

SUPREME COURT OF SEYCHELLES

Reportable

[2022] SCSC 104

MC 56/2022

Arising in XP 217 of 2022

In re the Proceeds of Crime (Civil Confiscation) Act, 2008:

between:

THE GOVERNMENT OF SEYCHELLES
(*rep. by Nissa Thompson*)

APPLICANT

and

SALIM BAHADURLI HUSSEIN JIWAN (HIRJI)

1ST RESPONDENT

MENA GROUP HOLDINGS

2ND RESPONDENT

SPEARHEAD INTERNATIONAL LTD

3RD RESPONDENT

BAHADURALI HUSSEIN JIWAN HIRJI

4TH RESPONDENT

NOOR ALI PIYAR ALI

5TH RESPONDENT

GFI GLOBAL PROJECTS LTD

6TH RESPONDENT

GFI AFRICA LTD

7TH RESPONDENT

MARANDEL

(*rep. by Divino Sabino*)

8TH RESPONDENT

EQUATOR TRUSTEES

(*rep. by Divino Sabino*)

9TH RESPONDENT

NADIM BHABURALU HUSSEIN HIRJI

10TH RESPONDENT

Before: Burhan J
Heard: 16 November 2022
Delivered: 30 November 2022

ORDER

BURHAN J

1. The Applicant has filed an application for Interlocutory and Receivership Orders dated 21st September 2022 pursuant to Section 4 and 8 of the Proceeds of Crime (Civil Confiscation) Act 2008 as amended, respectively.
2. The Application subsequently sought leave to file amended Notice of Motion to remove seven Respondents from the proceedings. The Court granted the uncontested application and the Applicant has filed the amended Notice of Motion dated 26th October 2022.
3. The amendment motion prays for the removal of 7 Respondents from the proceedings. Learned Counsel for the 8th and 9th Respondents Mr. Divino had no objections to the proposed amended Notice of Motion. The names of the 7 Respondents to be removed from further proceedings in this case are.
 - (i) Salim Bahadurli Jiwan HIRJI
 - (ii) Bahadurali Hussein Jiwan HIRJI
 - (iii) Noor Ali Piyar ALI
 - (iv) GFI Global Projects Ltd
 - (v) GFI Africa Ltd
 - (vi) Alexandra Marandel
 - (vii) Nadim Bhaburalu Hussein HIRJI
4. I accordingly grant the application to remove the said Respondents mentioned in paragraph 3 herein from the said application thereby granting the application of applicant in the Notice of Motion dated 26th October 2022.
5. Learned Counsel Mr. Divino on the 16th of November 2022 moved in open Court that in addition to the names of parties being removed as Respondents that their relevant and respective bank accounts be released from the interim order dated 2nd August 2022 given by this Court. He undertook to furnish the details and the list of

the said bank accounts he was moving to be released on the basis that the Applicant was not proceeding against the Respondents mentioned in paragraph 3 herein.

6. Learned Counsel Mr. Divino by email dated 18th November 2022 at 09:12am annexed a draft order setting out details of the said bank accounts to be released from the interim order of this Court dated 2nd August 2022. A copy of the said draft order was served on learned Counsel Mrs. Thompson who replied by email dated 25th November 2022 09:19am stating she had no objection to the draft order being made. I make order that copies of the emails be filed in the case record.
7. Accordingly the interim order dated 2nd August 2022 prohibiting the disposal of, dealing with or diminishing in value the properties is forthwith vacated in respect of the following bank accounts:-

Account Name	Account Opening Date	Bank Name & Currency Account number	Amount on Account as at June 22, 2022
Riverglades International Ltd.	23-09-19	Nouvobanq - 21002069364021 (EUR)	€ 999.25
		Nouvobanq - 32002069364016 (USD)	\$ 8,705.90
Cathedral Group Limited	22-10-19	Nouvobanq - 32002069483015 (USD)	\$ 108,978.95
Alphatec Engineering Ltd.	11-11-19	Nouvobanq - 32002069575011 (USD)	\$ 9,974.25
GFI AFRICA LTD.	19-06-19	Nouvobanq - 32002068897012 (USD)	\$ 52,437.13
MARLEY GROUP INC.	31-07-19	Nouvobanq - 07002069091023 (GBP)	£ 499.25
		Nouvobanq - 21002069091031 (EUR)	€ 387.62
		Nouvobanq - 32002069091015 (USD)	\$ 15,753.74
Stormhill Investments Ltd.	31-08-19	Nouvobanq - 21002069247028 (EUR)	€ 2,779.73
		Nouvobanq - 32002069247012 (USD)	\$ 44,364.29
GFI Global Projects Limited	07-09-20	Al Salam Bank - 5000000023728 (USD)	\$ 120,838.37

8. I make further order that the caption of the case be amended accordingly by deleting the names of the Respondents mentioned in paragraph (3) three herein. The application will proceed against Mena Group Holdings, Spearhead International Limited and Equator Trustees hereinafter to be referred to as the 1st, 2nd and 3rd Respondents respectively.

Signed, dated and delivered at Ile du Port on this 30 day of November 2022.

A handwritten signature in black ink, appearing to read 'Burhan, J', is written over a horizontal line. The signature is stylized and slanted.

Burhan, J