

INDEPENDENT REVIEW PANEL

In the matter of:

AEA Training Centre

(Applicant)

v/s

Ministry of Finance & Economic Development

(Respondent)

(Cause No. 39/14/IRP)

Decision

Argument in Law

It is admitted by all the parties that the application for review was filed with the Independent Review Panel outside the statutory delay.

Invited by the Panel to take a stand in the light of our observation that the application for review had reached the Panel outside delay. Mr E. Tong Sam, Counsel appearing for the Applicant decided to proceed with the matter which was set for argument on 20 January 2015.

The preliminary objection raised by the Public Body is to the effect that this application cannot be entertained as it is outside the statutory delay.

Counsel for Applicant in essence submitted that his application is based on Section 45(1)(b) of the Act which does not make any specific reference to time frame within which the application for the review to be filed. Following an exchange of views between Counsel for the parties and the Panel, we have come to the conclusion that we are unable to agree with

the submission of Counsel for the Applicant. We are of the view that Section 45(1) of the Act cannot be read in isolation and has to be read in conjunction with Section 45(2) of the Act.

Findings

On the admitted facts that this application has been lodged outside delay, this application for review is dismissed

(Said Toorbuth)
Chairperson

(Siv Potayya)
Member

(Jacques C. Nauvel)
Member

Dated 23 January 2015