

AC Plastic Industries Ltd v Active Fire Protection Ltd.

Document Information

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Citation: BLD 1908023115.

Decision date: 16 August 2002

Court: Technology and Construction Court.

Representation: Nicholas Collings (instructed by Donald Pugh and Co) for the claimant. Claire Packman (instructed by Davies and Partners, Bristol) for the defendant.

Adjudication—Award. On an application by the claimant for summary judgment for the enforcement of an adjudication as to the sum payable to the claimant under an agreement between parties, the court ruled that there was no defence to the claim for enforcement of the adjudication and accordingly summary judgment would be given for the claimant.

Summary

Adjudication—Award—Enforcement—Adjudication as to sum payable to claimant under agreement between parties—Claimant seeking summary judgment in respect of adjudication—Whether defendant having defence to claim for enforcement of adjudication.

The parties entered into an agreement for the supply, delivery and installation of two water storage tanks and two base steels by the claimant, acting as the defendant's sub-contractors in respect of works carried out at GCHQ, Cheltenham. A dispute arose between the parties and the claimant gave notice of its intention to refer the matter for adjudication in respect of the non-payment by the defendant of the sums allegedly due under the agreement. By a decision dated 30 June 2002, the adjudicator ruled that the sum of £28,257 was due to the claimant. On 18 July 2002, the claimant issued proceedings for enforcement of the adjudicator's decision (the enforcement proceedings) and, on the same day, the defendant initiated proceedings for final determination of the dispute between the parties in the Technology and Construction Court (the substantive proceedings). The claimant applied, inter alia, for summary judgment in the enforcement proceedings pursuant to CPR 24. The defendant resisted summary judgment or alternatively asked for a stay of execution pending trial of the substantive proceedings.

The application would be allowed.

On the evidence, there was, plainly, no defence to the claim for enforcement of the adjudicator's decision and no compelling reason why that claim should be disposed of at trial. Further, there was no justification for imposing a stay of execution of any judgment given. Summary judgment would therefore be given for the claimant.