Trafigura Pte Ltd; Trafigura India Ptv Ltd v Prateek Gupta; Ginni Gupta (CA 001 2025)

On 11 April 2025, the Appellants sought a UAE-wide freezing order and related disclosure orders in the DIFC Court of First Instance (CFI) to support ongoing English proceedings.

On 17 April 2025, the CFI dismissed the application on jurisdictional grounds, concluding that under the new DIFC Courts Law No. 2 of 2025 (the "Court Law"), the DIFC Courts lacked jurisdiction to grant such relief over assets outside the DIFC or without a direct link to the DIFC. The CFI distinguished between a "fresh claim" for interim relief and enforcement of the existing orders from the English Courts, finding jurisdiction absent in both scenarios as the Respondents in this case are located outside of the DIFC and no direct asset link has been made to the DIFC for the purpose of the relief sought.

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 the Court Law.

On 18 April 2025, the Appellants obtained permission to appeal and on 22 September 2025, the Court of Appeal allowed the appeal and found that the same reasoning and public policy considerations apply as described in Carmon Reestrutura v Cuenda [2024] DIFC CA 003 (26 November 2024) and nothing in the Court Law affects the correctness of that proposition.

Article (15)4 of the Court Law read with the opening words of Article (15) expressly confers the jurisdiction which authorises the exercise of the measures referred to in Article (15)4. That conferral of itself provides a complete answer to the Respondents' challenge to jurisdiction.

The Court of Appeal reached its conclusion about the jurisdiction of the CFI to issue the freezing order sought in this case by reference to the text of the Court Law. In the opinion of this Court nothing turns on the different English translations. The controlling words of Article (15)4 are "suitable precautionary measures within the DIFC". In regard to the legislative history and the public policy considerations enunciated in Carmon, it would be surprising in the extreme that an inexplicable and substantial narrowing of the Court's jurisdiction and powers was to be affected by the use of the term 'providing that'. It is a connecting term, not a term limiting the subject matter of "suitable precautionary measures within the DIFC".