

**IN THE HIGH COURT OF JUSTICE OF THE
FEDERAL CAPITAL TERRITORY ABUJA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT JABI - ABUJA**

BEFORE: HON. JUSTICE O. C. AGBAZA

COURT CLERKS: UKONU KALU & GODSPOWER EBAHOR

COURT NO: 10

SUIT NO: FCT/HC/M/5883/2019

BETWEEN:

**HADDAD CONTRACTING COMPANY NIGERIA
LIMITED.....CLAIMANT/APPLICANT**

VS

**FEDERAL ROADS MAINTENANCE AGENCY
.....DEFENDANT/RESPONDENT**

CONSENT JUDGMENT

Consequent upon the Suit filed by the Applicant on 7/5/2019 praying for the reliefs set out. And after several adjournments, the parties prayed for settlement of this Suit. Consequent upon that application, the parties indeed agreed to Terms of Settlement and filed same on 8/2/2021, the parties through that counsel prays the court to enter it as the Consent Judgment of the court in this instant case.

Having carefully considered this instant Suit and application of both counsel and the spirit of settlement, shall allow the application. Accordingly, entered the Terms of Settlement dated 11/12/2020 and filed on 8/2/2021 as the Consent Judgment in this Suit. I so order.

TERMS OF SETTLEMENT

WHEREAS the Sole Arbitrator, Chikwendu Madumere, LLM (Dundee), FCI Arb (U.K.) published his final award on the 23rd day of April, 2019, concerning a dispute between the parties in this case, wherein an award was made against the Respondent in favour of the Applicant in the sum of;

- (1) **₦3,000,000,000.00 (Three Billion Naira)** only as damages for breach of contract.
- (2) **₦109,500,000.00** as Arbitration fee.
- (3) The award sum and the **₦109,500,000.00** Arbitration fee to be paid within 21 days of the publication of the award.
- (4) **10%** of the award sum as post judgment interest until the final payment of the award sums.

WHEREAS the Applicant filed an application on the 7th of May, 2019 before this Honourable Court seeking the registration and enforcement of the said award in Suit No.M/5884/19.

And Whereas the Respondent had also filed an application before the FCT High Court seeking to set aside the Arbitration Award in Suit No. M/6214/2019.

WHEREAS the Applicant through its counsels and the Respondent through its counsel (Consortium of Three External Solicitors) are desirous of settling the matters in this dispute between them out of Court and have pursuant to their desires, held several meetings and negotiations to that effect.

In consequence thereof, the Applicant through its counsels and the Respondent through its eternal solicitors proposes and agreed as follows:

1. The Respondent shall pay the Applicant the total sum of **₦2,209,500,000.00 (Two Billion, Two Hundred and Nine Million, Five Hundred Thousand Naira)** only VAT, WHT and other statutory deductions are inclusive as the full and final payment in settlement of the Arbitration Award.
2. The sum of **₦2,209,500,000.00 (Two Billion, Two Hundred and Nine Million, Five Hundred Thousand Naira)**to represents the following:-
 - a. **₦2,100,000,000.00 (Two Billion, One Hundred Million Naira only, as against the ₦3,000,000,000.00 (Three Billion Naira)** damages awarded by the Sole Arbitrator.
 - b. The sum of **₦109,500,000.00 (One Hundred and Nine Million Five Hundred Thousand Naira)** only, being the Arbitration fee, as provided under **Articles 39 and 40 of the Arbitration and Conciliation Act.**
3. The Applicant has accepted the said sum mentioned in paragraphs 1 and 2 above as full and final liquidation of the award published on the 23rd of April, 2019, and in settlement of the dispute between it and the Respondent.
4. Payment ofthe sum of the sum of **₦2,209,500,000.00 (Two**

Billion, Two Hundred and Nine Million, Five Hundred Thousand Naira)only shall be made in two (2) installments.

5. This Terms of Settlement contains all the settlements between the parties in respect of all the issues and dispute subject of the Arbitration between them.
6. That these Terms of Settlement shall be adopted by the parties.
7. That parties have agreed that this Honourable Court shall enter this Terms of Settlement as the Consent Judgment of the Honourable Court in this Suit.

HON. JUSTICE O. C. AGBAZA

Presiding Judge

17/2/2021

APPEARANCE:

MICHAEL KAMA BIELONWU ESQ - FOR THE CLAIMANT/APPLICANT

A. D. SANNI - FOR THE DEFENDANT/RESPONDENT