

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 100/24

Before

Indiren Sivaramen	Acting President
Anundraj Seethanna	Member
Christelle Perrin D'Avrincourt	Member
Divya Rani Deonanan	Member

In the matter of:-

Registrar of Associations (Applicant)

And

Distributive Trade Employees Union (Respondent)

This is an application made by the Applicant under section 7(3) of the Employment Relations Act, as amended (the "Act"), for an order directing the cancellation of the registration of the Respondent union. The Applicant was assisted by Counsel whereas the Respondent was represented by its President, Mr Imtazally Jaumeer. The latter informed the Tribunal that there was no objection for the cancellation of the registration of the trade union. The Tribunal thus fixed the matter for hearing and proceeded to hear both parties at another sitting.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the certificate of registration of the Respondent (Doc A) and (2) the notice dated 22 March 2024 issued on the Respondent granting a delay up to 22 April 2024 for the Respondent to submit its annual returns for the accounting periods ended 31 December 2016, 2017, 2018, 2019, 2020, 2021 and 2022 (Doc B). The representative of Applicant stated that the last return submitted was for the year 2015 and that up to now the Respondent has not complied with the notice. The representative of the Applicant prayed

for the cancellation of the registration of the Respondent on the ground specified under section 7(1)(d) of the Act.

The representative of the Respondent stated that he had no questions for the officer representing the Applicant and that he had no statement to make to the Tribunal.

The Tribunal has examined all the evidence on record. In the light of the unchallenged evidence on record and the stand of the representative of the Respondent, the Tribunal has no hesitation in finding that the registration of the Respondent should be cancelled on the ground specified under section 7(1)(d) of the Act.

For the reasons given above, the Tribunal directs the Applicant to cancel the registration of the Respondent. Any assets of the Respondent shall be disposed of as provided for by the Rules of the Respondent. If there is no relevant provision in the Rules of the Respondent, the assets of the Respondent, if any, shall be used to pay, as far as possible, all the debts and liabilities legally incurred on behalf of the Respondent. Any remaining assets shall then be divided equally among compliant members of the Respondent. In case the Respondent is not wound up as per the above and section 7 of the Act, the Respondent shall be wound up by the Applicant in the prescribed manner.

(SD) Indiren Sivaramen

Acting President

(SD) Anundraj Seethanna

Member

(SD) Christelle Perrin D'Avrincourt

Member

(SD) Divya Rani Deonanan

Member

3 December 2024