BRITISH VIRGIN ISLANDS
EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
COMMERCIAL DIVISION

CLAIM NO: BVIHCV (COM) 2011/0129

BETWEEN:

SONERA HOLDING B.V.

Applicant/Judgment Creditor

and

ÇUKUROVA HOLDINGS A.S.

Respondent/Judgment Debtor

DECISION

[1] I have before me an application in these proceedings dated 4 November 2011 asking for a provisional charging order over shares alleged to be held by Çukurova Holdings AS ('the Judgment Debtor') in a BVI registered company named Çukurova Finance International Limited ('ÇIL'). I have, as required by the CPR, dealt with this application in the first instance on paper without a hearing.

[2] It seems to me that the application is defective in that the supporting affidavit fails to state, in accordance with CPR 48.3(2)(d), that to the best of the deponent's information and belief the debtor is beneficially entitled to the ÇIL shares. On the contrary, paragraph 11 of the supporting affidavit makes clear that the Eastern Caribbean Court of Appeal has determined that the Judgment Debtor is not the beneficial owner of the ÇIL shares.

[3] In those circumstances it seems to me that I have no jurisdiction to make a provisional charging order in this case.

[4] Even if I did have such jurisdiction, I could not grant an injunction against the judgment debtor since it is not, so far as I am aware, amenable to the *in personam* jurisdiction of this Court.

[5] The Applicant may, if so advised, renew this application at an oral hearing, of which no notice need be given to any other party.

Commercial Court Judge
12 December 2011