

NP2022-013

INDUSTRIAL TRIBUNAL

**COURT #5 SAFFREY SQUARE, EAST & BAY STREETS, NEW PROVIDENCE
COMMONWEALTH OF THE BAHAMAS**

Before

RIONDA Y. GODET Vice President

(Sitting Alone)

CLARINE GRIFFIN

Applicant

AND

PERFECT LUCK EMPLOYER No. 1 LIMITED

Respondent

ORDER

APPEARANCES

For the Applicant

Mr. Ednel Rolle
OBIE FERGUSON & Co

For The Respondent

NO APPEARANCE

WHEREAS:

- 1) This matter was set for a Mention Hearing on September 25 2023, wherein the Tribunal determined that both the Applicant and the Respondent failed to comply with the terms of the Case Management Order issued March 31 2023;
- 2) The Tribunal, in that mention hearing, being presented with communication at the hand of Liquidator Jeff Burge addressed to the Registrar General, wherein the following is detailed thusly:

Dear Registrar,

Re: PERFECT LUCK EMPLOYER (No.1) LIMITED

Reg. No.: 197552 B

Please find enclosed the following Notice with respect to the captioned Company for publication in the Gazette pursuant to section 138(8) of the International Business Companies Act, 2000 (as amended):-

“Pursuant to the provisions of Section 138 (8) of the International Business Companies Act, 2000 (as amended) notice is hereby given that PERFECT LUCK EMPLOYER (No. 1) LIMITED has been dissolved and struck off the Register as of the 21st day of June 2021.”

- 3) The aforesaid communication is duly stamped by the Registrar General’s Department as at July 6 2021 and had been earlier communicated to the Applicant’s attorney and support advocate;

- 4) As a matter of law, a company that is struck off cannot participate in legal proceedings and there is nothing before this Tribunal to identify any other party who may be named in substitution therefor;
- 5) And, against the backdrop of this knowledge, and given the Applicant's own unexplained failure to comply with the Order for Directions and failure to either challenge the document advancing the dissolution of the named Respondent or to identify other Respondent capable of giving adequate response to the Applicant's claim by way of joinder, whereupon the Tribunal is unable to effect proper service of its proceedings;
- 6) This Action is herewith dismissed pursuant to Section 58(1)(d) as proceedings are no longer expedient given the Applicant's failure to identify a Respondent who can be brought before the Tribunal, in light of earlier information received concerning the dissolution of the named Respondent.

AND THIS IS THE ORDER OF THE TRIBUNAL

Dated this 25th day September 2023

Rionda Godet
Vice President
Industrial Tribunal