

Case No: CR-2023-006096

Neutral Citation Number: [2023] EWHC 3460 (Ch)

IN THE HIGH COURT OF JUSTICE
BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES
INSOLVENCY AND COMPANIES LIST (ChD)

7 Rolls Buildings
Fetter Lane
London EC4A 1NL

Monday, 18 December 2023

BEFORE:

DEPUTY INSOLVENCY AND COMPANIES COURT JUDGE PARFITT

BETWEEN:

(1) ROBERT KURVITS
(2) SANDER TAAL

Petitioners

- and -

ZAUM UK LIMITED

Respondent

(1) TÚTREKE OÜ
(2) YESSIRNOSIR LIMITED
(3) KAUR KENDER

Third Parties

MS M HEAL (instructed by Horwich Farrelly) for the Petitioners
MR J SHAW (Instructed by Greenberg Traurig LLP) for the Respondent
MR A THOMPSON KC (instructed by Harbottle and Lewis LLP) for the Third Parties

JUDGMENT ON COSTS

(Approved)

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Lower Ground, 46 Chancery Lane, London WC2A 1JE
Web: www.epiqglobal.com/en-gb/ Email: civil@epiqglobal.co.uk
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1. DEPUTY ICC JUDGE PARFITT: I have before me an application by the company, which was the original respondent to this just and equitable winding up petition, for its costs of today.
2. The parties' respective positions are that the original petitioners, whilst tending towards a concession that they pay those costs, now say they should be costs in the case. That is the same outcome as occurred in relation to the petitioners' 24 November application.
3. The company for its part says it should have its costs because it has been forced, until the point at which the joinder application succeeded, to prepare substantively for today's hearing as if it was the only substantive respondent. As such, it has carried out work which has been effectively wasted by the refusal of the petitioners to agree the joinder application prior to this hearing.
4. The company now hopes to have limited further involvement in these proceedings and indeed, having joined the 60 per cent shareholders as parties, I suspect that that will prove to be the case.
5. It seems to me that the company is in a materially different position from the 60 per cent shareholders in relation to the other aspects of the CCMC. The effect of the joinder application is that the company is no longer a substantive party on the same footing as it was when it came to court. The joinder application having succeeded, the company should be largely cut free of these proceedings. The company should not be hanging on for its costs until their conclusion.

6. In the circumstances, I do think it is appropriate to treat the company's costs of this application in a different way from the new respondents' costs in 24 November application and I will make an order that the petitioners do pay the company's costs.
7. In the interests of time there was very little either side said about the detail of the costs schedule. There was some doubt cast over whether certain elements ought to be included and whether some were or were not included. It is impossible to tell from this bill quite whether anything ought not to be included, or if there are some elements which ought not to be included. Some areas of doubt are de minimis, such as the third party RFI and, perhaps, work on the joinder application which was arguably not required.
8. In the circumstances I will summarily assess this bill in the sum of £17,000.

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Lower Ground, 46 Chancery Lane, London WC1A 1JE

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This transcript has been approved by the Judge