

**IN THE HIGH COURT OF FIJI**  
**AT LAUTOKA**  
**CIVIL JURISDICTION**

**HBM 27 OF 2023**

**BETWEEN:**                    **CLUB (FIJI) PTE LIMITED**

**APPLICANT**

**A N D:**                        **GATEWAY TECHNOLOGY SOLUTIONS PTE LIMITED**

**RESPONDENT**

Appearances:                    Mr. Siwan K. for the Applicant  
   Mr. Chandra V. and Mr. Swamy V. for the Respondent  
Date of Hearing:                    27 September 2023  
Date of Ruling:                    25 October 2023

**R U L I N G**

1. Before me now is an application to set aside statutory demand. The application is filed pursuant to sections 516 and 524 of the Companies Act 2015. It is supported by an affidavit of John Anthony sworn and filed on 11 May 2023.
2. The Respondent has filed an affidavit in opposition of Munesh Prasad sworn on 29 June 2023. The affidavit in reply of John Anthony sworn on 07 August 2023 was filed on 16 August 2023.
3. The statutory demand in question was issued by Gateway Technology Solutions Pte Ltd (“GTSP”) and served on Club (Fiji) Pte Limited (“CPL”) on 21 April 2023 (dated 20 April). It relates to some unsettled debt allegedly owed to GTSP by CPL on account of some cables which GTSP installed on the engagement of CPL. The total amount stated on the statutory demand is \$17,000 – 00 (seventeen thousand dollars only).
4. That GTSP did install the cables in question is not in dispute. That GTSP has not been paid for the said installation service is also not an issue. CPL however is asserting that the cables installed by GTSP are not fit for the purpose for which they are required by CPL.
5. The agreed facts, are as follows:
  - (i). CPL is a small resort situated at Wailoaloa in Nadi.

- (ii). CPL wanted IPTV (Internet Protocol Television) installed at the resort with multiple channels to be available to every room for the benefit of the guests.
  - (iii). to have IPTV available for streaming into multiple rooms as required by CPL, three things must be done.
    - (a) first, network cables must be installed which are able to support and accommodate the 25 – 30 megabits per second required to ensure guests enjoy a high quality HD streaming (i.e. on a high bandwidth allocation).
    - (b) because IPTV runs on the internet, and requires 25 – 30 mbps for CPS purpose, CPS will need to subscribe to a high data plan to ensure smooth and interrupted viewing experiences of its guests.
    - (c) of course, CPS will have to pay for the appropriate IPTV license for the application (IPTV is an app).
6. CPS had engaged GTSPL to install the cables. However CPS says that the cables installed are not sufficient to support the IPTV system required. CPS is anticipating filing a civil claim against GTSPL. Mr. Siwan says the anticipated cause of action will be based either on misrepresentation and/or negligence.
7. Mr. Chandra relies on an email dated 27 July 2023 by Vodafone to CPL. The email says as follows:

*Bula Ronil*

*I hope this email finds you well. I am writing to address the recent issue you encountered with IPTV service at Club Fiji.*

*Upon investigating the matter, we have identified the root cause of the problems. The current bandwidth allocation of 15MB dedicated internet at Club Fiji is insufficient to accommodate the required internet speed for IPTV streaming. IPTV, especially when streaming in multiple rooms, demands higher bandwidth to deliver smooth and uninterrupted viewing experiences.*

*To ensure optimal performances and high-quality HD streaming for your IPTV services, we recommend a higher bandwidth allocation. Our research indicates that to run IPTV in HD quality, a minimum bandwidth of 25 – 30 Mbps is generally required, depending on the number of simultaneous streams and other internet usage at the location.*

*To resolve this issue, we propose upgrading Club Fiji's dedicated internet to a higher bandwidth plan, specifically tailored to support your IPTV needs. This upgrade will significantly improve the streaming quality and overall internet performance, allowing your customers to enjoy uninterrupted entertainment.*

*Should you have any questions or require immediate assistance, please don't hesitate to contact me directly at 9998910.*

*Thanking you for your understanding and cooperation.*

*Best regards  
Epeli Raivoka*

8. According to Mr. Chandra, this letter says that:
  - (a) the current bandwidth allocation of 15MB indicated internet at CPL is not sufficient for CPL's IPTV streaming.
  - (b) what is required as a minimum of 25 – 30 Mbps.
  - (c) this means that CPS must pay for more data.
  - (d) the cables are sufficient to support the 25 – 30 Mbps required.
9. Mr. Siwan has not really provided any answer to these questions. The main evidence he relies on which is the email communication from Vodafone dated 27 July 2023 (see above) does not say anything about the cabling being inappropriate. All it says is that more data is required (25 – 30 Mbps). What is clear from the letter is that CPS had been trying to stream IPTV on 15 Mbps only).
10. I find there is no genuine dispute about the debt. The application to set aside statutory demand is declined.
11. Costs to GTSPL in the sum of \$1,000.



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Anare Tuilevuka  
**JUDGE**  
Lautoka

25 October 2023