

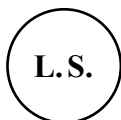
Proclamation No. 10 of 2025

APPOINTMENT OF HONOURABLE N. F. OH SAN-BELLEPEAU,
PUISNE JUDGE, AS INSPECTOR TO INVESTIGATE INTO
THE AFFAIRS OF AFRICAN NETWORK INFORMATION
CENTRE (AfrINIC) LTD (IN RECEIVERSHIP)

DHARAMBEER GOKHOOL

President of the Republic of Mauritius

DHARAMBEER
GOKHOOL



– *By His Excellency Mr DHARAMBEER GOKHOOL, Grand Commander of the Order of the Star and Key of the Indian Ocean, President of the Republic of Mauritius*

&c., &c., &c.

WHEREAS by virtue of section 58(1) of the Constitution, the executive authority of Mauritius is vested in me.

WHEREAS by virtue of section 64(1) of the Constitution, in the exercise of my functions under the Constitution or any other law, I shall act in accordance with the advice of the Cabinet or of a Minister acting under the general authority of the Cabinet except in cases where I am required by the Constitution to act in accordance with the advice of, or after consultation with, any person or authority other than the Cabinet or in my own deliberate judgment.

WHEREAS section 7(3) of the Courts Act provides that except with my approval, no Judge shall, with or without remuneration, undertake any other work or hold any other office.

WHEREAS in the exercise of my functions under section 7(3) of the Courts Act, I am bound to act on the advice of the Cabinet.

WHEREAS I am advised by the Cabinet that –

- (a) African Network Information Centre (AfriNIC) Ltd (in receivership) (the “Company”) is a company limited by guarantee incorporated and based in Mauritius;
- (b) the Company is the designated Regional Internet Registry for the African continent;
- (c) the Company has been the object of a spate of litigation, leading to it being placed in receivership in or about 2024;
- (d) the Company is now the object of a compulsory winding-up petition;
- (e) the process leading to the Company being placed in receivership, and now being the object of a compulsory winding-up petition, is legally questionable and could have been the result of a misuse of the Court process;
- (f) the 2 receivers of the Company successively appointed by the Courts have failed to effectively discharge their mission of conducting the election of a Board for the Company within timeframes imparted by the Courts;

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- (g) the result of the Company being placed in receivership has been that no new internet protocol address was able to be issued to the whole of the African continent since November 2024;
 - (h) this state of affairs has caused, and is continuing to cause, serious reputational damage to Mauritius as a jurisdiction internationally;
 - (i) in consequence of the above, the Honourable Prime Minister, Minister of Defence, Home Affairs and External Communications, Minister of Finance, Minister for Rodrigues and Outer Islands has, in his capacity as Minister to whom responsibility for the subject of corporate affairs is assigned and by virtue of section 230 of the Companies Act, designated the Company to be a declared company;
 - (j) by virtue of section 231(1) of the Companies Act, the Registrar of Companies shall require an inspector to investigate the affairs of every declared company and to make a report on his investigation in such form and manner as the Registrar may direct;
 - (k) by virtue of section 229 of the Companies Act, an inspector designated or appointed under section 231(1) of the Act shall be either a qualified auditor of at least 5 years' post qualification experience or a person who holds or has held judicial office;
 - (l) this matter involves complex questions of law and potential misuse of the Court process so that an appropriate inspector ought to be a sitting Judge of the Supreme Court;

- (m) the person of appropriate standing, calibre and integrity to hold office as inspector in the present circumstances is **Honourable N. F. Oh San-Bellepeau, Puisne Judge**;
- (n) the Registrar of Companies has appointed **Honourable N. F. Oh-San Bellepeau, Puisne Judge**, as inspector into the affairs of the Company;
- (o) by virtue of section 7(3) of the Courts Act, I should authorise **Honourable N. F. Oh San-Bellepeau, Puisne Judge**, to act as inspector into the affairs of the Company and report on –
 - (i) whether Cloud Innovation Ltd, as resource member of the Company, had the requisite locus standi to have the Company placed in receivership pursuant to section 178 of the Companies Act;
 - (ii) whether the Official Receiver and Mr Gowtamsingh Dabee were properly appointed as receivers of the Company;
 - (iii) whether the Official Receiver and currently-appointed receiver, Mr Gowtamsingh Dabee, have acted in the best interests of the Company and its members and in accordance with the constitution of the Company in the different court proceedings in which they represented the Company, as well as in the process of electing directors on the board of the Company;
 - (iv) whether the attempt at Cloud Innovation Ltd converting its status from a resource member to a registered member under the guise of a Court Order is illegal, fraudulent and void;

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- (v) whether the petition of Cloud Innovation Ltd for the compulsory winding-up of the Company is a frivolous and vexatious action that is devoid of any legal basis;
 - (vi) who were the lawful registered members and directors of the Company on the date of the Company was designated to be a declared company, having regard to the applicable law;
 - (vii) whether there have been any abusive or concerted actions by Cloud Innovation Ltd and/or other parties to paralyse the activities of the Company, thereby putting at risk the operations of the Regional Internet Registry for the African continent;
 - (viii) whether any potential criminal offence has been committed by Cloud Innovation Ltd, its directors and related entities, as well as the receivers of the Company primarily under sections 332(1) (false statement) and 334 (falsification of records) of the Companies Act, but also under any other applicable law;
 - (ix) in the light of the findings under subparagraphs (i) and (viii), whether any disciplinary action should be contemplated against the legal advisers of Cloud Innovation Ltd and its related entities;
 - (p) having regard to my authority to appoint Puisne Judges under section 77(3) of the Constitution, I should forthwith release **Honourable N. F. Oh San-Bellepeau, Puisne Judge**, from all judicial duties until Tuesday 30 September 2025 to effectively discharge his duties as inspector.

NOW THEREFORE, I hereby proclaim that –

- (a) by virtue of section 7(3) of the Courts Act, **Honourable N. F. Oh San-Bellepeau, Puisne Judge**, be authorised to act as inspector into the affairs of the Company and report on –
 - (a) whether Cloud Innovation Ltd, as resource member of the Company had the requisite locus standi to have the Company placed in receivership pursuant to section 178 of the Companies Act;
 - (b) whether the Official Receiver and Mr Gowtamsingh Dabee were properly appointed as receivers of the Company;
 - (c) whether the Official Receiver and currently-appointed receiver, Mr Gowtamsingh Dabee, have acted in the best interests of the Company and its members and in accordance with the constitution of the Company in the different court proceedings in which they represented the Company, as well as in the process of electing directors on the board of the Company;
 - (d) whether the attempt at Cloud Innovation Ltd converting its status from a resource member to a registered member under the guise of a Court Order is illegal, fraudulent and void;
 - (e) whether the petition of Cloud Innovation Ltd for the compulsory winding-up of the Company is a frivolous and vexatious action that is devoid of any legal basis;

- (f) who were the lawful registered members and directors of the Company on the date the Company was designated to be a declared company, having regard to the applicable law;
 - (g) whether there have been any abusive or concerted actions by Cloud Innovation Ltd and/or other parties to paralyse the activities of the Company, thereby putting at risk the operations of the Regional Internet Registry for the African continent;
 - (h) whether any potential criminal offence has been committed by Cloud Innovation Ltd, its directors and related entities, as well as the receivers of the Company primarily under sections 332(1) (false statement) and 334 (falsification of records) of the Companies Act, but also under any other applicable law;
 - (i) in the light of the findings under paragraphs (a) and (h), whether any disciplinary action should be contemplated against the legal advisers of Cloud Innovation Ltd and its related entities;
- (b) having due regard to my authority to appoint Puisne Judges under section 77(3) of the Constitution, **Honourable N. F. Oh San-Bellepeau, Puisne Judge**, be forthwith released from all judicial duties, and this until Tuesday 30 September 2025, to effectively discharge his duties as inspector.

Given at State House, Le Réduit, this 25th day of July two thousand and twenty-five.