

**IN THE GENERAL DIVISION OF
THE HIGH COURT OF THE REPUBLIC OF SINGAPORE**

[2022] SGHC 21

Suit No 79 of 2018

Between

Epoch Minerals Pte Ltd

... Plaintiff

And

- (1) Raffles Asset Management (S) Pte Ltd
- (2) AKS Consultants Pte Ltd
- (3) Kamil Bin Jumat
- (4) Gangadhara Brhmendra Srikanth Maraju

... Defendants

JUDGMENT

[Civil procedure – costs – quantum]

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Epoch Minerals Pte Ltd
v
Raffles Asset Management (S) Pte Ltd and others

[2022] SGHC 21

General Division of the High Court — Suit No 79 of 2018
Choo Han Teck J
24 January 2022

28 January 2022

Judgment reserved.

Choo Han Teck J:

1 In the normal case where several defendants are sued, it would only be fair and just when awarding costs to ascertain the degree of liability and the incursion of costs by each of them individually.

2 In a case such as the present where the defendants all worked in tandem as part of their plan to induce the plaintiff to pay over money for a purpose the defendants never intended to fulfil, there is often, as in this case, the difficulty of the fact-finding court to determine the exact contribution of each of the defendant.

3 Furthermore, the intention and the acts of the individual defendant meshed into the one to carry out the device they planned. For the purposes of costs in such cases, neither the individual contributions by the defendants nor

their internal hierarchy is of significance as to how costs should be apportioned. They are all to be liable in costs jointly or severally.

4 It remains only as to the amount of costs payable. The plaintiff is seeking costs of \$350,000. The second defendant's counsel submits that \$100,000 is sufficient. Mr Kang for the third defendant submits that costs should be \$93,000. Mr Chong submits that costs should be ordered only after the appeal is heard. He fears that the plaintiff may not reimburse the defendants should they succeed on appeal. In any event, he submits that \$350,000 is excessive.

5 I see no reason why I should not order costs now. It should be the preferred approach so that the parties can appeal both merits and costs before the appellate court at the same time.

6 It remains for me to determine the appropriate quantum. I approve the submissions of the plaintiff's counsel, but on the whole, I am of the view that a slight adjustment should be made and I therefore award the sum of \$300,000 costs plus disbursements against the second to fourth defendants jointly and severally.

- Sgd -
Choo Han Teck
Judge of the High Court

Jeremy Gan Eng Tong, Kevin Tan and Glenna Liew (Rajah & Tann
Singapore LLP) for the plaintiff;
Andrew Goh (De Souza Lim & Goh LLP) for the second defendant;
Derek Kang Yu Hsien and Ashok Kumar Rai (Cairnhill Law LLC)
for the third defendant;
Christopher Chong Chi Chuin and Josh Tan (Drew & Napier LLC)
for the fourth defendant.