

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

BETWEEN:

The Applicant

and

The Respondent

WITHDRAWAL OF APPLICATION

Introduction

1. On 6 August 2014 I was appointed by the Master Builders Association Northern Territory (“MBANT”) to adjudicate a payment dispute between the Applicant [redacted] and the Respondent [redacted].
2. On 8 August 2014 I took delivery of the Application dated 5 August 2014.
3. On 10 August 2014 I wrote to the parties advising my appointment and declared no conflict of interest in the matter. I also sought submissions should either party object to the appointment. There were no objections to my appointment.
4. On 19 August 2014 I telephoned both the Applicant and the Respondent and was informed that they were in negotiations to settle the matter before me and there was a likelihood, should the negotiations be successful, that the Applicant would seek to withdraw the Application under section 28A of the Act.
5. On 20 August 2014 I received a letter from the Applicant that confirmed that the parties had reached a settlement, which had yet to be finalised in a Deed of Settlement. The Applicant also requested, with the consent of the Respondent, that I not proceed to consider the Adjudication Application for 5 working days, until 26 August 2014. I did not consider the matter further at that stage.
6. On 27 August 2014 I received a written notice of withdrawal of the Application from the Applicant under section 28A(2)(b) of the Act.
7. On 28 August 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)(b) 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 29 August 2014.

8. That same day, 28 August 2014, I received written consent from the Respondent to the withdrawal of the Application by the Applicant.
9. I accept the Applicant's notice of withdrawal of the Application under section 28A(2)(b) of the Act. I release the parties from the Adjudication of the payment dispute.

Costs

10. 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.
11. I make no decision under section 36(2) of the Act. The parties must bear their own costs.

Confidential Information

12. 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: 2 September 2014

Rod Perkins

Adjudicator No. 26