

**B E T W E E N:**

**(1) SATISH CHATWANI  
(2) JAWAHAR CHATWANI  
(3) BHASKER TAILOR  
(4) RAKESH TAILOR  
(5) RASHMI CHATWANI**

**Claimants/Complainants**

**-and-**

**NATIONAL CRIME AGENCY**

**Respondent**

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**THE TRIBUNAL HAS CONSIDERED THE APPLICATION FOR AN UNLESS ORDER RELATING TO NON-COMPLIANCE WITH ITS PREVIOUS ORDER;**

In the premises that:-

1. Paragraph 7 of the Tribunal's Order of 24 July 2015 only related to dissemination to third parties. That is plain and obvious (and see e.g. Paras 12 and 17 of Ms Ahmad's witness statement of 26 August and paragraph 4 of Mr Casella of Counsel's Reply of 2 September.) This was not, was not intended to be and could not (at least without argument) have been varied by the direction in the Tribunal secretary's letter of 11 August, which was not in any event an order of the Tribunal.
2. The Tribunal is extremely concerned by the manner in which the Respondent has failed to comply with that Order: it is not conduct to be expected by a reputable agency.

It is ordered that:-

1. there must now be served on the Tribunal and the Claimants by 4pm on 18 September 2015:
  - a) An affidavit by Mr Hickman in accordance with paragraph (1) in the Respondent's letter of 1 September 2015 and which in any event sets out in clear

terms and in one place (in replacement for all previous affidavits) every occasion of dissemination to a third party , giving particulars of the same, but not re-exhibiting any documents previously exhibited, and further giving the information sought in paragraph 22 of Mr Casella's Submissions of 8 September.

- b) An affidavit by Mr Risby in accordance with Para (2) (a) of the said letter and, as to (b), not as there provided but stating, in the light of his further enquiries, (if such be the case) that all officers of the Respondent who are in any way connected with Operation Heterodon have been contacted and have confirmed that (other than as disclosed) they have not disseminated any of the Product of the Authorisation to third parties.
  - c) An affidavit by Mr Gilligan complying with paragraph 7 of the Order
  - d) Confirmation that all officers of the Respondent in any way connected with Operation Heterodon have been provided with a copy of the Order
  - e) A statement obtained from Ms Dorman giving the information sought in paragraph 23 of Mr Casella's said submissions.
2. There has already been more than enough cost incurred by both parties in relation to compliance with the Order and the Tribunal does not intend to add to them by holding a further hearing. If however there is non-compliance with this Order by the Respondent, but not otherwise, there will be a hearing at 10.30 on September 30 2015 at which the consequences of such failure will be addressed. For the avoidance of doubt the Tribunal does not make, unless and until there be such further consideration if it arises, the unless order sought by the Claimants.
3. The Respondent is to pay to the Claimants within 14 days £10,000 in respect of the Claimants' costs incurred as a result of the Respondents' persistent breaches of the said Order. The Tribunal takes the view that the circumstances are wholly exceptional
4. Liberty to both parties to apply on paper on notice to vary or discharge this Order

9 September 2015