

IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT COURT 10, AREA 11, GARKI, ABUJA

BEFORE HIS LORDSHIP: HON. JUSTICE S. B. BELGORE

MOTION NO. FCT/HC/M/9971/2024

DATE: 01-07-2024

**B E T W E E N**

**EMADEB ENERGY SERVICES LTD.**

(Suing through lawful Attorney, OLADIPUPO IGE)



**CLAIMANT/APPLICANT**

**AND**

1. **ENERGEN OIL AND GAS LTD.**
2. **1 LQTY TECHNOLOGIES**
3. **A H A SMALL GLOBAL VENTURES**
4. **AB-ANDA GADGET STORES**
5. **BAYI MULTI – BEZ CONCEPT & SERVICES**
6. **BROWN CAPITAL ENTERPRISE**
7. **DABEX MULTI – BIZ VENTURES**
8. **FADIMA TALO GLOBAL ENTERPRISE**
9. **KAMALDEEN AGRO VENTURES**
10. **KAMALDEEN MOUKHTAR FARM AND AGRO ALLIED**
11. **KING CONRNERSTONE GLOBAL CONCEPT**
12. **LQTY NIGERIA LIMITED**
13. **MODAL BASE FASHION HOMES**
14. **MOND GLOBAL VENTURES LTD.**
15. **MULTI – TEK HOMES LTD.**
16. **MUZABI PAINTING AND DECORATION NIGERIA**
17. **OKECHUKWU SUNDAY IFEANYI GLOBAL ENTERPRISE**
18. **OMA ZEAL RESOURCES**
19. **ONE L SERVICES LTD,**
20. **PRECIOUS OBUSEH ACCESSORIES**



**DEFENDANTS/  
RESPONDENTS**

## **RULING**

**(DELIVERED BY HON. JUSTICE S. B. BELGORE)**

The Claimant/Applicant EMADEB ENERGY SERVICES LTD. vide a Motion Ex-parte with Motion No. M/9971/2024 prayed this Court for the following reliefs:-

1. An Order of this Honourable Court granting a MAREVA INJUNCTION on the Bank Accounts of the 1<sup>st</sup> – 20<sup>th</sup> Respondents controlled by Providus Bank with Account Numbers as listed below pending the determination of the Motion on Notice in this suit;

<b>DEFENDANT/RESPONDENT</b>	<b>ACCOUNT NO.</b>
<b>ENERGEN OIL AND GAS LIMITED</b>	<b>1305009826</b>
<b>1 LQTY TECHNOLOGIES</b>	<b>5401521657</b>
<b>A H A SMALL GLOBAL VENTURES</b>	<b>5402016279</b>
<b>BAYI MULTI BEZ CONCEPT &amp; SERVICES</b>	<b>1304853675</b>
<b>BROWN CAPITAL ENTERPRISE</b>	<b>1304382674</b>

<b>DEBEX MULTI-BEZ VENTURES</b>	<b>5401956291</b>
<b>FADIMA TALCO GLOBAL ENTERPRISE</b>	<b>5400875119</b>
<b>KAMALDEEN AGRO VENTURES</b>	<b>5404134609</b>
<b>KAMALDEEN MOUKHTAR FARM AND AGRO ALLIED</b>	<b>5401730842</b>
<b>KING CORNERSTONE GLOBAL CONCEPT</b>	<b>1304758471</b>
<b>LQTY NIGERIA LIMITED</b>	<b>5403874144</b>
<b>MODAL BASE FASHIN HOMES</b>	<b>1305083806</b>
<b>MOND GLOBAL VENTURES LTD.</b>	<b>5401693127</b>
<b>MULTI – TEX HOMES LTD.</b>	<b>5403482822</b>
<b>MUZABI PAINTING AND DECORATION NIGERIA</b>	<b>5401348472</b>
<b>OKECHUKWU SUNDAY IFEANYI GLOBAL ENTERPRISE</b>	<b>5401645140</b>
<b>OMA ZEAL RESOURCES</b>	<b>5401252034</b>
<b>ONE L SERVICES LTD.</b>	<b>5402066322</b>
<b>PRECIOUS OBUSEH ACCESSORIES</b>	<b>1305219733</b>

2. An Order of this Court granting Interim Injunction restraining the operations of the listed Bank Accounts

belonging to the 1<sup>st</sup> – 20<sup>th</sup> Respondents with Providus Bank pending the proper commencement and determination of this suit.

3. A Post-No-Debt Order to be effected and placed by Providus Bank on the Bank Accounts belonging to the 1<sup>st</sup> – 20<sup>th</sup> Respondents as listed in the first order on the face of this Motion Paper.
4. An Order of this Honourable Court granting leave to amend the originating processes in this suit to reflect the circumstances of the case and add additional parties.
5. An Order mandating the production of the certified copies of the Bank Statements of the 1<sup>st</sup> – 20<sup>th</sup> Respondents by the Providus Bank from 6<sup>th</sup> June, 2024 till the date of service of this order to this Honourable Court.
6. And any other order(s) as this Honourable Court may deem fit to make in the circumstances of this suit.

The grounds upon which this application is predicated are 18 in number as enumerated as a – r.

They are as follows:-

- a) That the Extreme Urgency of the matter cannot be understated.
- b) On the 6<sup>th</sup> day of June, 2024, EMADEB ENERGY SERVICES LTD. (the Applicant) contracted ENERGEN OIL AND GAS LIMITED (1<sup>st</sup> Respondent) to provide foreign exchange transfer services to their company. A service which the latter company represented to be well within the ambits of its objects and represented itself as a seasoned and licensed entity.
- c) The Applicant, being a multijurisdictional company majorly transacts in the international market and as at that time, had incurred expenses due to their transactions with their international affiliates. The service to be rendered involved a currency swap where the Applicant and the 1<sup>st</sup> Respondent would exchange the Nigerian Naira for the United States Dollar. The mandate of the 1<sup>st</sup> Respondent was to facilitate this swap into the corporate account of a company the Applicant owed – CONSTANT PETROLEUM LIMITED.
- d) The parties agreed that these transactions will be provided in batches and the Applicant made the transfer of the total

sum of N8,922,000,000.00 (Eight Billion, Nine Hundred and Twenty-Two Million Naira) only to the designated Account Number 1305009826 with Providus Bank in the name of ENERGEN OIL AND GAS LIMITED, the 1<sup>st</sup> Respondent in this suit.

e) The 1<sup>st</sup> Respondent then issued a schedule of inflow to the Applicant. Subsequently, after the first batch of transactions were received by the Applicants affiliate – CONSTANT PETROLEUM LIMITED, it became apparent that the 1<sup>st</sup> Respondent and its operator – MR. OLUWATOMIWA ADEBAYO IDOWU were not entirely transparent with their position regarding possession of a valid operator license as the forex transactions received were transferred from different accounts including accounts well within the jurisdiction of Nigeria and without such as Democratic Republic of Congo and Indonesia.

f) Clarity obtained pursuant to due diligence; The Applicant immediately addressed the issue by reporting the matter to Providus Bank, the Bank of both parties. While the Applicant was in discussion with the 1<sup>st</sup> Respondent on the subject of indemnity, CONSTANT PETROLEUM LIMITED

informed the Applicant that the transactions were not completed by the 1<sup>st</sup> Respondent as claimed.

- g) Immediately, the Applicant made efforts to contact the 1<sup>st</sup> Respondent who represented its company as a licensed international money transfer operator. When contacted, the 1<sup>st</sup> Respondent refused to cooperate with the bank and the Applicant to repatriate the funds to the Account of the Applicant stating myriads of reasons.
- h) While the Applicant awaited the response of the arbitration process undertaken by the Bank to assist in the repatriation of the funds, it was discovered that ENERGEN OIL AND GAS LTD. (1<sup>ST</sup> RESPONDENT) had distributed the funds to 19 (Nineteen) different Bank Account controlled by the Providus Bank within the Country.
- i) The urgency of this matter cannot be over-stated as the 1<sup>st</sup> Respondent will completely exhaust the funds swapped by the parties by transferring them to different Accounts thereby frustrating the efforts of the Applicant to obtain a repatriation and eliminating the res.
- j) The 1<sup>st</sup> Respondent as at the time of construction of this order had disbursed a substantial amount of the funds to

the following accounts owned by the 2<sup>nd</sup> – 20th Respondents;

<b>DEFENDANT/RESPONDENT</b>	<b>ACCOUNT NO.</b>
<b>1 LQTY TECHNOLOGIES</b>	<b>5401521657</b>
<b>A H A SMALL GLOBAL VENTURES</b>	<b>5402016279</b>
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- k) The funds might still be in the possession of the Respondents.
- l) That a Mareva injunction be placed on the 1<sup>st</sup> Respondent's Bank Account with Providus Bank with Number 1305009826 and all the Accounts listed above belonging to the 2<sup>nd</sup> – 20<sup>th</sup> Respondents by this Honourable Court to avoid the transfer of the funds which is the major contention in this suit and (or) forestall continuous misappropriation of the funds paid purposefully for the satisfaction of debt owed by the Applicant to a third party pending the determination of this suit.
- m) It is pertinent to state that all the Accounts are controlled by Providus Bank.
- n) That without the order of this Honourable Court to restrain the Respondents from making further demands and

restricting access to the funds in these accounts, a vital part of the res of this case will be defeated accordingly as all the monies will be expelled by the Respondents.

- o) That the Bank Statements belonging to the Respondents are necessary and important considerations in the determination of the substantive matters in this suit.
- p) That the grant of these reliefs by the Honourable Court will preserve this suit as the protection of the res is sacrosanct for the effective dispensation of justice. The Court is enjoined to mandate the maintenance of the status quo by the parties as well as prevent further tampering with evidence by the Respondents.
- q) The amendment of the originating process is necessary to properly establish the circumstances of the case and add further parties to the suit most importantly, the banker of the companies – PROVIDUS BANK as the addition of the bank is crucial for the eventual dispensation of this matter.
- r) That it is in the interest of justice to grant this application as prayed.

It is brought pursuant to Order 42 Rule 1, Order 4 Rule 8, Order 43 Rule 1, Order 4, Rule 3, Order 25 Rule 1 and Order 25 Rule 3 of the Rules of this Court.

In support is an affidavit of extreme urgency dated 28<sup>th</sup> June, 2024 and deposed to by one Oladipupo Ige.

It is of 9 paragraphs.

There is also the main affidavit in support dated 28<sup>th</sup> June, 2024 deposed to by one Chekiri – Lois Titus. It is also of 9 paragraphs.

And in accordance with the provision of the Rules, they attached a written address dated 28<sup>th</sup> June, 2024 and filed same day.

C. F. Ogu Esq., adopted the written address as their argument in the Ex-parte Motion and urged the Court to grant the prayers because of the urgency involved.

I have considered this application summarily as it was moved. I have found merit in it and it therefore granted as prayed.

Signed  
**S. B. Belgore**  
(Judge) 01-07-24