To: The Fair Trading commission.

IN THE SUPREME COURT OF SEYCHELLLES

AARJAY CONSTRUCTION **APPELLANT**

VERSUS

THE FAIR TRADING COMMISSION **RESPONDENT**

Civil Appeal No. 29 of 2012

FAIR TRADING COMMISSION BOARD OF COMMISSIONERS RECEIVED 29 JAN 2013
FAIR TRADING COMMISSION RECEIVED 29 JAN 2013

Mr. Rajasundaram for the Appellant

Mr. Robert for the Respondent

D. Karunakaran, J.

JUDGMENT

This is an appeal from the decision of the Fair Trading Commission on the ground that the first principle of Natural Justice, namely, *"audi alteram partam"*, was violated by the Commission while it heard the instant case. Although the appellant counsel gave plausible reasons for his absence on a particular day, when the matter was heard, the Commission unduly and unreasonably rejected his request for hearing inter-parte.

I carefully perused the proceedings before the Commission. I am satisfied that the Fair Trading Commission has not considered the grounds raised by counsel for his absence on the day the case was called. In the interest of Justice and by the

consent of parties, I hereby set aside the said decision of the Fair Trading Commission dated the 4th July 2012 and remit the case back to the Commission for proper hearing inter-parte. I direct the Registrar of the Supreme Court to forward this order along with the file to the Fair trading Commission to rehear the matter giving opportunities to both parties to present their respective case in full.

D. KARUNAKARAN

JUDGE

Dated this 14th day of November 2012

SUPREME COURT OF THE SEYCHELLES

FAIR TRADING COMMISSION
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