

**IN THE FEDERAL HIGH COURT OF NIGERIA**  
**IN THE LAGOS JUDICIAL DIVISION**  
**HOLDEN AT LAGOS**

**SUIT NO: FHC/L/CS/52/2021**

**BETWEEN:**

AITEO EASTERN E & P COMPANY LIMITED ..... PLAINTIFF/APPLICANT

AND

1. THE SHELL PETROLEUM DEVELOPMENT COMPANY OF NIGERIA LIMITED.
2. ROYAL DUTCH SHELL PLC
3. SHELL WESTERN SUPPLY AND TRADING LIMITED
4. SHELL INTERNATIONAL TRADING AND SHIPPING COMPANY LIMITED
5. SHELL NIGERIA EXPLORATION AND PRODUCTION COMPANY LIMITED

DEFENDANTS

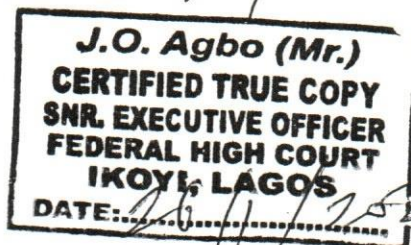
RE:

1. ACCESS BANK PLC
2. CITI BANK LTD.
3. ECOBANK NIGERIA LTD
4. FIDELITY BANK NIGERIA PLC.
5. FIRST BANK OF NIGERIA LTD.
6. FIRST CITY MONUMENT BANK PLC.
7. GUARANTY TRUST BANK PLC.
8. HERITAGE BANK LIMITED
9. KEYSTONE BANK LIMITED
10. MAINSTREET BANK LTD.
11. POLARIS BANK PLC.
12. PROVIDUS BANK LIMITED
13. STANBIC IBTC BANK LTD.
14. STANDARD CHARTERED BANK LTD.
15. STERLING BANK PLC.
16. UNION BANK OF NIGERIA PLC.
17. UNITED BANK FOR AFRICA PLC
18. UINTY BANK PLC.
19. WEMA BANK PLC.
20. ZENITH BANK PLC.

RESPONDENTS

**ORDER**

UPON THIS MOTION EX - PARTE dated and filed on the 19<sup>th</sup> day of January, 2021, coming up before this Honourable



Court and praying for the following Orders:

1. **AN ORDER of interim mareva injunction**, pending the hearing and final determination of the motion for interlocutory injunction, restraining the 1st, 2nd, 3rd, 4th & 5th Defendants from presenting to the named Banks whether by themselves or through their agents or privies, any mandate or instrument for the withdrawal of any money and/or funds standing to the credit of any of the accounts of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Respondent Banks and or their branches without first preserving and or ring-fencing the sum of \$1,275,975,000 (One Billion, Two Hundred and Seventy Five Million, Nine Hundred and Seventy Five Thousand United States Dollars) or its equivalent in any other official currency including but not limited to Naira and/or Pounds Sterling being the value of the Plaintiff's 16,050,000 barrels of crude oil (at the rate of \$79.50 per barrel), as claimed in this suit.

ALTERNATIVE TO 1 (Above):



2. **AN ORDER of interim mareva injunction**, pending the hearing and final determination of the motion for interlocutory injunction, restraining the 1st, 2nd, 3rd, 4th & 5th Defendants from presenting to the named Banks whether by themselves or through their agents or privies, any mandate or instrument for the withdrawal of any money and/or funds standing to the credit of any of the accounts of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Respondent Banks and or their branches without first preserving and or ring-fencing the sum of \$81,251,305.5 (Eighty One Million, Two Hundred and Fifty One Thousand, Three Hundred and Five United States Dollars and Five Cents) or its equivalent in any other official currency including but not limited to Naira and/or Pounds Sterling being the value of the Plaintiff's 1,022,029 barrels of crude oil (at the rate of \$79.50 per barrel) as stated in the Department of Petroleum Resources (DPR) letter dated the 8th day of July, 2020 and as claimed in this suit.



ALTERNATIVE TO 1 & 2 (Above):

3. **AN ORDER of interim mareva injunction**, pending the hearing and final determination of the motion for interlocutory injunction, restraining the 1st, 2nd, 3rd, 4th & 5th Defendants from presenting to the named Banks whether by themselves or through their agents or privies, any mandate or instrument for the withdrawal of any money and/or funds standing to the credit of any of the accounts of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Respondent Banks and or their branches without first preserving and or ring-fencing the sum of \$51,214,829 (Fifty One Million, Two Hundred and Fourteen Thousand, Eight Hundred and Twenty Nine United States Dollars) or its equivalent in any other official currency including but not limited to Naira and/or Pounds Sterling being the value of the Plaintiff's 732,262 barrels of crude oil (at the rate of \$79.50 per barrel) admitted by the 1st

Defendant via letter dated the 30th day of November, 2018 as claimed in this suit.

IN ADDITION TO ALL OF THE ABOVE:

4. **AN ORDER of interim mareva injunction**, pending the hearing and final determination of the motion for interlocutory injunction, restraining the 1st, 2nd, 3rd, 4th & 5th Defendants from presenting to the named Banks whether by themselves or through their agents or privies, any mandate or instrument for the withdrawal of any money and/or funds standing to the credit of any of the accounts of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Respondent Banks and or their branches without first preserving and or ring-fencing the total sum of \$2,700,583,779,75 (Two Billion, Seven Hundred Million, Five Hundred and Eighty Three Thousand, Seven Hundred and Seventy Nine Dollars, Seventy Five Cent) or its equivalent in any other official currency including but

not limited to Naira and/or Pounds Sterling comprising of:

- a. \$799,000,000.00 (Seven Hundred and Ninety Nine Million United States Dollars) being the amounts claimed to have been paid in this suit by the Plaintiff to the 1st, 2nd, 3rd, 4th & 5th Defendants for the acquisition of the NCTL pipelines and the assets.
- b. \$389,631,877.76 (Three Hundred and Eighty Nine Million, Six Hundred and Thirty One Thousand, Eight Hundred and Seventy Seven Dollars Seventy Six Cents) being the total amount claimed in this suit as having been lost by the Plaintiff arising from the leakages in the NCTL and the degraded conditions of the NCTL and the degraded conditions of the NCTL.
- c. \$578,951,901.99 (Five Hundred and Seventy Eight Million Nine Hundred and Fifty One Thousand, Nine Hundred and One United States Dollars Ninety Nine



Cents) being the total amount claimed in this suit as having been lost by the Plaintiff arising from the crude theft/larceny in the NCTL.

- d. \$933,000,000 (Nine Hundred and Thirty Three Million Dollars) being the total amount claimed in this suit as having being expended by the Plaintiff for the repairs of the pipelines and acquisition of equipment including well-heads, generators and pumps as well as replacing the flow lines within the NCTL.

CONSEQUENT UPON THE GRANT OF PRAYERS 1, 2, 3 OR/AND 4, ABOVE:

5. **AN ORDER of interim mareva injunction**, pending the hearing and determination of the motion on notice for interlocutory injunction, restraining the named Banks whether by themselves, director, managers, officers or howsoever from accepting, honouring or giving effect in any manner howsoever to any mandate, cheque or instructions presented by the 1st, 2nd, 3rd, 4th & 5th

Defendants whether by themselves or through their agents or privies for the withdrawal of any sum of money and/or funds standing to the credit of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Banks and or their branches without first preserving and or ring-fencing the sums as ordered in prayers 1, 2, 3 and/or 4 above.

6. **AN ORDER** of interim **mareva injunction**, pending the hearing and determination of the motion on notice for interlocutory injunction, directing the Respondents Banks to within 48 hours of the service of the order of this honourable court, pay any sums of money standing to the credit of the Defendants, up to the sum/value of the amounts stated in prayers 1, 2, 3 & 4 above into an interest yielding account in the name of the Chief Registrar of this Honourable Court, who is to hold same in trust.



7. **AN ORDER of interim mareva injunction**, pending the hearing and determination of the motion on notice for interlocutory injunction, directing the Respondent Banks to sequestrate and/or ring-fence any cash, bonds, deposits, all forms of negotiable instruments or chose(s) in action due to or standing to the credit of the Defendants, up to the sum/value of the amounts stated in prayers 1, 2, 3 and/or 4 above.

8. **AN ORDER of mandating injunction**, pending the hearing and determination of the motion for interlocutory injunction, directing the named Banks to file within 48 hours of service of the order of this Honourable Court on them returns of the Statement of Account of the 1st, 2nd, 3rd, 4th and 5th Defendants maintained with them as at the date of the order of this Honourable Court, such returns to be verified by affidavits.

9. **AND SUCH FURTHER** or other orders this Honourable Court may deem fit to make in the circumstances of this case.

**UPON READING** through the said Motion, its supporting Affidavit of Urgency of nine (9) paragraphs and Affidavit of fifty-four (54) paragraphs both deposed to by Taiye Eyewuoma, Christian, Nigeria Citizen of 1, Admiralty Forte, Admiralty Way, Lekki, Lagos; Attached therewith are Exhibits marked "A" – "I" and Written Address signed by Kemi Pinheiro SAN, FCI Arb., Counsel to the Plaintiff/Applicant, all filed at the Federal High Court Registry, Ikoyi, Lagos.

**AFTER HEARING** Kemi Pinheiro SAN, FCI Arb. (with Emeka Ozoani SAN and Adetokunbo Davies, MCI Arb.), Counsel to the Plaintiff/Applicant, move in terms of the motion paper,

**AND** having carefully considered the application and submissions of Counsel,



*O. O. Oguntuyinbo*  
**O. O. OGUNTOYINBO**  
**(PRESIDING JUDGE)**

**IT IS HEREBY ORDERED:**

1. That pending the hearing and final determination of the motion for interlocutory injunction, the 1st, 2nd, 3rd, 4th & 5th Defendants, whether by themselves or through their agents or privies ARE RESTRAINED IN THE INTERIM from presenting to the named Banks any mandate or instrument for the withdrawal of any money and/or funds standing to the credit of any of the accounts of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Respondent Banks and or their branches without first preserving and or ring-fencing the sum of \$81,251,305.5 (Eighty One Million, Two Hundred and Fifty One Thousand, Three Hundred and Five United States Dollars and Five Cents) or its equivalent in any other official currency including but not limited to Naira and/or Pounds Sterling being the value of the Plaintiff's 1,022,029 barrels of crude oil (at the rate of \$79.50 per barrel) as stated in the



Department of Petroleum Resources  
(DPR) letter dated the 8th day of July,  
2020 and as claimed in this suit



  
O. O. OGUNTOYINBO  
(PRESIDING JUDGE)

2. That pending the hearing and final determination of the motion for interlocutory injunction, the 1st, 2nd, 3rd, 4th & 5th Defendants whether by themselves or through their agents or privies, ARE RESTRAINED IN THE INTERIM from presenting to the named Banks any mandate or instrument for the withdrawal of any money and/or funds standing to the credit of any of the accounts of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Respondent Banks and or their branches without first preserving and or ring-fencing the total sum of \$2,700,583,779,75 (Two Billion, Seven Hundred Million, Five Hundred and Eighty Three Thousand, Seven Hundred and Seventy Nine Dollars, Seventy Five Cent) or its equivalent in any other official currency including but not limited to



*O. O. Oguntoyinbo*  
**O. O. OGUNTOYINBO**  
**(PRESIDING JUDGE)**

Naira and/or Pounds Sterling  
comprising of:

- a. \$799,000,000.00 (Seven Hundred and Ninety Nine Million United States Dollars) being the amounts claimed to have been paid in this suit by the Plaintiff to the 1st, 2nd, 3rd, 4th & 5th Defendants for the acquisition of the NCTL pipelines and the assets.
- b. \$389,631,877.76 (Three Hundred and Eighty Nine Million, Six Hundred and Thirty One Thousand, Eight Hundred and Seventy Seven Dollars Seventy Six Cents) being the total amount claimed in this suit as having been lost by the Plaintiff arising from the leakages in the NCTL and the degraded conditions of the NCTL and the degraded conditions of the NCTL.
- c. \$578,951,901.99 (Five Hundred and Seventy Eight Million Nine Hundred and Fifty One Thousand, Nine Hundred and One United States Dollars Ninety Nine Cents) being the



total amount claimed in this suit as having been lost by the Plaintiff arising from the crude theft/larceny in the NCTL.




*O. O. Oguntayinbo*  
O. O. OGUNTOYINBO  
(PRESIDING JUDGE)

- d. \$933,000,000 (Nine Hundred and Thirty Three Million Dollars) being the total amount claimed in this suit as having being expended by the Plaintiff for the repairs of the pipelines and acquisition of equipment including well-heads, generators and pumps as well as replacing the flow lines within the NCTL.

3. That pending the hearing and determination of the motion on notice for interlocutory injunction, the named Banks whether by themselves, director, managers, officers or howsoever ARE RESTRAINED IN THE INTERIM from accepting, honouring or giving effect in any manner howsoever to any mandate, cheque or instructions presented by the 1st, 2nd, 3rd, 4th &





  
O. O. OGUNTOYINBO  
(PRESIDING JUDGE)

5th Defendants whether by themselves or through their agents or privies for the withdrawal of any sum of money and/or funds standing to the credit of the 1st, 2nd, 3rd, 4th & 5th Defendants kept and or maintained at any of the named Banks and or their branches without first preserving and or ring-fencing the sums as ordered in prayers 1, 2, 3 and/or 4 above.

4. That pending the hearing and determination of the motion on notice for interlocutory injunction, the Respondents Banks ARE DIRECTED to pay any sums of money standing to the credit of the Defendants within 48 hours of the service of the order of this Honourable court, up to the sum/value of the amounts stated in payers 1, 2, 3 & 4 above into an interest yielding account in the name of the Chief Registrar of this Honourable Court, who is to hold same in trust.



*O. O. Oguntoyinbo*  
**O. O. OGUNTOYINBO**  
**(PRESIDING JUDGE)**

5. That pending the hearing and determination of the motion on notice for interlocutory injunction, the Respondent Banks ARE DIRECTED to sequestrate and/or ring-fence any cash, bonds, deposits, all forms of negotiable instruments or chose(s) in action due to or standing to the credit of the Defendants, up to the sum/value of the amounts stated in prayers 1, 2, 3 and/or 4 above.
6. That pending the hearing and determination of the motion for interlocutory injunction, the named Banks ARE DIRECTED to file within 48 hours of service of the order of this Honourable Court on them returns of the Statement of Account of the 1st, 2nd, 3rd, 4th and 5th Defendants maintained with them as at the date of the order of this Honourable Court, such returns to be verified by affidavits.

7. That this matter is adjourned to  
Monday the 15<sup>th</sup> day of February,  
2021 for Report of Service/Mention.

ISSUED AT LAGOS, under the Seal of the  
Court and by the hand of the Presiding  
Judge, this 25<sup>th</sup> day of January, 2021.

OLUWAKEMI OBALAJA (MRS)  
(Registrar)

**Certified Truecopy**

**J.O. Agbo (Mr.)**  
**CERTIFIED TRUE COPY**  
**SNR. EXECUTIVE OFFICER**  
**FEDERAL HIGH COURT**  
**IKOYI, LAGOS**  
DATE: 26/1/2021



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