

Adjudication



Resolution : Invalid Termination and Proper Valuation

OVERVIEW

A UK building contractor was removed from site and its construction contract terminated by the client.

BRIEF

In the first instance the contractor appointed QualSurv and requested an adjudication on wrongful termination of the contract.

The contractor, our client, then required to seek payment for the work completed up to the point of removal. This would involve maturing the account to arrive at an accurate valuation of the work.

PROJECT

QualSurv Consulting's adjudicator found in the contractor's favour, awarding payment of £120 000 (against a proposed £200 000). However, no payment was received. A summary judgement was therefore requested, which again found in the contractor's favour, awarding payment plus costs.

At this point, the contractor received notification of an upcoming adjudication from its client for repudiatory breach of contract and seeking £900 000 in damages. Despite best efforts, we were not able to stop the adjudication. However, the contractor was not found to be in repudiatory breach of contract, ensuring that the summary judgement still stood.

This project allowed QualSurv Consulting to deploy a range of skills and ensured that our client had a positive outcome.