

**Niko Resources (Bangladesh) Ltd.**

**v.**

**Bangladesh Petroleum Exploration & Production Company Limited (“Bapex”), and  
Bangladesh Oil Gas and Mineral Corporation (“Petrobangla”)  
(ICSID Case Nos. ARB/10/11 and ARB/10/18)**

### **Procedural Order No 10**

1. On 25 November 2014 the Claimant filed a Request for Provisional Measures concerning the Decision on the Payment Claim (the Request). In their Procedural Order No 9, the Tribunals invited the Claimant to provide by 5 December 2014 clarification on specified points. They also invited Petrobangla to respond to the Request by 18 December 2014 and in so doing
  - (a) to address the question whether the Request should be granted as a matter of principle;
  - (b) to address the specific measures requested by the Claimant; and, if Petrobangla does not agree with the measures requested by the Claimant,
  - (c) to identify any other measures which Petrobangla would find appropriate, reserving, if it wishes to do so, any objections in principle;
  - (d) to address the interest calculation attached to the Request; if it sees the need for any corrections, Petrobangla must provide a corrected calculation by the same date; and
  - (e) to present its position on the Claimant’s request for post-award compound interest.”
2. The Claimant submitted its clarification at the scheduled date, 5 December 2014.
3. Petrobangla did not respond by 18 December 2014, at the date fixed by the Tribunals. However, the Parties informed the Tribunals that at several occasions they agreed to extend the time for Petrobangla’s response, which was eventually agreed to be filed on 19 May 2015. As a result of these extensions, Petrobangla had more than five months for filing the response to the Request but still has not done so.
4. Against this background, the Tribunals did not see a justification for any further extension of the time for Petrobangla’s response to the Request. However, the Tribunals have been informed on 28 May 2015, that Ms Macdonald and Mr Gonzalez Garcia no longer represent the two Respondents in these proceedings and that new counsel are to be appointed by the Respondents.

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5. Having considered the circumstances, in particular taking into account the change in counsel, the Tribunals now afford to Petrobangla a last extension and invite it to submit its reply on provisional measures by no later than Thursday 11 June 2015. After this date, the Tribunals will rule on the Request, including the Claimant’s clarification of 5 December 2014, even in the absence of a reply from Petrobangla.
6. All other dates of the timetable in these arbitral proceedings remain unchanged.

*[signed]*

On behalf of the two Arbitral Tribunals

Michael E. Schneider

President

30 May 2015