

Withdrawal of Application

IN THE MATTER of an Adjudication
pursuant to the Construction Contracts
(Security of Payments) Act (NT) ("The Act")

BETWEEN:

Applicant

and

Respondent

WITHDRAWAL OF APPLICATION (26.14.07)

Introduction

1. On 1 July 2014 I was appointed by the Institute of Arbitrators and Mediators Australia ("IAMA") to Adjudicate a payment dispute between the Applicant and the Respondent.
2. On that same day, 1 July 2014, I received the Application dated 17 June 2014 and the Response, dated 30 June 2014.
3. Following my telephone discussions of 1 July 2014 with the Construction Contracts Registrar and the parties in relation to the timing of my appointment, I was informed by the Applicant of their intention to withdraw the Application under section 28A of the Act.
4. On 4 July 2014 I received a written notice of withdrawal of the Application from the Applicant.

5. That same day, 4 July 2014, I wrote to the parties and confirmed that the Applicant wished to withdraw the Application by way of written notice under section 28A(2) of the Act and sought objections from the Respondent under section 28A(3) of the Act. I requested any objections be provided to me by 3:00pm CST on 8 July 2014.
6. On 8 July 2014 and after I had received no response from the Respondent, I contacted the Respondent to ascertain that there were no objections to the Applicant withdrawing the Application. The Respondent informed me that he was away from the office and that he would try to get a response to me later that week. To ensure procedural fairness and natural justice in the process, I subsequently extended the time for submissions from the Respondent to 4:00pm CST on 10 July 2014.
7. I received no response from the Respondent by that time or at all.
8. I therefore accept the Applicant's notice of withdrawal of the Application under section 28A(2) of the Act and there are no objections from the Respondent. I release the parties from the Adjudication of the payment dispute.

Costs

9. In relation to my costs to date, these are to be paid in full by the Applicant as Costs of the Adjudication under section 46(b)(i) of the Act.
10. I make no decision under section 36(2) of the Act. The parties must bear their own costs.

Confidential Information

11. The following information is confidential:

- (a) the identity of the parties;
- (b) the identity of the principal; and
- (c) the location and nature of the works.

DATED: 15 July 2014

A handwritten signature in blue ink, consisting of a large, stylized loop followed by a smaller loop and a final stroke extending to the right.

Rod Perkins

Adjudicator No. 26