

# **Alphamix Ltd (Appellant) v The District Council of Riviere du Rempart (Respondent) (Mauritius)**

**Case ID: JCPC 2022/0075**

**Jurisdiction: Supreme Court of Mauritius**

## **Case summary**

### **Issue**

Did the court a quo err in annulling a final arbitral award rendered by a sole arbitrator?

### **Facts**

On 6 February 2003, DCRR awarded Alphamix a contract for the construction of the Rivière du Rempart market (the "Contract"). In May 2009, disputes arose between the parties in relation to the Contract, which the parties submitted to arbitration as required by the Contract. Mr. Denis Vellien was appointed by the Court as the arbitrator. He delivered three interim awards before he stepped down. Mr. Justice Benjamin Marie Joseph (the "Arbitrator") was then appointed by the Court in February 2015 to adjudicate and resolve the pending disputes. The arbitral agreement dated 28 April 2015 set out the terms of reference. The initial mandate of the Arbitrator was for 6 months but it was extended on several occasions and ultimately extended to 31 December 2018.

On 31 December 2018, the last day of the mandate, the parties were informed by the Arbitrator's chambers that the award would be ready by noon. At 13:10, a meeting was held, and the Arbitrator indicated to the parties that "they [would] be provided with an unedited version of the award as it [had] not yet been formatted and that an edited version [would] be provided later on." At around 13:56, the Arbitrator forwarded to the legal advisors of the parties an unedited and unsigned draft award dated 31 December 2018. On 3 January 2019, the Arbitrator's secretary informed the legal advisors of the parties by email that "a copy of the formatted, edited and signed version of the Award delivered on the 31st December 2018 [was] ready."

It was DCRR's case that the award of the Arbitrator was delivered after the mandate of the Arbitrator had expired and that the purported award which was an unsigned draft document dated 31 December 2018 is null and void. The Supreme Court of Mauritius found in favour of DCRR and annulled the order. Alphamix now appeals to the Judicial Committee of the Privy Council.

## **Parties**

### **Appellant**

Alphamix Ltd

### **Respondent**

The District Council of Rivière du Rempart

## **Appeal**

### **Justices**

Lord Kitchin, Lord Hamblen, Lord Leggatt, Lord Burrows, Sir Kim Lewison

**Hearing start date**

26 April 2023

**Hearing finish date**

26 April 2023

**Watch hearing**

26 April 2023 [Morning session](#) [Afternoon session](#)