



IN THE HIGH COURT OF JUSTICE

Claim No. CL-2020-000532
23 Sep 2020

BUSINESS AND PROPERTY COURTS OF ENGLAND AND WALES

COMMERCIAL COURT (QBD)

IN THE MATTER OF THE ARBITRATION ACT 1996

CL-2020-000532

And

IN THE MATTER OF AN LMAA ARBITRATION

Before: The Honourable Mrs Justice Cockerill DBE

BETWEEN:

FRAZER SOLAR GmbH

Claimant/Claimant in the arbitration

and

THE KINGDOM OF LESOTHO

Defendant/Respondent in the arbitration

ORDER

UPON reading the Claimant's application dated 19 August 2020 and the witness statement of Joshua Marcus Swift dated 19 August 2020.

IT IS ORDERED THAT:

1. Pursuant to section 101(2) of the Arbitration Act 1996, the Claimant is given permission to enforce the arbitration award made on 28 January 2020 pursuant to an arbitration agreement contained in a supply agreement dated 24 September 2018 in the same manner as a judgment or order of the Court and to the same effect. Pursuant to Civil Procedure Rule ('CPR') r.62.19, such leave shall include interest accruing in the following amounts:
 - (a) Interest at the annual rate of 1.7%, accruing in relation to the sum of €50,000,000 from 11 March 2019 until 28 January 2020, in the amount of €754,273 (or the Sterling equivalent at the time of payment); and
 - (b) Interest on the same sum of €50,000,000 thereafter at the daily rate of €2,328.76712 (or the Sterling equivalent at the time of payment).

2. Pursuant to section 101(3) of the Arbitration Act 1996, judgment be entered against the Defendant in the terms of the said award, namely an order that the Defendant do pay the Claimant the sums of:
 - (a) €50,000,000 (or the Sterling equivalent at the time of payment) as the awarded sum;
 - (b) €754,273 (or the Sterling equivalent at the time of payment) as pre-award interest on the awarded sum at the annual rate of 1.7% between 11 March 2019 and 28 January 2020;
 - (c) €650,800.71 (or the Sterling equivalent at the time of payment) as costs;
 - (d) ZAR422,337.50 (or the Sterling equivalent at the time of payment) as the arbitrator's fees; and
 - (e) post-award interest on the sum of €50,000,000 at the rate of 1.7% per annum between the date of the Award and the date of payment (or the Sterling equivalent at the time of payment).
3. This order was made at a hearing without notice to the Defendant. Within two months after the order is served on the Defendant, the Defendant may apply to set aside the order. The award must not be enforced until after the end of that period, or until any application to set aside the order made by the Defendant within that period has been finally disposed of.
4. Pursuant to CPR r.44.7, the Defendant shall pay the Claimant's costs of and incidental to this application, summarily assessed in the amount of £ £8,500.

Dated this 23RD day of September 2020