

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MA 152/2017

(arising in MC 60/2016)

[2017] SCSC 467

In the matter of

**EASTERN CROUNDOM GENERAL TRADING LLC,
MR. ALIREZA MAHMOUD**

Applicant

versus

THE FINANCIAL INTELLIGENCE UNIT

Respondent

AND IN

THE FINANCIAL INTELLIGENCE UNIT

Applicant

versus

1. R.V.D. MARKETS LIMITED

2. BARCLAYS BANK PLC

Respondent

Heard: 7 June 2017
Counsel: Mr. Rouillon for applicant/respondent
Ms. Aglae for respondent/applicant
Delivered: 7 June 2017

ORDER

M. Twomey, CJ

- [1] The Applicant is a company operating in the United Arab Emirates. The Respondent is a statutory body.

- [2] On 15 September 2016 by a consent order the Supreme Court on the application of the Financial Investigation Unit pursuant to section 8 of the Proceeds of Crime (Civil Confiscation) Act 2008 (hereafter POCA) appointed a Receiver to receive the balance of property in USD Account 38-1002691 and EU Account 38-10004457 held by RVD Markets at Barclays Bank (Seychelles) PLC remaining after legal expenses was paid to Frank Elizabeth Esq.

- [3] The Applicant is seeking an order pursuant to section 19 of the POCA that the sum of USD100, 000 paid innocently into the account of R.V. D Markets Limited be refunded to its lawyer, Serge Rouillon acting on its behalf.

- [4] Prior to his order being made the Applicant innocently transferred USD 100,000 into the USD bank account(above) of RVD Markets Limited.

- [5] The Applicant seeks to have the said sum reimbursed into its lawyer's client's account, that is, Serge Rouillon Esq. who is acting on its behalf as the said money was fraudulently obtained by RVD Markets Limited.

- [6] The Financial Investigative Unit do not oppose this application.

- [7] The application is brought by way of notice of motion and supported by an affidavit sworn by Alireza Mahmoud the Applicant's manager.

[8] I allow this application and Order that the Receiver transfers the sum of USD 100,000 into the client's account of Serge Rouillon Esq, which bank account number shall be provided to him by Serge Rouillon Esq.

Signed, dated and delivered at Ile du Port on 7 June 2017

A handwritten signature in black ink, appearing to be 'M. Twomey', written in a cursive style.

M. Twomey, CJ
Chief Justice