

IN THE CARIBBEAN COURT OF JUSTICE

Original Jurisdiction

CCJ Application No. TTOJ2021/001

Between

ROCK HARD DISTRIBUTION LIMITED

ROCK HARD DISTRIBUTORS LIMITED

MOOTILAL RAMHIT AND SONS CONTRACTING LIMITED

Claimants

And

THE STATE OF TRINIDAD AND TOBAGO

First Defendant

THE CARIBBEAN COMMUNITY

Second Defendant

NOTICE OF FILING OF ORIGINATING APPLICATION

TAKE NOTICE that pursuant to an Order of the Court made on the 19th day of February 2021 granting the Claimant herein special leave to commence proceedings and to appear as a party to the proceedings, an originating application has been filed by Rock Hard Distribution Limited, Rock Hard Distributors Limited, and Mootilal Ramhit and Sons Contracting Limited against The State of Trinidad and Tobago, and The Caribbean Community on the 24th day of February 2021.

The subject matter of this application relates to the claim by the Claimants for relief against the State of Trinidad and Tobago and The Caribbean Community for alleged breach by Trinidad and Tobago of the provisions of Article 83 of the Revised Treaty of Chaguaramas in applying and using an authorization by COTED to suspend the CET on cement classified as other hydraulic cement, allowing Trinidad and Tobago to raise its duty rate on such cement to 50%, that authorization allegedly granted in violation of Community Law. A copy of the said application is enclosed for your attention.

The Claimants seeks the following relief in its application:

- a) A declaration that the decision of the COTED granting a suspension of the CET on “other hydraulic cement” for a further period of 1st January 2021 to 31st December 2021 is ultra vires, unlawful, disproportionate, irrational, unreasonable and illegal;
- b) An order that the said decision be remitted to COTED for reconsideration upon the basis of the guidance given by the Honourable Court;

- c) Alternatively, an Order quashing the said decision;
- d) A declaration that upon a proper construction of the Revised Treaty of Chaguaramas, one of its objects being the expansion of trade and economic relations with third states, it is not compatible with that Treaty for Member States to act to eliminate legal competition from imports from third states which do not breach any national or regional law or previously expressed policy;
- e) A declaration that it is incompatible with the RTC for a Member State to adopt a policy of restricting trade in imports from third states on the ground only that those imports compete with an industry in the Member State;
- f) A declaration that the Member State of Trinidad and Tobago has violated Article 9 of the RTC by acting in a manner which jeopardises the expansion of trade and economic relations with Turkey;
- g) An order prohibiting the First Defendant, by the Comptroller of Customs or howsoever otherwise, from imposing the 50% rate of duty on “other hydraulic cement” or any rate of duty other than the CET fixed under Article 82 of the Revised Treaty of Chaguaramas until the hearing and determination of the Claimants’ Originating Motion or until further order;
- h) ...
- i) Damages for violation of the rights of the Claimants, express and inferred, under the Revised Treaty of Chaguaramas;
- j) ...
- k) An Order directing the reimbursement to the Trinidad and Tobago based Claimant of those duties unlawfully paid or such portion thereof as the Court shall direct;
- l) Costs; and
- m) Such further or other relief as to the Court seems just.

TAKE NOTICE ALSO that by the aforementioned Order, the Court further ordered that there be an expedited hearing of the Originating Application and that a Case Management Conference shall be held at 11:00 a.m. on Wednesday 3 March 2021 via video conference where directions will be given for the expedited conduct of the proceedings.

Dated this 25th day of February 2021

Deputy Registrar and Marshal
Caribbean Court of Justice

The Registry is located at 134 Henry Street Port of Spain Republic of Trinidad and Tobago
Telephone Voice: 868-623-2225, 624-2256. Facsimile: 868-623-0527.
E-mail address: e-file@ccj.org

E-filing: Documents should be submitted for filing using the court’s e-filing portal which can be assessed at <http://www.ccj.org/e-filing-portal>.

The Registry is open between 8:00 a.m. and 4:00 pm. Mondays to Fridays except Public Holidays and Court Holidays.