

Consideration

13. Pursuant to art. 19 and 35 of the Tribunal's Rules of Procedure, the Tribunal is cognisant of the fact that it can make an order that it deems appropriate and fair and in the interests of justice.

14. The Tribunal notes that it is the duty of counsel appearing before it to ensure that all submissions are filed in a timely manner, without failure. It appears that Counsel for the Respondent failed to discharge this duty.

15. The Tribunal finds that the reason proffered by the Respondent's Counsel for failure to respond to the call for comments to the Applicants' motion, that is, "internal administrative oversight, stemming from a recent shortage in administrative support services" is not sufficient to warrant the Tribunal to vacate its Order No. 175 (GVA/2017). For there to be an extension of an already expired deadline, the circumstances explaining the default in compliance with the ordered time limit would have to be demonstrated to have been entirely beyond the control of counsel, which was not the case in this matter.

Conclusion

16. In view of the foregoing, the Respondent's motion for extension of time to provide comments in response to the Applicants' request for evidence is rejected.

17. The Registry is ordered to expunge the Respondent's submission in response to the Applicants' motion from the Applicants' case file (paper and electronic).

18. The Respondent shall comply with Order No. 175 (GVA/2017).

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