

**IN THE HIGH COURT FOR ZAMBIA**

**2016/HPC/0042**

**AT THE COMMERCIAL REGISTRY**

**HOLDEN AT LUSAKA**

(Civil Jurisdiction)



**LOUIS DREYFUS COMMODITIES METALS**

**PLAINTIFF**

**SUISSE AS**

**AND**

**IGNATIUS MWAPE (Sued as Receiver/**

**1<sup>ST</sup> DEFENDANT**

**Manager of Berdale International Zambia**

**Limited)**

**ALESSANDRA VALENZA**

**2<sup>ND</sup> DEFENDANT**

**HETRO MINING AND ORES LIMITED**

**3<sup>RD</sup> DEFENDANT**

**SHAWI FAWAZ**

**4<sup>TH</sup> DEFENDANT**

**TUNTA MINING ZAMBIA LIMITED**

**5<sup>TH</sup> DEFENDANT**

**Before the Hon. Lady Justice Irene Zeko Mbewe**

*For the Plaintiff:*

*Mr. M Mwenye SC and Mr. Joshua Kabwe  
of Messrs Mwenye Mwitwa*

*For the 2<sup>nd</sup> Defendant:*

*Mr. E B Mwansa SC of Messrs EBM  
Chambers*

For the 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> Defendant: Mr. Chikuba of Messrs BCM Legal  
Practitioners

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## R U L I N G

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### Cases Referred To:

1. *Intermarket Banking Corporation Zambia Limited v Munkanta*  
2012/HPC/0268
2. *Colgate Palmolive Zambia Inc. v Abel Shemu Chuka and 10 Others* SCZ  
Judgment No 11 of 2005
3. *Printing Numerical Registering Co. v Sampson* (1875) 19 Ex.462
4. *Sebastian Holding Inc v Deutsche Bank* [2010] EWCA Civ 99
5. *PT Thiess Contractors Indonesia v PT Kaltim Prima Coal & Another* [2011]  
EWHC 1842

### Legislation Referred To:

1. *Arbitration Act No 19 of 2000*

This is a Ruling on the 2<sup>nd</sup> and 4<sup>th</sup> Defendant's application for an Order to stay and refer the matter to arbitration pursuant to Section 10 of the **Arbitration Act No. 19 of 2000**.

The 2<sup>nd</sup> Defendant filed a supporting affidavit dated 15<sup>th</sup> August, 2017 deposed to by his Advocate Mr. Emmanuel Bupe Mwansa SC. It is deposed that that the Plaintiff commenced this action against the 1<sup>st</sup> and 2<sup>nd</sup> Defendant as representatives of Berdale International

