

SUPREME COURT OF SEYCHELLES

Reportable

MC86/2023

In the matter between:

THE GOVERNMENT OF SEYCHELLES

(rep. by Edmund Vickers)

Applicant

and

FAHREEN RAJAN

(rep. by Daniel Cesar)

Respondent

Neutral Citation: *Government of Seychelles v Rajan* (MC 86/2023) (10 November 2023)

Before: Burhan J

Summary: Disposal Order pursuant to Section 5 of the Proceeds of Crime (Civil Confiscation) Act, 2008 as amended (POCA)

Heard: 10 November 2023

Delivered: 15 November 2023

ORDER

I proceed to issue a Disposal Order in terms of Section 5 (1) of the POCA, directing that the whole of the specified property described in paragraph 1 herein i.e. 4,954,491 ordinary shares in AP Towers Holdings PTE Limited (company registration number 201937707D) in Singapore valued in February 2021 at USD 3.84 million now worth Seychelles Rupees fifty-seven million, four hundred and eight thousand (SCR 57,408,000.00) be unconditionally transferred to the Republic. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.

ORDER

BURHAN J

- [1] By notice of motion dated 08 of November 2023, the Government of Seychelles represented by State Counsel Mr Edmund Vickers, filed a notice of motion MC 86 of 2023 seeking a Disposal Order under Section 5 of the Proceeds of Crime (Civil Confiscation) Act, 2008 as amended (POCA) in respect of the specified property i.e. 4,954,491 ordinary shares in AP Towers Holdings PTE Limited (company registration number 201937707D) in Singapore valued in February 2021 at USD 3.84 million now worth Seychelles Rupees fifty seven million, four hundred and eight thousand (SCR 57,408,000.00). It is mentioned in the affidavit dated 8 November 2023 of Sergeant Dave Jeanne attached to the motion that an application under Section 4 of the POCA (MC 59/2022) was filed and an Interlocutory Order under Section 4 of POCA dated 26 September 2022 was granted by this Court. A copy of the said Order has been attached to his affidavit as DJ2.
- [2] Notice of the Disposal Order application was served on the Respondent's Counsel Mr Daniel Cesar on the 10 November 2023. Mr Daniel Cesar was present when the matter was called in open court and stated he had no objection to the said application. The Applicant further annexed a consent affidavit of the Respondent herself dated 27 July 2022 (DJ1) where the Respondent specifically states that she would not be contesting any applications pursuant to Section 4, 5 and 19 of the POCA. There was no challenge to the application or the evidence by way of affidavit filed by Sergeant Dave Jeanne by Mr Daniel Cesar.
- [3] I have considered the facts set out in the application and affidavit of Sergeant Dave Jeanne attached to the notice of motion. It is stated in the said application and affidavit filed that an Interlocutory Order under Section 4 of POCA was given by this Court on the 26 September 2022 and has been in force for not less than 12 months in relation to the said specified property in the notice of motion and further there has been no appeal from the said Interlocutory Order.
- [4] It is further stated that there is no pending application under Section 4 (3) of the POCA before any Court on behalf of the Respondent or any other person in respect of the said property. I will proceed to accept the affidavit evidence placed before this Court which is

unchallenged and supported by the annexed document being the Interlocutory Order dated 26 September 2022 and the consent affidavit dated 27 July 2022.

- [5] I am satisfied on perusal of the said affidavit evidence and documents annexed to the application that an Interlocutory Order has been given in respect of the said property on the 26 September 2022 and that pursuant to Section 5 (1) of the POCA, the said order has been in force since then for over a period of 12 months. I am also satisfied in terms of Section 5 (1) of the POCA that no appeal has been preferred by the Respondent or any person on her behalf from the said Interlocutory Order or any other Order. This Court, having considered all the salient facts before it, is satisfied that no injustice will be caused to any person in terms of Section 5 (10) of the said Act, if the Disposal Order be given.
- [6] I therefore proceed to issue a Disposal Order in terms of Section 5 (1) of the POCA, directing that the whole of the specified property described in paragraph 1 herein i.e. 4,954,491 ordinary shares in AP Towers Holdings PTE Limited (company registration number 201937707D) in Singapore valued in February 2021 at USD 3.84 million now worth Seychelles Rupees fifty-seven million, four hundred and eight thousand (SCR 57,408,000.00) be unconditionally transferred to the Republic. I make further order that such transfer shall confer absolute title to the Republic free from any claim of any interest therein.

Signed, dated and delivered at Ile du Port on 15 November 2023.


M Burhan J

15-11-2023

