

13/07/21

SC/COM/JICA/000413/2021

IN THE SUPREME COURT OF MAURITIUS

Commercial Division

In the matter of:-

Cloud Innovation Ltd

Applicant

v

African Network information Centre (AfrinIC) Ltd

Respondent

And in the matter of:-

*Ex parte*

Cloud Innovation Ltd

Applicant

♦ ORDER

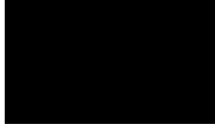
Upon an ex parte application of Mrs. Y. Hurnaun-Calcutteea, Attorney-at -Law for the applicant and after taking cognizance of the amended praecipe dated 9 July 2021 and affidavit dated 8 July 2021, I am not prepared to exercise my discretion to order the stay of execution prayed for, having regard to the following:

- 1) On 25 March 2021, I refused to grant an interim order prayed for and following a letter dated 29 March 2021 and a written submission filed by the attorney-at-law of the applicant, I reconsidered my order issued on 25 March 2021 and granted an interim order restraining and prohibiting the respondent, either by itself and/or through any of its agent, proxy, préposé or any other person in whatsoever capacity from terminating, suspending and/or revoking the membership of the applicant as Resource Member of the respondent in any manner whatsoever, which membership has been duly renewed on the 1<sup>st</sup> January 2021, pending the determination of the present application. After hearing submissions on preliminary objections raised by learned Counsel for the respondent relating to breach of the Deposit of Powers of Attorney Act, I delivered an Interlocutory Judgment on 07 July 2021;

- 2) the reasons to set aside the application were based inter alia on the fact that the applicant, a foreign company, was not properly represented before me and was in breach of the Deposit of Powers of Attorney Act;
- 3) I find the present application is misconceived inasmuch as a stay would restore the interim order granted on 29 March 2021, in breach of the Deposit of Powers of Attorney Act; and
- 4) I have duly considered the grounds of appeal which do not appear to me to have a sufficient degree of arguability to outweigh the consideration referred to (2) and (3) above.

I accordingly set aside the application.

Chambers, this 12<sup>th</sup> day of July, 2021

  
[G. Jugessur - Manna]  
Judge