

EMPLOYMENT RELATIONS TRIBUNAL

ORDER

ERT/ RN 17/24

Before

Indiren Sivaramen	Acting President
A. Parsooram Ramasawmy	Member
Kirsley E. Bagwan	Member
Muhammad N. Simrick	Member

In the matter of:-

Registrar of Associations (Applicant)

And

**Riviere du Rempart Taxi Owners and Drivers 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 S.K Seegoolam. The latter informed the Tribunal that there was no objection for the cancellation of the registration of the union. The Tribunal thus fixed the matter for hearing and proceeded to hear the parties at another sitting.

The representative of the Applicant deposed before the Tribunal and she produced copies of (1) the notice served on the union under section 7(1)(d) of the Act (Doc A), (2) a letter dated 25 April 2016 emanating from the Respondent informing the Applicant that the union is no more active (Doc B) and (3) the last return filed on behalf of the Respondent dated 16 April 2016 (Doc C). The representative of Applicant stated that the Respondent has not submitted annual returns for the years 2014 up to 2021. She stated that according to the last return filed on behalf of Respondent, the Respondent had no assets in bank or in cash. She prayed for the cancellation of the registration of the Respondent.

The representative of the Respondent did not have any question for the representative of the Applicant. He also stated that he had nothing to say in the present matter.

The Tribunal has examined all the evidence on record. The evidence led by the Applicant including the letter dated 25 April 2016 (Doc B) has not been challenged, and in the light of the stand of the representative of the Respondent, the Tribunal finds that the Respondent has indeed ceased to exist or function. The Tribunal finds that the Respondent has indeed failed to submit its annual returns despite the notice served (Doc A). The Tribunal thus finds that the registration of the Respondent should be cancelled on the grounds specified under section 7(1) [(a) and (d)] of the Act.

In the light of all the evidence on record including the stand of the representative of Respondent, the Tribunal directs the Applicant to cancel the registration 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) A. Parsooram Ramasawmy
Member

(SD) Kirsley E. Bagwan
Member

(SD) Muhammad N. Simrick
Member

3 May 2024