

**IN THE SINGAPORE INTERNATIONAL COMMERCIAL COURT
OF THE REPUBLIC OF SINGAPORE**

[2025] SGHC(I) 26

Originating Application No 10 of 2024 (Summons No 1133 of 2024)

Between

DKB

... Claimant

And

DKC

... Defendant

JUDGMENT

[Civil Procedure — Separate hearings for separate questions or issues —
Preliminary questions based on assumptions rather than admitted facts —
Order 16 r 11 Singapore International Commercial Court Rules 2021 (2020
Rev Ed)]

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DKB

v

DKC

[2025] SGHC(I) 26

Singapore International Commercial Court — Originating Application No 10 of 2024 (Summons No 1133 of 2024)

Thomas Bathurst IJ

15 September, 14 October 2025

12 November 2025

Thomas Bathurst IJ:

1 These proceedings arise out of the Claimant, DKB's, attempt to enforce an arbitral award (the "Award") against DKC, the Defendant, in Singapore. The Claimant had previously obtained leave to do so. The Defendant seeks in HC/SUM 1133/2024 ("SUM 1133") to set aside the order granting the Claimant leave to enforce the Award.

2 The Defendant's primary argument in SUM 1133 is that enforcement of the Award would be contrary to Singapore's public policy. Its case consists of the following planks:

(a) One Mr [H] is subject to sanctions imposed by the US government (see *DKB v DKC* [2025] 4 SLR 170 at [13]), and potentially other international and domestic sanctions.

(b) The Claimant is allegedly owned and controlled, directly or indirectly, by Mr [H], with the effect that the Claimant is subject to the aforementioned sanctions.

(c) Allowing the Claimant to enforce the Award against the Defendant in Singapore would result in the Defendant violating these sanctions.

(d) It follows that allowing the Claimant to enforce the Award against the Defendant in Singapore would be contrary to Singapore public policy.

3 At a case management hearing which took place on 15 September 2025 I canvassed with the parties the possibility of whether the proceedings could be expedited and simplified by the formulation of separate questions which would avoid the necessity of a factual inquiry into the question of whether the Claimant was owned and controlled by Mr [H]. As mentioned, it is principally on this basis that the Defendant says that the orders granting leave to enforce the Award should be set aside on the grounds of public policy.

4 In response, counsel for the Claimant suggested three separate questions, the answers to which he submitted would finally determine the proceedings and avoid the factual inquiry to which I have referred. The questions were in the following terms:

(a) Assuming without admission that the Claimant is or may be, subject to sanctions of any kind other those specifically enforced in Singapore, would the enforcement of the Award and/or any judgment entered in its terms be contrary to Singapore's public policy for the purpose of s 31(4)(b) of the International Arbitration Act 1994 (2020

Rev Ed) (the “IAA”) if such enforcement will not result in a breach of any one or more of these sanctions?

(b) Assuming without admission that the Claimant is subject to US sanctions –

(i) Does s 29 of the IAA (read with s 19 of the IAA) permit the enforcement of a foreign arbitral award by entry of a judgment in Singapore dollars notwithstanding that the currency of the said award is expressed in United States dollars (US\$)?

(ii) Can the Award debt be satisfied by the Defendant in US\$ without breaching US sanctions in any event?

5 In support of the order for separate questions, counsel for the Claimant submitted essentially that the authorities on which he relied showed that it would not be contrary to Singapore public policy to order the Award be enforced and that an affirmative answer to the questions would avoid the need for the factual inquiry into Mr [H]’s alleged ownership and control of the Claimant.

6 Counsel for the Defendant submitted first that it was logical to deal with the factual matters before embarking on the legal matters, the subject of the separate questions. Secondly, he submitted this was a case where the novelty of the legal issues and the uncertainty of the facts were such that a determination of the issue by any of the separate questions was inappropriate and, third, that an answer to the questions, even if favourable to the Claimant, would not finally determine the proceedings in any event. In his written submissions, he pointed to a number of matters which he submitted would be left outstanding.

7 The principal difficulty I have with the proposed questions is that their answers are not to be based on facts found or admitted but rather on assumptions. Whilst it may be accepted that the questions are not purely hypothetical, it would seem to me as a general rule highly undesirable to determine the proceedings on an assumed set of facts without reaching a conclusion as to whether these facts are correct or otherwise. I would not order a question of this nature particularly when the underlying facts are uncertain and there is a degree of novelty in the questions of law involved.

8 Further, although a number of the issues said by the Defendant as remaining outstanding even after the questions have been answered may in fact be resolved by them, the uncertainty as to whether the questions even if answered in favour of the Claimant would lead to finality of the litigation provides a further powerful reason to refuse to answer the separate questions.

9 For these reasons as I indicated at the Case Management Conference of 14 October 2025 I would not be prepared to make the orders requested.

Thomas Bathurst
International Judge

Chan Xiaohui Darius (Chen Xiaohui) (Breakpoint LLC) (instructed),
James Ch'ng Chin Leong and Lee Wei Cong Terence (A.Ang, Seah
& Hoe) for the claimant;
Chong Yee Leong, KarLuis Quek and Liew Pei Jun Annette (Allen &
Gledhill LLP) for the defendant.

