

**FMT21018    Arif Naqvi-v- DFSA. Decision on Costs.**

1. On 9 January 2022 the Tribunal received an application for an order that the Applicant pay the DFSA's legal costs of these proceedings. On 10 January we invited Mr Naqvi's lawyers to respond within ten days. On 20 January they responded that they would not be making any submissions.
2. The costs sought by the DFSA amount to AED 244,702.31, consisting of Counsel's fees and half of the administrative costs incurred when the Applicant withdrew from its privacy hearing.
3. Article 39(1) of the Regulatory Law and Rules 72-75 give the Tribunal broad discretion and the Application correctly set out extracts from our decisions in Al Masah and Rollet as examples of our approach. The Tribunal will not always order that costs be paid by a losing party.
4. The first issue is whether it is appropriate to make the order and the DFSA's Application sets out several reasons why it should. The DFSA says that the Applicant's case was unreasonably conducted without making any of the factual or legal concessions which could have reduced the costs. The case was also, as is now apparent, bound to fail from the outset. Mr Naqvi does not attempt to answer any of the DFSA's assertions.
5. It is now clear that Mr Naqvi started an appeal, which his advisers knew would cause considerable expense and delay to others, but had no intention of pursuing the matter in the manner required by the Tribunal's overriding objective. For this reason, and for those given by the DFSA, it is clearly appropriate that he should bear these costs.
6. The second issue is how much should be awarded. The hearing cost is undeniable. Counsel's fees are not challenged and the overall amount is reasonable, particularly given that the DFSA has not sought to charge the costs of its inhouse team.

7. There will accordingly be an order as asked. This decision on costs should be added to the main Decision so that it is accessible.

**David Mackie (on behalf of the Tribunal).**

**26 January 2023.**