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FEDERAL HIGH COURT

IN THE ABUJA JUDICIAL DIVISION

HOLDEN AT ABUJA

SUIT No. FHC/ABJ/CS/14/2017

IN THE MATTER OF AN APPLICATION BY THE CHAIRMAN OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION FOR AN ORDER OF INTERIM ATTACHMENT OF OIL PROSPECTING LICENCE 245 PRESENTLY HELD BY SHELL NIGERIA EXPLORATION AND PRODUCTION COMPANY LIMITED (SNEPCO)

BETWEEN

SHELL NIGERIA EXPLORATION & PRODUCTION COMPANY LTD ...APPLICANT

AND

CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION ...RESPONDENT

NOTICE OF WITHDRAWAL

TAKE NOTICE that the Applicant hereby withdraws the Motion for discharge of the Interim Order of Attachment and for Striking Out this Suit, filed on 31 January 2017.

Dated this 1st day of February, 2017

.....
Godswill Iwuajoku



FEDERAL HIGH COURT
ABUJA
CASHIER'S OFFICE
01/02/17
1101 4784 1658

Filed by Prof. Konyin Ajayi (SAN)
OLANIWUN AJAYI LP,
Applicant's Counsel,
Leadway House,
4th Floor, Plot 1061,
Herbert Macaulay Way, (Beside NNPC Towers)
Central Business District,
Abuja.

N/W ----- At 200.00
Filing ----- At 100.00
Service ----- At 150.00
----- At 450.00

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ABUJA

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FEDERAL HIGH COURT
ABUJA
CASHIER'S OFFICE
Signature.....
Date.....

06/03/17
289-5314-1103

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07037877297

drp@olaniwunajayi.net

FOR SERVICE ON:

The Respondent

C/o His Counsel,
Aliyu M. Yusuf.
Legal and Prosecution Department,
Economic and Financial Crimes Commission,
No. 1, Hombori Street,
off Freetown Street,
off Adetokunbo Ademola Crescent,
Wuse II,
Abuja.

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ABUJA



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COMMISSION
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IN THE FEDERAL HIGH COURT
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA

SUIT No. FHC/ABJ/CS/14/2017

IN THE MATTER OF AN APPLICATION BY THE CHAIRMAN OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION FOR AN ORDER OF INTERIM ATTACHMENT OF OIL PROSPECTING LICENSE 245 PRESENTLY HELD BY SHELL NIGERIA EXPLORATION AND PRODUCTION COMPANY (SNEPCO)

BETWEEN

SHELL NIGERIA EXPLORATION AND PRODUCTION COMPANY LIMITED ...APPLICANT

AND

CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION ...RESPONDENT

AFFIDAVIT OF URGENCY

I, Godswill Iwuajoku, Male, Adult, Christian, Nigerian, Legal Practitioner of Plot 1061 Herbert Macaulay Way, Abuja, hereby make oath and state as follows:

1. I am a Legal Practitioner in the firm of Olaniwun Ajayi LP, and counsel to the Applicant in this matter, by virtue of which, I am conversant with the facts deposed to in this Affidavit.
2. I have the consent of the Applicant and authority of my employers to depose to this affidavit.
3. The Chairman of the Economic and Financial Crimes Commission (**Respondent**) commenced an *Ex-Parte* Originating Summons dated and filed on 11.01.17 (**Ex-Parte Originating Summons**).
4. On 26.01.17, this honourable Court heard the *Ex-Parte* Originating Summons and granted the orders as prayed against the Applicant and others in respect of OPL 245 (the **Ex-Parte Orders**).
5. On 01.02.17, the Applicant filed an application to dismiss or strike out the action or in the alternative set aside the *Ex-Parte* Orders amongst other reliefs.



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[Signature]

- 6. I verily believe that the *Ex-Parte* Orders will have adverse operational and financial consequences for the Applicant, and the Applicant will suffer irreparable loss and damage if the application is not heard urgently.
- 7. I further verily believe that it will be in the interest of justice to hear the Applicant's application expeditiously.
- 8. I depose to this affidavit *bona fide*, conscientiously believing same to be true and in accordance with the Oaths Act, Cap O1 LFN 2004.

[Handwritten Signature]

DEPONENT

SWORN TO at the Federal High Court Registry, Abuja
This 1st day of February, 2017

~~BEFORE ME~~
~~COMMISSIONER FOR OATHS~~
~~FEDERAL HIGH COURT~~
~~ABUJA~~
~~COMMISSIONER FOR OATHS~~

Oath ——— ₦100.00
 Filing ——— ₦100.00

 ₦200.00

[Handwritten Signature] 01/02/17

FEDERAL HIGH COURT
 ABUJA
 CASHIER'S OFFICE
 Signature: *[Handwritten Signature]*
 Date: 01/02/17
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A. Oluwa
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COMMISSION
FEDERAL

SUIT NO: FHC/ABJ/CS/14/2017

IN THE MATTER OF AN APPLICATION BY THE CHAIRMAN OF THE ECONOMIC AND FINANCIAL CRIMES COMMISSION FOR AN ORDER OF INTERIM ATTACHMENT OF OIL PROSPECTING LICENCE 245 PRESENTLY HELD BY SHELL NIGERIA EXPLORATION AND PRODUCTION COMPANY LIMITED (SNEPCO)

BETWEEN

NIGERIAN AGIP EXPLORATION LIMITED

- APPLICANT

AND

CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION - RESPONDENT

AFFIDAVIT OF URGENCY

I, Kehinde Olona, Male, Nigerian and Legal Practitioner of Afri Investment House, Plot 2669, Aguiyi Ironsi Street, Cadastral Zone A 6, Maitama, Abuja, do hereby make oath and state as follows:

Introductory Depositions

1. I am a Legal Practitioner in the employment of Messrs. Aluko & Oyebode, the law firm acting in these proceedings for Nigerian Agip Exploration Limited (the "Applicant"), whose lawful corporate organs have directed and authorised me to depose to this affidavit. I also have the consent of Messrs. Aluko & Oyebode to depose to this affidavit.



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ABUJA

2. Other than where expressly stated, the facts contained in this affidavit are facts which are within my personal knowledge in my capacity as one of the Counsel at the law firm of Messrs. Aluko & Oyeboade advising and representing the Applicant in respect of the instant application, and derived from my review of relevant documents referred to in this Affidavit.
3. I verily believe the facts averred in this Affidavit to be true.
4. This Honourable Court, on 26 January 2017 made an Ex-parte Order (the "**Ex Parte Order**") granting the reliefs claimed by an application made by the Chairman of the Economic and Financial Crimes Commission (the "**EFCC**") vide an Ex-parte Originating Summons dated 11 January 2017 (the "**Ex-parte Application**"), as follows:

"1. That the Applicant is granted interim Attachment of the Property known as Oil Prospecting License (OPL 245) pending the conclusion of investigation and prosecution of the Shell Nigeria Ultra Deep Ltd, Shell Nigeria Exploration and Production Company Ltd, Nigeria Agip Exploration Ltd, Malabu Oil and Gas Ltd. And other individuals named in connection with acts of conspiracy, bribery and official corruption and money laundering mentioned in the schedule attached to this summons.

2. That the property known as Oil Prospecting License (OPL 245) shall be managed by the Department of Petroleum Resources on behalf of the Federal Government of Nigeria pending the conclusion of investigation and prosecution of the said Shell Nigeria Ultra Deep Ltd, Shell Nigeria Exploration and Production Company Ltd, Nigeria Agip Exploration Ltd, Malabu Oil and Gas Ltd. and other individuals named in connection with acts of conspiracy, bribery and official corruption and money laundering mentioned in the schedule attached to this summons."

5. I am aware that the Applicant has caused to be filed:
 - a. a Motion on Notice dated 31 January 2017 (the "**Motion to Discharge**"), by which the Applicant seeks (a) the discharge of the Ex-Parte Order of Interim Attachment and (b) the discharge of the ex parte order directing the Department of Petroleum Resources to manage OPL 245 on behalf of the Federal

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ABUJA



Government of Nigeria pending the conclusion of investigation and prosecution of the Applicant and other persons/ entities, as follows, and

- b. A Motion on Notice dated 31 January 2017 (the "**Motion for Stay**"), by which the Applicant seeks an order staying the execution of the Ex-Parte Order and restraining the EFCC and the Department of Petroleum Resources (DPR) from interfering with the conduct of petroleum operations by the Applicant.
6. I believe that the Applicant's Motion to Discharge contains good and arguable grounds for the discharge of the Order.
7. I am informed by Mrs. Chinwe Njoku, Deputy Division Manager, Corporate Legal Services of the Applicant, in the course of a telephone conversation on 28 January 2017, at about 11am, and I verily believe it to be true that:
 - a. Following the award of OPL 245 to NAE and SNEPCO in 2011, the Applicant and SNEPCO have incurred huge capital and operating expenditure on OPL 245.
 - b. The Applicant currently has numerous employees whose work is devoted to the conduct of petroleum operations on OPL 245.
 - c. Due to the immediately preceding averment, the management of OPL 245, which requires millions of dollars to keep it doing, will be disrupted unless the orders referred to above are discharged urgently.
 - d. Also, the Applicant's conduct of petroleum operations on OPL 245 is at a sensitive stage, working on a strict timetable, and any disruption of the said petroleum operations is liable to cause the loss of millions of dollars of investment to the Applicant.
 - e. the Ex-parte Order, if executed, will cause significant damage to the interests of the Applicant.
8. I verily believe that it is in the interest of justice for the Applicant's Motion to Discharge and Motion to Stay to be heard urgently.

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ABUJA
7/3/17

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9. I make this Affidavit in good faith verily believing the contents to be the true in accordance with the Oaths Act.

[Handwritten Signature]
DEPONENT

Sworn to at the Registry of the Federal High Court,
Abuja this ^{2nd} day of February 2017

BEFORE ME

COMMISSIONER FOR OATHS
FEDERAL HIGH COURT
ABUJA

COMMISSIONER FOR OATHS

FOR SERVICE ON:

CHAIRMAN, ECONOMIC AND FINANCIAL CRIMES COMMISSION

C/O

ALIYU M. YUSUF

JOHNSON OJOGBANE (JP)

H.M. MOHAMMED

LEGAL AND PROSECUTION DEPARTMENT

ECONOMIC AND FINANCIAL CRIMES COMMISSION

NO. 1, HOMBORI STREET, OFF FREETOWN STREET.

OFF ADETOKUNBO ADEMOLA CRESCENT

WUSE II, ABUJA

08162796041

DEPARTMENT OF PETROLEUM RESOURCES

7, KOFO ABAYOMI STREET

VICTORIA ISLAND

LAGOS

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ABUJA

[Handwritten Signature]
(A.S.I.)

FEDERAL HIGH COURT
PAID
02 FEB 2017
ABUJA

O/F - N200.00
Service - 200.00
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