

GTA Arbitrations 108 & 144**Notice to Members**

Date of Issue: **March 2012**

Claimant: **Seller (Producer)**
&
Respondent: **Buyer (Trader)**

Arbitration Committee (AC)

- Mr Bob Watters, the Tribunal Chair appointed by GTA
- Mr Henry Wells
- Mr Harry Notaras

Oral hearing

- Arbitration 108 and 144 were heard concurrently as the issues to be determined were common across both arbitrations.
- There was multiple Claimants and one Respondent.
- The oral hearing lasted three days.

Claim

This dispute relates primarily to:

- poor contract construction, in particular identification of the parties involved;
- alleged repudiation of contracts;
- buyer claiming delivered product outside of specifications at variance to Rule 16 Finality; and
- non payment of delivered product.

Major issue for resolution

- Once product is delivered and accepted without reservation, title to the product changes to the buyer. Payment is then due.
- In this arbitration, the buyer claimed that sometime after delivery, that the product did not meet specifications and that therefore they did not have to pay for the product. Refer Rule 16 Finality

Award

The Tribunal made the following final award:

- The Respondent is to pay to the Claimants the sum of \$791,919 in respect of delivered tonnage of chickpeas.
- The Respondent is to pay \$245,147 in respect of interest payable on the amount relating to the delivered tonnage of chickpeas.
- The Respondent is to reimburse the Claimants for arbitration and legal costs in the sum of \$547,112.