

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON MONDAY THE 16TH DAY OF MARCH, 2026
BEFORE HIS LORDSHIP HON. JUSTICE J.K OMOTOSHO
(JUDGE)
SUIT NO: FHC/ABJ/CS/1019/2025

BETWEEN

- | | | |
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| 1. FESTUS SANMI ONIFADE
2. COALITION OF NIGERIA CONSUMER | - | APPLICANTS |
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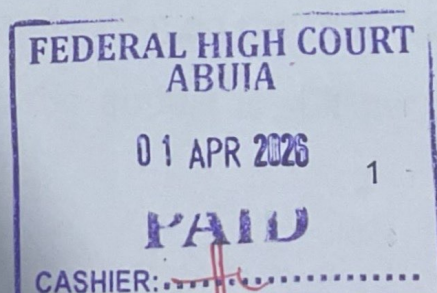
AND

- | | | |
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| 1. MULTICHOICE NIGERIA LTD
2. FEDERAL COMPETITION AND CONSUMER
PROTECTION COMMISSION | } | RESPONDENTS |
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JUDGMENT

The Applicants filed this suit vide a Motion on Notice dated and filed 15th January, 2026 seeking one relief:

AN ORDER of this Honourable Court Registering and Recognizing the Order of the Competition Consumer Protection Tribunal granted in Suit No. CCPT/OP/1/2022 FESTUS SANMI ONIFADE & 1 ORS VS MULTICHOICE NIGERIA LIMITED & 1 ORS on the 8th of September, 2022 as the order of this Honourable Court.



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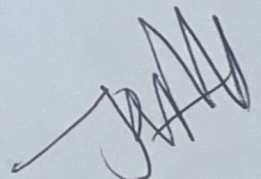
The Motion on Notice has an 8 paragraph affidavit deposed to by the 1st Applicant. The affidavit has one exhibit and a written address.

The 1st Respondent responded by filing a 7 paragraph Counter Affidavit deposed to by Ndawalam Bwanam Jacob, a Counsel in the law firm of M.J. Onigbanjo SAN & Co. The Counter Affidavit has 3 exhibits and a written address dated and filed 15th January, 2026.

The Applicants then filed a Reply Address dated and filed 15th January, 2026.

According to the Applicants, they instituted Suit No. CCPT/OP/1/2022 Festus Sanmi Onifade & 1 Ors vs Multichoice Nigeria Limited & 1 Ors before the Competition and Consumer Protection Tribunal. On the 8th of September, the Tribunal made an order against the 1st Respondent for willfully and deliberately disobeying its earlier order made on March, 2022. The Applicant stated that the 1st Respondent was yet to comply with the said order and thus the Applicants seek a registration and recognition of the said order.

According to the 1st Respondent, it had filed a Notice of Appeal dated 6th September, 2022 appealing against the interim order of the Tribunal made 30th March, 2022, ruling on the Applicants' application for contempt and ruling on the 1st Respondent's Notice of Preliminary Objection and the appeal is still pending. The 1st Respondent also

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stated that it had filed a Motion for stay of execution before the Court of Appeal. The 1st Respondent also stated that the order of the Tribunal which the Applicants seek to enforce was not made for their benefit or favour but for the Tribunal. It stated that it had not complied with the Order of the Tribunal due to the pending appeal and pending application for stay of execution of the ruling. The 1st Respondent therefore urged the Court to dismiss the application for being incompetent.

Counsel to the Applicants in his written address formulated a sole issue for determination thus:

Whether from the facts and circumstances of this application, the Applicant is entitled to the reliefs sought.

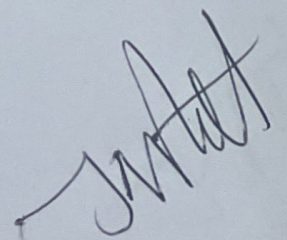
Learned Counsel submitted that the combined effect of section 54 of the Federal Competition and Consumer Protection Act, 2018 and Order 26 Rule 19 of the Rules of this Court clothes this Court with requisite jurisdiction to recognize and register the award made by the Competitions and Consumer Protection Tribunal. He argued that in Suit No. CCPT/OP/1/2022 Festus Sanmi Onifade & ANOR VS Multichoice Nigeria Limited & ANOR, the Tribunal had ordered the 1st Respondent to maintain status quo and refrain from going ahead with the increase which was scheduled to be effected on 1st April, 2022. That the 1st

Respondent disregarded this order and went ahead to make the increase. The Tribunal then delivered a judgment in September, 2022 wherein it penalized the 1st Respondent and ordered it to pay a penalty of N25,000,000.00 (Twenty-Five Million Naira) for disobeying its orders. Counsel submitted that the Applicant has placed sufficient materials before the Court to be entitled to the relief it seeks.

Counsel to the 1st Respondent on his part formulated one issue for determination thus:

Whether the Applicants are entitled to the grant of this application.

Learned SAN submitted that even though an appeal is not a stay of execution, the law is against executing a judgment while an appeal is pending. Counsel relied on **SPDC (NIG) LTD VS SAAPKA & ANOR (2011) LPELR-5026 (CA)**. He further submitted that an order of Court should not be enforced when application for stay of execution is pending. That the existence of the application for stay of execution should operate as a bar against registering the order of the tribunal. Counsel also submitted that the order sought to be enforced was not made to benefit the Applicants but the state, hence they lack legal standing to enforce the order. He urged the Court to dismiss the application.



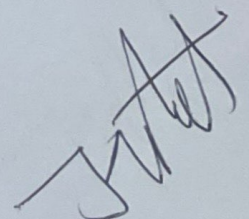
In Reply on Points of Law, Applicants' Counsel submitted that contrary to the submission of 1st Respondent's Counsel, this matter is a matter of registration of judgment and not enforcement of judgment. That the judgment cannot be enforced except it is first enforced. Counsel submitted further that delving into the issue of who the beneficiaries of the order of the Tribunal is at this stage speculative and he urged the Court to refrain from speculating on the issue. He further submitted that the 1st Respondent is in contempt of the order of the Tribunal by not obeying same when the order was made. He thus urged the Court to grant the reliefs of the Applicants.

The Court formulates a sole issue for determination thus:

WHETHER THIS APPLICATION TO REGISTER THE DECISION OF THE COMPETITION AND CONSUMER PROTECTION TRIBUNAL CAN BE GRANTED IN THE CIRCUMSTANCES

The Applicants have filed this application seeking to register the decision of the Consumer Protection Tribunal granted in **Suit No: CCPT/OP/1/2022 FESTUS SANMI ONIFADE & ANOR VS MULTICHOICE NIGERIA LIMITED & ANOR** made on 8th September, 2022 as the order of this Court.

In enforcing the decisions of the Competition and Consumer Protection Tribunal, this Court is vested with powers to register and



recognize such decisions. This is provided for under section 54 of the Federal Competition and Consumer Protection Act, 2018 which provides:

54. An order, ruling, award or judgment of the Tribunal shall be-

(a) binding on the parties before the Tribunal; and

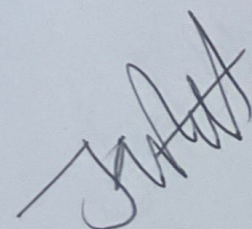
(b) registered with the Federal High Court for the purpose of enforcement only.

From the above, the decision of the Tribunal once it is made is binding on the parties. However, any of the parties may approach this Court to register the decision. The registration of the said decision is only for enforcement purposes.

The law is clear that where the words of a statute are plain, clear and unambiguous, effect should be given to them, in their ordinary and natural meaning except where to do so will result in absurdity.

In **AG ENUGU STATE v. UGWU & ANOR (2016) LPELR-40964(CA)** the Court of Appeal held thus:

"It is a trite rule of interpretation that when the words of a statute is clear and unambiguous, the Courts are generally enjoined to interpret the provisions of the statute literally by giving it, its

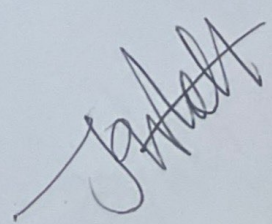


ordinary, plain, simple grammatical meaning. Nothing more or less should be added thereto.”

Kindly see also **OYERINDE v. ACCESS BANK PLC (2014) LPELR-23461(CA); DARA & ANOR v. ALAGBOSO & ORS (2015) LPELR-25672(CA); MBACCI & ORS v. AG ANAMBRA STATE & ANOR (2016) LPELR-41020(CA).**

The intention of the drafters of the law appears to be that although the decision once made binds the parties, the enforcement of the decision must be upon registering same in this Court. Perhaps the drafters were of the opinion that the Competition and Consumer Protection Tribunal have no enforcement powers to enforce its decisions. This is quite reasonable as enforcement of these decisions may sometimes require the need for armed security or security officers like the Police to enforce. The Tribunal being an administrative or quasi-judicial body clearly lacks the authority to command any security agency to enforce its decision. This is unlike the powers of this Court under section 6 (6) (a) (b) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which provides thus:

“(6) The judicial powers vested in accordance with the foregoing provisions of this section –



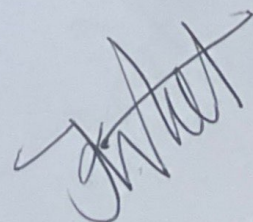
(a) shall extend, notwithstanding anything to the contrary in this constitution, to all inherent powers and sanctions of a court of law;

(b) shall extend to all matters between persons, or between government or authority and to any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person;"

The Competition and Consumer Protection Tribunal is not a Court of record exercising judicial powers in Nigeria under section 6 of the Constitution unlike this Court. This explains why the drafters of the Federal Competition and Consumer Protection Act 2018 vested the powers of enforcement on this Court. Thus, this application to register and recognize the decision of the Tribunal is proper before this Court but same is limited only to enforcement purposes.

The next question to then ask is whether this decision can be registered for enforcement in view of the pending appeal filed by the 1st Defendant before the Court of Appeal.

Appeals from the decisions from the Competition and Consumer Protection Tribunal goes directly to the Court of Appeal. This is the



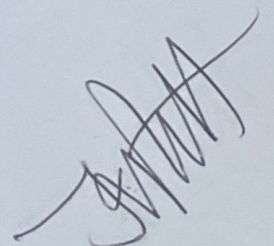
purport of the provision in section 55 of the Federal Competition and Consumer Protection Act which provides:

“55.(1) Any party to a proceeding who is not satisfied with a ruling, award or judgment of the Tribunal may appeal to the Court of Appeal upon giving notice in writing to the Registrar to the Tribunal within 30 days after the date on which the ruling, award or judgment was given.

(2) A notice of appeal filed pursuant to subsection (1) shall set out all the grounds on which the review is sought.

(3) Upon the receipt of a notice of appeal under subsections (1) and (2), the Registrar to the Tribunal shall cause the notice to be given to the Chief Registrar of the Court of Appeal along with the record of proceedings and exhibits tendered at the hearing before the Tribunal.”

The exhibits attached to the Counter affidavit by the 1st Respondent showed that it had filed a Notice of Appeal against the decision of the Tribunal. It also filed a Motion on Notice for stay of execution in CA/ABJ/PRE/ROA/CV/1165MI/2022 seeking an order of the Court staying the execution of the decision of the Competition and Consumer Protection Tribunal.



Counsel to the Applicant has argued that a Notice of Appeal does not operate as a stay of execution of a judgment.

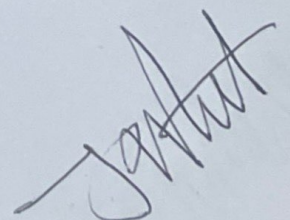
Now this Court clearly understands that an appeal on its own does not operate as a stay of execution, however this Court takes the view that allowing this matter to proceed will not be in the interest of preserving the res.

This Court cannot close its eyes to the motion for stay of execution and the Notice of Appeal already filed. These processes operate as a form of stay of execution and stay of proceedings by their nature.

In **SPDC (NIG) LTD v, SAAPKA & ANOR (2011) LPELR-5026(CA)**, the Court of Appeal held:

"Appeal per se does not operate as stay of execution. It is also unwise for the beneficiary of the judgment to attempt executing the judgment during the pendency of the appeal. Such a step may be viewed by the appellate Court as an attempt to stifle or undermine its undoubted authority and discretion."

Furthermore, the law is settled that an order of Court should not be enforced when an application for stay of execution is pending, in the case of **PDP & ANOR v. ONU (2022) LPELR-57595 (CA)**, it was held:



"Order 4 Rule 6(2) of the Court of Appeal Rules 2021, a part of the Rules of this Court intended to maintain some form of sanctity to extant processes of this Court, by providing as follows: "Where an Applicant has filed an application for stay of execution and the application is accompanied by prima facie evidence of the satisfaction of the conditions under sub-rule IV (a), (b) and/or (c) above, no steps shall be taken to enforce the judgment appealed against, pending the determination of the application for stay of execution by the Court." See also Ifeadi V Atedze (1994) 5 NWLR (Pt. 394) 196, where this Court had emphatically held inter alia that to levy execution while a motion for stay of execution is pending would be an abuse of the process of Court and a clear contravention of Section 18 of the Court of Appeal Act, 1976 and Order IV Rule 1 of the Judgments (Enforcement) Rules Cap, 407, Laws of the Federation of Nigeria, 1990."

In the case of **ASOLUKA v. ALGON & ORS (2022) LPELR-57706(CA)** it was held:

"it is of common knowledge that when there is an appeal on a decision of the lower Court, and there is a follow-up application for stay of execution before the appellate Court would (sic) expect that the lower Court will not enforce the judgment when

there is a decision to be taken at the Court of Appeal. By the protocol of mutual respect to the Court and the rights of the appellant under the Constitution it is always necessary to wait for the appellate Court to finish before any form of enforcement can be conceived of."

This Court has the duty to ensure that the res is preserved and not do anything which may render the decision of the Court of Appeal on the matter nugatory. I refer to **ADELEYE & ORS v. THE EXECUTIVE GOVERNOR OF OGUN STATE (2012) LPELR- 9584(CA)** where it was held thus:

"I wish to add that the purpose of an interlocutory injunction is, apart from protecting the right of the Applicant, it is also meant to preserve the res from being wasted. Both the court from which an appeal lies as well as the court to which an appeal lies have a duty to preserve the res for the purpose of ensuring that the appeal, if successful is not rendered nugatory

Kindly see also **ADEYEMI v. THE ESTATE OF DR. (CHIEF) VICTOR AWOSIKA (Deceased) & ANOR (2013) LPELR-20213(CA); FINBANK PLC v. GINDIRI OIL AND MARKETING LTD & ORS (2013) LPELR-20275(CA).**

Furthermore, the law is trite that where an appeal is filed, parties must not take steps to render the outcome of the appeal nugatory. The

steps taken by the Applicants to enforce the decision of the tribunal during the pendency of the appeal is tantamount to attempts to render the outcome nugatory.

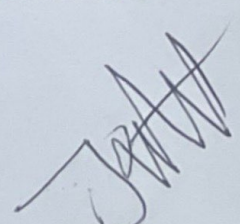
In **YUSUF v. OMOKANYE & ANOR (2012) LPELR-15340(CA)** it was held thus:

"Where there is a competent appeal in the circumstance, parties are not ordinarily permitted to take steps that will render the decision of the appellate court nugatory, even though an appeal in itself does not amount to a stay of execution.

Kindly see also **MUSA v. INEC & ORS (2023) LPELR-59683(CA); KABIR v. INEC & ORS (2023) LPELR-59681(CA)**

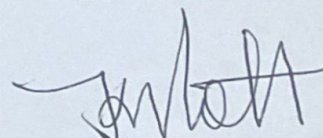
This Court will uphold this solemn duty as it has no desire to embark on a collision course with the Court of Appeal over this matter. This Court is of the view that where this decision is registered and same is enforced against the 1st Respondent and then the Court of Appeal subsequently rules in favour of the 1st Respondent, it would have rendered the appellate decision nugatory. This cannot be the essence of the law. It is therefore safer for all parties to maintain status quo and await the decision of the Court of Appeal on this matter.

The filing of the Notice of Appeal as well as the application for stay of execution means that it would be unwise for this Court to proceed to



register this judgment which would make the judgment immediately enforceable. The matter is now within the powers of the Court of Appeal and in order not to render the decision of the Court of Appeal nugatory, this Court hereby refrains from ruling in favour of the Applicant in this matter.

In final analysis, this matter is not yet ripe for enforcement where the decision is being challenged and where the matter is already before the Court of Appeal. Consequently, this Court declines to register the decision at this stage and thus strikes out this application.



J.K. OMOTOSHO

Judge

16/3/2026

Appearances

Festus Sanmi Onifade Esq.-

the Applicant appears in person

M.J. Onigbanjo SAN with Kenneth Iweka Esq. and Rolake Akinboru Esq.-

for the 1st Respondent