

**IN THE HIGH COURT OF THE FEDERAL CAPITAL TERRITORY**  
**IN THE ABUJA JUDICIAL DIVISION**  
**HOLDEN AT GARKI ABUJA**

**CLERK:** CHARITY ONUZULIKE  
**COURT NO.** 10

**SUIT NO:** FCT/HC/CV/2395/23  
**DATE:** 23/2/2023

**BETWEEN:**

**OML 18 ENERGY RESOURCES LIMITED..... CLAIMANT/APPLICANT**

**AND**

- |   |   |                                    |
|---|---|------------------------------------|
| <ol style="list-style-type: none"><li>1. <b>EROTON EXPLORATION &amp; PRODUCTION CO. LTD</b></li><li>2. <b>NIGERIAN NATIONAL PETROLEUM COMPANY LIMITED</b></li></ol> | } | <b>DEFENDANTS/<br/>RESPONDENTS</b> |
|---|---|------------------------------------|

**RULING**

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

This Ruling concerns the Motion *Ex-parte* **M/328/2023** filed at the instance of the Claimant applicant. The application prayed for the following two principal reliefs:

1. **AN ORDER** allowing the Claimant/Applicant to enter or gain access into sealed facilities at the **Oil Mining Lease (OML) No. 18** mining facility site; the subject matter of this substantive suit in compliance with the subsisting order of this Honourable Court made on the 17<sup>th</sup> day of February, 2023.
2. **AN ORDER** of this Honourable Court directing all security agencies including but not limited to the Inspector General of Police, Chief of Army Staff, Chief of Defence Staff, Chief of Naval Staff, Commandant of Civil Defense and men/officers of the said security outfits to provide protection to the Claimant in the course of its gaining entry or access into the sealed facilities of the **Oil Mining Lease (OML) No. 18** mining facility site to enable the Claimant perform its duties as operator of OML 18.

The application is premised on 18-grounds as can be seen on the face of the Motion paper. The grounds are:

1. The Claimant is a limited liability company registered with the Corporate Affairs Commission.
2. The 1<sup>st</sup> Defendant is an indigenous companies engaged in the oil and gas business in Nigeria.
3. The 2<sup>nd</sup> Defendant is a regulator and the successor company of the **Nigerian National Petroleum Corporation**. The 2<sup>nd</sup> Defendant was established pursuant to **Section 53 of the Petroleum Industry Act, 2021**.
4. By **Section 55 of the Petroleum Industry Act, 2021**, the 2<sup>nd</sup> Defendant is the agent of the Nigerian National Petroleum Corporation.
5. The contractual relationship between the Claimant and the Defendants is governed by the Joint Operating Agreement (JOA) dated 1<sup>st</sup> March 2015 and the Novation Agreement signed by the parties on 21<sup>st</sup> June, 2019.
6. By virtue of **Article 2.4.1 (iii) of the JOA**, the 1<sup>st</sup> Defendant shall cease to be the Operator of OML No. 18 if it becomes insolvent or ceases or threatens to cease to carry on its business or a major part thereof.
7. The 1<sup>st</sup> Defendant has ceased to carry on its business of operating OML No. 18 as required by the JOA since June 2022.
8. The Claimant has exercised its right under **Articles 2.4.3 (b) (i) and 2.6.2 of the JOA** and remove the 1<sup>st</sup> Defendant as the Operator of OML No. 18. The Claimant has taken over the operation and management and administration of the said OML No. 18 and all its assets.

9. This Honourable Court on 17<sup>th</sup> of February, 2023 graciously granted the Claimant/Applicant an order of interim injunction restraining the 1<sup>st</sup> Defendant from interfering with the Claimant's operation of **Oil Mining Lease (OML) No. 18** mining facility pending the hearing and determination of the Motion on Notice.
10. The Claimant has taken over the site but has been unable to gain entry into **Oil Mining Lease (OML) No. 18** mining facility as the 1<sup>st</sup> Defendant has sealed the facility.
11. If this application is not granted, there is an imminent danger that the 1<sup>st</sup> Defendant will take steps towards initiating, continuing, or taking any step(s), or any other/further step(s) towards interfering with, obstructing, or disrupting the management and/or operation(s) of **Oil Mining Lease (OML) No. 18** during the pendency of the Claimant's Motion on Notice.
12. It is, therefore, necessary that this Honourable Court grants this application to restrain the 1<sup>st</sup> Defendant from taking any step or a further step to interfere with, obstruct or take over the operation(s) of Oil Mining Lease (OML) No. 18 including structures, equipment, installations, investments or any of their properties or assets howsoever described covered by or connected to the JOA pending the hearing and determination of the Motion on Notice.
13. The Claimant has a legal right to protect in this application as well as the substantive suit.
14. The substantive suit has presented serious issues of law and facts for the determination of this Honourable Court.
15. The balance of convenience is in favour of the Claimant.
16. The Claimant undertakes to indemnify the Defendants as to damages should this application be found to be frivolous.
17. There is a reasonable cause of action against the 1<sup>st</sup> Defendant

18.It is in the best interest of justice to grant this Application.

In support is an affidavit of 8-paragraphs deposed to by one Ekele Samson. There is also a written address.

A short while ago, the applicant's Counsel, Mr. OSSY EHIKIOYA, moved the application summarily. He referred to the averment in the supporting affidavits, and the content of his written address. learned Counsel relied on all the processes, adopted the written address as his arguments and urged the Court to grant the application.

I have considered this application. I am particularly focused on ground 9, 10, 11 and 12 as the basis upon which this application is premised. Particularly that these grounds were echoed or repeated vide paragraphs 4(p), (q), (r), (s), (f) and (u) of the supporting affidavits. There is considerable merit in this application if my order of 17/2/23 is not to be in vain. Courts are not to act in vain. And any consequent or subsequent order that would align with a previous order of Court both in spirit and intent should be made desirable and accommodate. It is for the above reason that I grant this application as prayed.

SIGNED

**S. B. Belgore**

(Judge) 23/2/2023