

IN THE GRAND COURT OF THE CAYMAN ISLANDS  
FINANCIAL SERVICES DIVISION

0086  
CAUSE NO: FSD \_\_\_ OF 2012 \_\_\_

B E T W E E N:

COASTAL POWER INTERNATIONAL II LIMITED

AND

1. H.E.I. LIMITED
2. HABIBULLAH ENERGY LIMITED

Defendants

WRIT OF SUMMONS

TO: H.E.I. Limited  
c/o Paget-Brown Trust Company Ltd  
PO Box 1111  
Boundary Hall  
Cricket Square  
Grand Cayman KY1-1102  
Cayman Islands

Habibullah Energy Limited  
c/o Hogan Lovells International LLP  
Atlantic House

K3439790.2



Holborn Viaduct  
London EC1A 2FG  
United Kingdom

THIS WRIT OF SUMMONS has been issued against you by the above-named Plaintiff in respect of the claim set out on the next page.

Within 14 days after the service of this Writ on you, counting the day of service, you must either satisfy the claim or return to the Court office, PO Box 495, George Town, Grand Cayman KY1-1106, the accompanying Acknowledgement of Service stating therein whether you intend to contest these proceedings.

If you fail to satisfy the claim or to return the Acknowledgment within the time stated, or if you return the Acknowledgment without stating therein an intention to contest the proceedings, the Plaintiff may proceed with the action and judgment may be entered against you forthwith without further notice.

Issued this 1st day of June 2012

**NOTE** - This Writ may not be served later than 4 calendar months (*or, if leave is required to effect service out of the jurisdiction, 6 months*) beginning with the date of issue unless renewed by order of the Court.

**IMPORTANT**

Directions for Acknowledgement of Service are given with the accompanying form.

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**STATEMENT OF CLAIM**

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**The Parties**

1. The Plaintiff is an exempted company which was incorporated in the Cayman Islands on 14 December 1995 and has its registered office at the offices of Appleby Trust (Cayman) Ltd, PO Box 1350, Clifton House, 75 Fort Street, George Town, Grand Cayman KY1-1108, Cayman Islands.
2. The First Defendant is an exempted company which was incorporated in the Cayman Islands on 23 February 1996 and has its registered office at the offices of Paget-Brown Trust Company Ltd, PO Box 1111, Boundary Hall, Cricket Square, Grand Cayman KY1-1102, Cayman Islands.
3. The Second Defendant is a company incorporated under the laws of Pakistan.

**English Proceedings**

4. The Plaintiff and the First and Second Defendants were, respectively, the plaintiff and defendants to an action before the Commercial Court in the Queen's Bench Division of the High Court of Justice of England and Wales No. 2009 Folio 739 (the "2009 Action").
5. The Action was brought as a claim for remedies in respect of breaches of a shareholder's agreement more fully described in the Particulars of Claim in the Action.
6. The shareholder's agreement contained a clause at 14.1.2 conferring jurisdiction on the

courts of England and Wales in respect of any legal action or proceedings in respect of it.

7. The first and second defendants acknowledged service of the Claim Form in the Action.
8. In the course of the 2009 Action, on 6 November 2009, the Plaintiff obtained a judgment for costs against the First and Second Defendants 2009.
9. The Plaintiff commenced detailed assessment proceedings in respect of those costs, leading to a Default Costs Certificate fixing those costs in the sum of £113,714.25 (the "Costs") on 3 March 2010.
10. Under the terms of the Default Costs Certificate, the Plaintiff is entitled to interest on the said sum from 6 November 2009. The applicable rate of interest is 8% per annum pursuant to the (English) Judgments Act 1838.
11. The Judgment is final and conclusive, and for a sum certain as aforesaid. Post-judgment interest is accruing on the Judgment at the statutory rate of 8% per annum pursuant to the Judgments Act 1838 which amounts to £24.92 per day. As of 1 June 2012, the unpaid balance of the Judgment, including post-judgment interest, after all due credits was £137,064.29.

AND THE PLAINTIFF claims:

1. Judgment in the amount of:
  - (a) £113,714.25 in respect of the Costs;
  - (b) £23,350.04 in respect of interest on the Costs, being £24.92 per day from 6

November 2009 to 1 June 2012;

2. Further, or in the alternative, interest pursuant to Section 34 of the Judicature Law (2007 Revision) at such rate and for such period as the Court thinks just.

Dated the 1st day of June 2012

  
APPLEBY (CAYMAN) LTD

THIS WRIT was issued by Appleby (Cayman) Ltd. of Clifton House, 75 Fort Street, PO Box 190, Grand Cayman KY1-1104, Cayman Islands (Ref. PM QC/ASJ/401956.0004), Attorneys-at Law for the Plaintiff.

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