

## **Mootilal Ramhit and Sons Contracting Limited v The State of Trinidad and Tobago, The Caribbean Community and Trinidad Cement Limited**

Citation: [\[2020\] CCJ 3 \(OJ\)](#)  
Date of Judgment: 23 July 2020  
Nature of Judgment: Judgment on final order  
Composition of the Court: Judges: J Wit, W Anderson, M Rajnauth-Lee, D Barrow and P Jamadar

| <b>CCJ Application No</b> | <b>Parties</b>    |   |
|---------------------------|-------------------|---|
| <b>TTOJ2020/001</b>       | <b>Claimant</b>   | Mootilal Ramhit and Sons Contracting Limited                |
|                           | <b>Defendants</b> | The State of Trinidad and Tobago<br>The Caribbean Community |
|                           | <b>Intervener</b> | Trinidad Cement Limited                                     |

### **Counsel**

- N/A

### **Nature of Dispute**

The dispute concerned *inter alia* an alleged failure of the Caribbean Community (the Community), through the Council for Trade and Economic Development (COTED), to follow the requisite procedures under the Revised Treaty of Chaguaramas (RTC) in approving an application of the State of Trinidad and Tobago (Trinidad and Tobago) to suspend the Common External Tariff (CET) on other hydraulic cement.

### **Summary of Legal Conclusions and Orders**

- The Court granted a declaration that Trinidad and Tobago had failed to verify that the Claimant had been consulted before the application for the suspension of the CET was made and approved.
- The Court granted leave to the Claimant to discontinue additional claims contained in its Originating Application and the parties were ordered to file written submissions on the issue of costs.

### Legal Provisions at Issue

- Article 82 of the RTC

### Other Relevant Community Law / Material Relied on

- N/A

### Past CCJ Case Law

- N/A

### Other Sources of International Law

- N/A

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### Facts

In a related dispute involving another Claimant - *Rock Hard Cement Limited v The State of Barbados and The Caribbean Community and Arawak Cement Company Limited, Intervening* [2020] CCJ 2 (OJ) – the Court concluded that the Community and Barbados, the Defendants in that dispute, had failed to follow consultation requirements in suspending the CET on other hydraulic cement. Considering this ruling, the parties in the present dispute held discussions and reached a compromise, which the Court found unobjectionable. The Court therefore rendered a final judgment setting out orders stemming from the compromise reached by the parties.

### Findings

The Court, by the consent of the parties, found that Trinidad and Tobago failed to verify that the Claimant had been consulted before the application for the suspension of the CET on other hydraulic cement was made and approved.

The Court granted leave to the Claimant to discontinue all other claims contained in its Originating Application.

The Claimant, Defendants and Intervener were ordered to file written submissions on costs.

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*This summary should not be used as a substitute for the decision of the Caribbean Court of Justice.*