In the Appeal tribunal established under section 44 of the Fair Trading Commission Act

FRANKY MADELEINE
OF SWEET ESCOTT, ANSE-ROYALE, MAHE ***Appellant***

V/S

1. **FAIR TRADING COMMISSION** ***1st Respondent***

2. **EDDIE LAPORTE OF**
BEAU-VALLON, MAHE ***2nd Respondent***

Appeal Case No. 3/2013

RULING

The decision is a unimous decision of the Appeal Tribunal. The Appellant Mr. Franky Madeleine, appeared in person Mr. George Tirant representing the 1st Respondent appeared for the trading commission and the 2nd Respondent Mr. Eddie Laporte, appearing in person. The appeal tribunal heard the submissions of all parties. The ground of appeal of the Appellant seem to stem from the fact that he has not been paid for other works that he has carried out for one Pat Laporte. The second ground of appeal is that the Appellant claims that he has no agreement with the Complainant but rather with Mr. Pat Laporte and thus Mr. Eddie Laporte does not have a case against him.

The appeal tribunal heard submission of all parties to the case and after perusing the records before the board of Commissioners we are in agreement with the decision of the board of Commissioners that the payment not made to the Appellant by Mr. Pat Laporte relates to a separate contract between the Appellant and one Chander Parkash which of course has nothing to do with the present case which was before the Board of Commissioner. It may be that there may be another appropriate forum that the Appellant may bring his case against Mr. Pat Laporte for non-payment for services rendered but this is not the appropriate forum.

The 2nd Ground of Appeal seem to stem from the fact that he has no agreement with Mr. Edidie Laporte but the agreement is with Mr. Pat Laporte. We disagree with the contention of the Appellant on this point after that we heard the submissions of all parties since Rule 7(6) of the Fair Trading (procedure for conduct of Hearings) Rules, 2011 provides that any party in a hearing before the Chief Executive Officer and Staff members

of the Commission at the stage of investigation or before the board after completion of an investigation may be represented by Counsel or Attorney or other representative duly authorise by him who shall be allowed reasonable opportunity to present his case.
In view of the above-provision, we are of the opinion that it would be fallacious to allow the appeal merely on the ground that Mr. Eddie Laporte was representing the plight of his grand-father Mr. Pat Laporte before the board of Commissioners of which the law allows him to do so.

En Passant, we have received a letter from a representative of the Fair Trading Commission dated the 3rd July 2013 well after the hearing of Appeal stating that the Appellant wishes to discontinue his appeal.
We are of the opinion that we should disallow the withdrawal of this appeal at this late stage after the hearing of the appeal of which the case is now in the hands of the Appeal Tribunal to deliver it's ruling.

We accordingly dismiss the appeal and confirm the determination appeal against.

The Appellant has a right of Appeal to the Supreme Court.

Dated this .....19th.....**day of** .....July..... **2013.**

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DAVID ESPARON
Chairman of the Appeal Tribunal

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RAYMONDE COURSE
Member

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JOHN HIPWAYE
Member