

Serial No. 1040/2021

IN THE SUPREME COURT OF MAURITIUS
(Before the Honourable Judge in Chambers)

In the matter of:-

Cloud Innovation Ltd

Applicant

v.s

African Network Information Centre (AfriNIC) Ltd

Respondent

ORDER:-

Mr G Glover, SC appears instructed by Mrs Attorney Y Hurnaun-Calcuttea for the applicant and files return of service dated 13 July 2021.

Mr B Radhakissoon, of Counsel appears together with Mr S Bhuckory, SC instructed by Mr M Mardemootoo, SA, who is in attendance for the respondent. He begs for apologies for the non attendance of Mr Bhuckory.

Respondent is represented by Mr Eddy Kayihura Mabanano, CEO of respondent.

Mr Glover states that notwithstanding the fact that the Order was served on the respondent on 13 July 2021, the respondent is not complying with the Order and will continue not to comply with same. He files a supplementary affidavit dated 15 July 2021 together with annexures.

Mr Radhakissoon states, with regard to the statement made by Mr Glover, SC, that he is not aware of any stand of the respondent not to comply with the Order. He further states that the Board Resolution was taken on 08 July 2021 and that the resolution was implemented on 09 July 2021. The respondent received the notice in denunciation only on 13 July 2021 when same was served on it. He, however, states that the respondent will fully comply with the Order.

Following exchange of views, Mr Glover states that the legal advisers of the applicant intend to ask for an early hearing of the appeal.



Mr Radhakisson states that the respondent will comply with the Interim Order issued on 13 July 2021 and that it is agreeable to give an undertaking to that effect.

The respondent's representative is explained the terms of an undertaking to comply with the Interim Order issued on 13 July 2021 and he gives an undertaking as per the Interim Order. He is further explained the consequences of a breach of the undertaking.

Mr Glover moves that the undertaking be recorded and otherwise moves to withdraw the application.

Upon hearing parties, I record the undertaking given by the respondent's representative and discharge the Interim Order issued on 13 July 2021. I otherwise set aside the application, purely and simply.

Chambers, this 15th July, 2021.

**(sd)A D Narain
JUDGE**

CERTIFIED A TRUE COPY
[Redacted Signature]
Secretary to Judge
Supreme Court
Date 15/7/2021

