Instance (the "HK proceedings").

The HK proceedings concern an alleged fraud in relation to the reserves held by a company issuing a form of cryptocurrency called a stablecoin.

The Judge directed that the following injunctions shall continue until further order of the Court (1) a proprietary injunction prohibiting the First Defendant from disposing of, dealing with, or diminishing cash or assets to the value of the sum of USD 456,000,000 transferred to the First Defendant or the traceable proceeds thereof; and (2) a worldwide freezing injunction, prohibiting the First Defendant from removing from Dubai any of its assets which are in Dubai up to the value of USD 456,000,000 or in any way disposing of, dealing with or diminishing the value of any of its assets whether in or outside Dubai up to the same value.

The power of the DIFC Courts to hear and determine applications for interim or precautionary measures related to applications and claims brought outside the DIFC is now found in Article 15(4) of Dubai Law No. (2) of 2025 Concerning Dubai International Financial Centre Courts (the "Court Law").

The Judge was of the view that Article 15(4) of the Court Law was intended to make plain and give a firm statutory basis to that which had hitherto had to be inferred from the combination of the Court's power to recognise and enforce foreign judgments and its power to grant interim remedies as described in Carmon Reestrutura v Cuenda [2024] DIFC CA 003 (26 November 2024). The Judge also considered that the intention was to confirm the DIFC Court's adherence to the widely accepted principles of comity and international common law described in Convoy Collateral Ltd v Broad Idea International Ltd [2021] UKPC 24.

He held when considering whether to grant relief in aid of foreign proceedings there is no difference in principle between a case where a freezing injunction is sought in anticipation of a future judgment of the DIFC Court in substantive proceedings brought in the DIFC and a future judgment of the DIFC Court obtained in an action brought to enforce a foreign judgment by whatever means: in each case the Court must determine (1) whether there is a sufficient likelihood that a judgment enforceable through the process of the DIFC Courts

will be obtained, and (2) a sufficient risk that without a freezing injunction execution of the judgment will be thwarted.