

Singapore Telecommunications Ltd v Starhub Cable Vision Ltd (formerly known as Singapore Cable Vision Ltd)
[2007] SGHC 119

Case Number : Suit 634/2003, SUM 2910/2007
Decision Date : 20 July 2007
Tribunal/Court : High Court
Coram : Kan Ting Chiu J
Counsel Name(s) : Sean Tan, Cheryl Koh and Claudia Poon (Tan Kok Quan Partnership) for the plaintiff; Philip Jeyaretnam SC, Low Chai Chong and Sun Rhu-Shi (Rodyk & Davidson) for the defendant
Parties : Singapore Telecommunications Ltd — Starhub Cable Vision Ltd (formerly known as Singapore Cable Vision Ltd)

20 July 2007

Kan Ting Chiu J:

1 Since giving my grounds in respect of CA 79 of 2007, the plaintiff has filed another appeal, CA 80 of 2007, in respect of the orders which I made on 12 July 2007 on the plaintiff's application SUM 2910 of 2007 filed on 6 July 2007:

2. that the date for the filing and exchange of the Plaintiff's reply affidavits to the Defendant's affidavits of evidence-in-chief be extended from 7 July 2007 to four (4) weeks from the date of the Order made herein;

2 The plaintiff had by that time filed one affidavit of evidence-in-chief by Mr S P Slattery ("Slattery"), its Vice President of Regulatory and Interconnect Strategy, and the defendant had filed four affidavits of evidence-in-chief, two by its officers Mr Thomas Ee Chong Gay and Ms Rosalind Liew Peak Yoke and two by expert witnesses Dr Allaudeen Hameed and Dr Ivan Png Paak-Liang.

3 In the application filed one day before the deadlines set previously, the grounds of the application were stated as:

(a) One of the reply affidavits will be filed by Sean Patrick Slattery. Mr Slattery was required to attend before the Indonesian business competition regulator in Jakarta from 3 to 5 July 2007 to assist in investigations involving the Plaintiff, and is only back in the office today. Mr Slattery has not had the opportunity to fully review the Defendant's affidavits of evidence-in-chief.

(b) The Defendant has filed affidavits of evidence-in-chief affirmed by Dr Allaudeen Hameed and Dr Ivan Png Paak-Liang. The Plaintiff is considering appointing experts to respond to the contents of these affidavits, and this is expected to take awhile.

4 It is noteworthy that besides alluding to the fact that the plaintiff was "considering appointing experts", no explanation was offered as to why it had not appointed experts earlier, at least by the time it received the affidavits of evidence-in-chief of the defendant's experts in the previous week on 30 June 2007, who the possible experts might be, and why it was felt a four-week extension was necessary when, as no experts had been appointed, the plaintiff would not have known how long the experts would need.

5 In the circumstances, I extended the time for Slattery to file his affidavit in reply to 14 July (and I extended it further to 18 July when the plaintiff informed me that Slattery was on leave and was due to return to work on 16 July as he was moving out of his apartment to a new apartment).

6 However, the plaintiff did not make out a case for extending the time for filing the replies to the defendant's experts' affidavits of evidence-in-chief, and I declined to extend the deadline for this purpose.

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