Personal Action: Running Down Action

Christopher Ross Gidla

Attorney at Law

Quamina, Gidla &

Associates

123 Duke Street

Port of Spain

Bar No: GIC2006148

Tel/Fax: 624-4410

**REPUBLIC OF TRINIDAD AND TOBAGO**

**In The High Court of Justice**

Claim No: **CV**

Between

**K & A HOLDINGS LIMITED**

**Claimant**

And

**ATTORNEY GENERAL OF TRINIDAD AND TOBAGO**

Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CLAIM FORM**

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The Claimant, **Edward Sorillo** of #93, Pinto Road, Arima, Trinidad, Republic of Trinidad and Tobago claims against the Defendant **Amalgamated Sanitation Company Limited** a Company duly incorporated under the laws of Trinidad and Tobago whose registered address is #7 Martin Trace, El Socorro Road, San Juan, Trinidad, Republic of Trinidad and Tobago.

The Claimant claims:

1. Special damaged of $111, 602.63
2. Damages

1. Statutory Interest at the rate of 12% per annum
2. Costs

1. Such further and/or other relief.

**NOTICE TO THE DEFENDANT** – See the notes served with this claim Form

This Claim form must contain or have served with it either a Statement of Case or c copy of a Court Order entitling the Claimant to serve the Claim Form without a Statement of Case.

If you do not complete the form of appearance served on you with this Claim Form and deliver or send it to the Court Office (address below) so that they receive it within eight days of service of this Claim Form on you, the Claimant will be entitled to apply to have judgment entered against you. The form of appearance may be completed by you or an Attorney acting for you.

**You should consider obtaining legal advice with regard his claim.**

**This Claim Form has no validity if it is not served within four months of the date below unless it is accompanied by an Order extending that time.**

The **Court Office** is at the Hall of Justice, Knox Street, Trinidad and Tobago, Telephone number 690-2674.

The office is open between 8:00am and 4:00pn Mondays to Fridays except public holidays and court holidays.

Dated the day of 200

The Claimant’s address for service is:

**Christopher Ross Gidla**

**Attorney –at-Law**

**123 Duke Street**

**Port-of-Spain**

**Trinidad**

Christopher Ross Gidla

Attorney at Law

Quamina, Gidla &

Associates

123 Duke Street

Port of Spain

Bar No: GIC2006148

Tel/Fax: 624-4410

**REPUBLIC OF TRINIDAD AND TOBAGO**

**In The High Court of Justice**

Clam No: **CV 2007-**

Between

K & A HOLDINGS LIMITED

CLAIMANT

And

**ATTORNEY GENERAL OF TRINDAD AND TOBAGO**

Defendant

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**STATEMENT OF CASE**

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**STATEMENT OF CASE** filed this day of 200 by Christopher Ross Gidla of 123 Duke Street Port of Spain Attorney at Law for Claimant.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**CHRISTOPHER ROSS GIDLA**

**ATTORNEY AT LAW FOR**

**CLAIMANT**

1. At all material times the Claimant is a contracting Company which has as its registered office at 465 Old Southern Main Road, Chase Village.
2. The Defendant is the state and is represented by the Attorney General, whose office is situate at St.Vincent Street, Port of Spain.
3. The Defendant is sued pursuant to the State Liability and Proceedings Act, 1976.
4. During the months of March through May of 2013, the Ministry of Food Production, through the Agriculture Arm of the Unemployment Relief Programme (hereinafter called “URP”) embarked on the “Agriculture Now” initiative which set out to increase food production throughout Trinidad and Tobago.
5. Functions of this Programme is to alleviate flooding, develop access to agricultural lands by means of creating agricultural access roads for increased production, provide proper drainage and irrigation to prevent flooding in the rainy season, create ponds and water catchments to retain water during the dry periods. Projects were identified throughout the country and contractors were called to various site visits.
6. The Claimants and 56 other contractors went to the various site visits throughout the country.
7. Since these contractors were a registered contractors , they were called to these site visits.
8. Letters were sent stating the contracts were awarded to these contractors and these letters awarding the contracts were signed by Dr. Bibi Ali coordinator, URP Agriculture Programme.
9. Based on these awards the contractors and Claimant executed the works which was certified as completely by the Engeers.
10. A scope of works describing what needs to be done was issued from the head office of the URP. This would also show the tendering instructions and type of work that needs to be done.
11. A bill of quantities was also issued with amount that would be paid for each work.
12. A request for payments were made by the Claimant to the programme manager URP as per the scope of work and bill of quantities. A bundle of these documents were annexed and exhibited as “A”.
13. On or about 1st of October, 2013, a letter was written by the Assitant Engineer, Joshua Maynard to the Mr.Steven Valere Senior Civil Engineer and the information requested by him. In that letter it was clearly stated that the jobs were done and therefore made recommendation for the said contractors to be paid.
14. A letter dated 5th of September, 2013 Mr.Thomas George programme Manager, unemployment relief pr
15. On or about 15th of April, 2014 an audit was conducted by the Ministry of Finance and the economy investments division central audit committee. Report on the Review of the Claims Submitted by contractors of the unemployment relief programme for agricultural works conducted during the period June 2013 to September 2013 made recommendations that payment be made in full for works done at all sites . This report was signed by Mr. Lester Herbert, Director, central audit committee, Mr. Khemkaran kissun Senior Audit analyst, central audit committee, and Mr. varun ramdial, senior audit analyst, central audit committee.

A copy of the audit is hereto annexed and exhibited as “ “

1. A payment of certificate from the office of the prime minister, on the URP project signed by Errol Kirton, Engineering assistants and also the Engineer. Joshua Maynard authorized the payments in a certificate form indicated that the works are done.

A copy of the certificate if hereto attached and exhibit as “ B ”

1. During the debate of the Appropriation (Financial year 2014) Bill 2013 dated 2013.09.17 Honourable Dr. S. Rambachan Minister Works during debate around 12.30 pm quoted in the parliament that in the URP agriculture, 289 projects have been done at a cost of $116 million: 289, indicating that these projects were approved and done.

A copy of the hansard report dated 17th of September, 2013 is hereto annexed and exhibited as “D”.

1. A number of photographs were taken whilst the minister is inspecting the sites . the copies of the photographs taken by the state photographer is hereto annexed and exhited as “E”