

JERSEY / JUDGMENT

Antelope Summit Investments Ltd v Blackstone Global Holdings Ltd and others

Source: jerseylaw.je · Research copy typeset by Esheria. Not court-issued or certified.

Extension of time [2025]JRC227 Royal Court (Samedi) 17 September 2025 Before : Advocate David Michael Cadin, Master of the Royal Court, sitting alone. Between Antelope Summit Investments Ltd Plaintiff And

- (1) Blackstone Global Holdings Ltd
- (2) Mohammed Khasru Zaman
- (3) Belgravia Holdings T1 Limited
- (4) Belgravia Holdings T2 Limited Defendants Advocate W. A. F. Redgrave for the Plaintiff. Advocate J. S. Dickinson for the First Defendant. Advocate R. S. Christie for the Third and Fourth Defendants.

judgment

Introduction

1. This is my judgment in relation to a summons issued by the Third and Fourth Defendants for an extension of time for the filing of the First, Third and Fourth Defendants' Answers to the proceedings. The relevant parties have agreed that it may be determined on the papers.

Background

2. The Plaintiff issued proceedings in March 2025 for damages in excess of £30 million caused by the allegedly wrongful conduct of the Defendants. The Order of Justice comprises some 72 pages of A4. 3. By Acts of Court dated 18 March 2025, permission was given to serve the proceedings out of the jurisdiction on the First and Second Defendants. 4. On 22 April 2025, the parties, apart from the Second Defendant, entered into a consent order whereby time for filing Answers by the First, Third and Fourth Defendants was extended to 4 August 2025. 5. On 1 August 2025 they agreed a further extension to 15 September 2025, which was incorporated into an Act of Court dated 4 August 2025. 6. By email dated 15 September 2025, and timed at 15:48, the Advocates for the Third and Fourth Defendants requested from the Plaintiff and the First Defendant an extension of time to close of business on Friday, 19 September 2025. They gave 30 minutes for the recipients to respond. The First Defendant

consented by return and by email sent at 16.45, the Plaintiff objected noting that: “We are very unlikely to be able to obtain instructions at such short notice. You and your respective clients, on the other hand, have been on notice of the deadline for 6 weeks. That deadline is six months after the Order of Justice was served. You provide no good reason for not being ready.” 7. At 16:52, by email, the Third and Fourth Defendants issued a summons seeking a further extension of time to 5pm on Thursday, 18 September 2025. No affidavit was filed in support and the only information was that contained in the email which stated that: “The basis for the extension is that a near final draft of our client's Answer is currently with our client for approval and we have not been able to obtain consent from the Plaintiff.” 8. The First Defendant confirmed its agreement to the extension of time by email. 9. Through its Advocate, the Plaintiff objects to the extension of time on the grounds that: (i) the Defendants did not request this further extension until late afternoon on the day the deadline expired; (ii) previous extensions have been granted by consent and according to the Plaintiff, it was made clear to the Defendants in August 2025 that no further extensions would be agreed; and (iii) no reasons have been given by the Defendants as to why their clients have not finished reviewing the draft pleadings and why they have left it so late to apply.

10. Those grounds were set out in an email to which the Advocate for the First Defendant responded stating that this is a complex claim which has required significant time for all parties and that: “Unfortunately, despite our best efforts, a combination of the scale & complexity of the case, the summer vacation period and leading counsel’s availability led to some overruns. That meant we were not able to finalise the First Defendant’s draft Answer last week. Considering the availability of the various people who need to be involved to finalise the draft, we therefore supported the Third and Fourth Defendant’s request for a Thursday evening deadline. Accordingly, and insofar as it assists, those are the reasons why the First Defendant supports the Third & Fourth Defendants’ application. We apologise for any discourtesy that might be taken from our not articulating our client’s reasons for endorsing this application for a 72 hour extension of time at an earlier stage.” Discussion
11. The terms of Practice Direction RC 17/05 are clear and state that: “Variation of directions
18. This paragraph deals with the procedure to be adopted where:- The parties are agreed on changes they wish to make to directions already given; or a party wishes to apply to vary a direction already given.
19. It is essential that any party who wishes to vary a direction takes steps to do so as soon as soon as possible and in particular before any time limit for compliance with the direction has expired.
20. Any such application shall be accompanied by an appropriate written summary and submissions setting out what steps have been taken to adhere to the timetable set, why the previous directions have not been complied with, what variation is sought and its impact on any directions previously given...

22. In the absence of agreement the application should be made in sufficient time to permit the other parties to respond to the application including filing any written summary or submissions a party wishes to rely on.”
12. In this case, the Third and Fourth Defendants requested an extension of time shortly before the deadline, without providing any reasons and without providing sufficient opportunity for the Plaintiff to take instructions given the known location of the parties. To that extent, the application made by the Third and Fourth Defendants plainly does not comply with the terms of the Practice Direction.
13. However, a failure to comply with the Practice Direction, is not of itself, sufficient to deprive a party of the opportunity to file an Answer to proceedings, particularly in a case as complex as the current one. Indeed, the practice of the Royal Court is to allow an Answer to be filed at any time up until determination of an application under RCR 6/6(6).
14. In my judgment, the appropriate test is set out in paragraph 43 of *Newman v de Lima* [2018] (2) JLR Note 3: “Where an order had been breached, the court’s power to make orders in relation to any non-compliance was found in r.6/26(12) of the Royal Court Rules 2004. Rule 1/6 required the court to give effect to and interpret the Rules in light of the overriding objective. The English Court of Appeal had set out three stages when addressing an application for relief from sanctions (*Denton v. T.H. White Ltd.*, [2014] 1 W.L.R. 3926, followed): first, the court was to identify and assess the seriousness and significance of the failure to comply with a rule, practice direction or court order; secondly, the court was to consider why the default occurred; and thirdly, the court should evaluate all the circumstances of the case, so as to enable it to deal justly with the application including factors (a) and (b) (CPR, r.3.9(1)). The first two stages of that approach were equally applicable to a breach in Jersey. A different approach would be taken in relation to the exercise of discretion. The third stage in *Denton* was directly affected by the two factors listed in r.3.9(1) of the CPR. In Jersey, the discretion was more general. It required the court to look at the case as a whole and the nature of the proceedings.”
15. In this case: (i) the failures to file an Answer in accordance with the Act of Court dated 4 August 2025 and to comply with the terms of the Practice Direction are serious, particularly given that there have been two previous extensions of time; (ii) no proper reason is advanced by the Third and Fourth Defendants for their application.
16. The third stage of the test requires the Court to consider the case as a whole: (i) in reality, an extension of time by 72 hours for filing an Answer in the context of this case will have no impact on the progress of this litigation. That assessment echoes the comments of the English Court of Appeal in *Denton v TH White Limited* [2014] 1 WLR 3926, which were cited by the then Master in *Newman v de Lima* [2018] JRC155 (at paragraph 45): “In a case where (a) the failure can be seen to be neither serious nor significant, (b) where a good reason is demonstrated, or (c) where it is otherwise obvious that relief from sanctions is appropriate, parties should agree that relief from sanctions be granted without the need for further costs

to be expended in satellite litigation. The parties should in any event be ready to agree limited but reasonable extensions of time up to 28 days as envisaged by the new CPR r3.8(4).” (ii) further, the explanation provided by the First Defendant as to why it endorses the request for additional time is likely to apply with equal vigour to the Third and Fourth Defendants.

17. In my judgment, a further extension of time should be given to the Defendants, and I make an order in terms of the summons.
18. In terms of the costs of the application, whilst the Third and Fourth Defendants have obtained the relief sought, I have found that they have failed to comply with the terms of the Practice Direction. Had, they done so, this application might have been avoided. In my judgment, the Third and Fourth Defendants should pay the Plaintiff’s costs of and incidental to the application, to be summarily assessed on a standard basis, if not agreed. Authorities Royal Court Rules 2024. *Newman v de Lima* [2018] (2) JLR Note 3. *Denton v TH White Limited* [2014] 1 WLR 3926. *Newman v de Lima* [2018] JRC155.

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF’s page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.jerseylaw.je/judgments/unreported/Pages/%5B2025%5DJRC227.aspx>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/antelope-summit-investments-ltd-v-blackstone-global-holdings-ltd-and-others-2025>

Prepared on 22 October 2026 · Esheria