



Neutral Citation Number: [2021] EWHC 1793 (TCC)

Case No: HT-2021-000104

**IN THE HIGH COURT OF JUSTICE**  
**BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES**  
**TECHNOLOGY AND CONSTRUCTION COURT (QBD)**

**IN THE MATTER OF THE ARBITRATION ACT 1996**  
**AND IN AN ARBITRATION**

Royal Courts of Justice  
Rolls Building  
London, EC4A 1NL

Date: Thursday 1<sup>st</sup> July 2021

Before :  
**MR ROGER TER HAAR QC**  
**Sitting as a Deputy High Court Judge**

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Between:

**DAVOD MEHER**

**Claimant/Respondent**  
**in the Arbitration**

- and -

**K&K REAL ESTATE DEVELOPMENT  
LIMITED**

**Defendant/Claimant in**  
**the Arbitration**

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The Claimant in person  
**Stephen Brown** (instructed by **Mirkwood Evans Vincent Solicitors, Brighton**) for the  
Defendant

Hearing date: 11 June 2021  
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**Approved Judgment**

**Covid-19 Protocol: This judgment will handed down by the judge remotely by circulation to the parties' representatives by email and release to Bailii. The date and time for hand-down is deemed to be 10.30am on Thursday 1<sup>st</sup> July 2021.**

**Mr Roger ter Haar QC :**

1. On the 11<sup>th</sup> June 2021 I heard two applications. The first was an application by K&K Real Estate Development Limited (“K&K”) for a final charging order arising out of a judgment which I handed down in an action number HT-2020-000445 enforcing arbitration awards in K&K’s favour against Mr Meher. The second was an application brought by K&K to strike out these proceedings brought by Mr Meher to set aside the arbitration awards.
2. In action number HT-2020-000445 I had previously heard argument about and issued a judgment in respect of an application to set aside an Enforcement Order enforcing the arbitration awards.
3. I do not repeat here my judgment on that application to set aside the enforcement order, which was unsuccessful.
4. On the 11<sup>th</sup> June 2021 I heard Mr Meher’s application to set aside the contested awards. On my analysis this required Mr Meher to be given permission to bring his application to set aside out of time.
5. The hearing took place remotely, against Mr Meher’s wishes. He had the benefit of assistance from one of his sons. I was satisfied before and during the hearing that this process did not disadvantage him so as to make a remote hearing unjust.
6. Having heard at some length from Mr Meher and also from Mr Brown who appeared on behalf of K&K, I gave a short ex tempore judgment refusing permission to extend time to seek to set aside the awards, and consequently acceding to K&K’s application to strike out these proceedings.
7. I then dealt with the formalities of the application to make a final charging order, and made that order.
8. At this stage Mr Brown started to make his application in respect of costs. At that point the internet connection with Mr Meher’s computer appeared to fail.
9. After a little wait I decided to proceed thereafter on paper. I have had submissions on behalf of K&K, but not on behalf of Mr Meher. In case he has not received papers following the premature end of the hearing on the 11<sup>th</sup> June, after this judgment has been formally “handed down”, he will be granted 14 days within which to seek to set aside the matters dealt with in this written judgment.
10. The remaining issues which were not dealt with before connection was lost were whether K&K should receive the costs of its application to strike out this action, whether those costs should be summarily assessed, and if the answer to both of the first two applications was “yes”, in what sum should the costs be assessed.
11. I have no doubt that K&K as the successful party is entitled to an award of costs in its favour, and that in accordance with the normal practice of this Court in relation to applications as short of this, that the costs should be summarily assessed.
12. The amount sought by way of costs is £12,452 net of VAT, which is not claimed. Of this sum £7,925 consists of counsel’s fees for advising and for the hearing.

13. This seems to me to me somewhat, but not very substantially, on the high side. In my judgment a fair figure for costs would be somewhat lower at £11,000 in total, given that there is some inevitable overlap with work done in respect of the application for a final charging order.
14. Accordingly, my order is that the costs are assessed in the sum of £11,000, but subject to liberty to Mr Meher to apply within 14 days of the formal handing down of this judgment to set aside or vary this judgment.