

THE SUPREME COURT OF MAURITIUS
Commercial Division- Before the Judge in Chambers

In the matter of:

CLOUD INNOVATION LTD

Applicant

v

1. GOWTAMSINGH DABEE
2. AFRICAN NETWORK INFORMATION CENTRE (AFRINIC) LTD
(IN RECEIVERSHIP)

Respondents

❖ ORDER

Upon the application of Mr. Thierry Koenig, Senior Attorney for the applicant I took time to duly consider the proceipe, all the affidavits exchanged and filed in support of the application together with all the documents and annexures, as well as the submissions of learned senior counsel for the applicant and learned counsel for the respondents. I am satisfied that the matter is urgent and it requires the intervention of the Judge in Chambers under Article 806 of the Code de Procedure Civile.

I hereby **DECLINE** to grant the Interim Order, in as much as -

- A. the balance of convenience lies against the granting of any interim Order restraining the holding of the elections and the reconstitution of the Board of the respondent and eventually the appointment of a chief executive officer, as the respondent no. 1 (the receiver) is acting pursuant to a Court Order entrusting upon him, amongst others, the specific mandate of carrying out the election process, as per the Constitution of the respondent no. 2 so that the Board may be constituted, including the appointment of the chief executive officer.
- B. the respondents have demonstrated a serious and *bona fide* defence to the application -
 - (i) in view of the exceptional circumstances the receiver finds himself, in the absence of a Board, with all of the regional seats vacated in order to avoiding a

deadlock, the receiver proceeded to constitute the Nomination Committee comprising of members from the African Internet Community, and

- (ii) having regard to reported fraudulent practices at a previous election held on 23 June 2025 the Receiver has opted to proceed through an electronic system voting (e-voting) with the possibility of resorting to electronically generated proxy documents, pursuant to the voting methods, as prescribed in the Constitution of respondent no. 2.

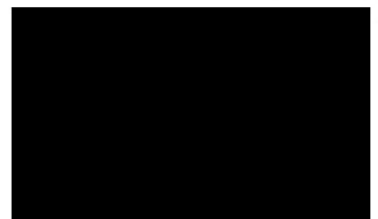
I am satisfied after having heard the submissions of all learned counsels that the fundamental right to vote of members of the Respondent is being maintained and that the e-voting mode has been adopted by the receiver in an attempt to have better control of the election process and eliminate any possible fraudulent practices.

C. I further ORDER that the receiver proceeds with the election process in the presence of the Electoral Commissioner who will oversee and supervise the election process of the 12 September 2025 with a view to ensuring that that the election process is carried out in a free and fair manner in the best interests of respondent no. 2 and ALL its members.

I, therefore, order the Electoral Commissioner to provide the necessary assistance accordingly in such manner as he may deem fit and appropriate, in consultation with the Receiver and to keep a record of any such assistance provided.

In view of the facts and circumstances of the present matter, there is no order to costs.

Chambers, this 05th day of September, 2025



LAUJAYEB
JUDGE