

IN THE BANKS/TORRES ISLAND COURT DEBT CASE NO 1314 OF 2017  
OF THE REPUBLIC OF VANUATU

.....  
(Civil Jurisdiction)

**BETWEEN: STEPHEN BET**

*Applicant*

**AND: DANKEN LEO**

*Defendant*

**CORAM:** *Justice Raymond Siplaq*  
*Justice James Edward*  
*Justice Keith Hopkins*

**DOH:** *29<sup>th</sup> September 2020 & 22<sup>nd</sup> October 2020*  
**DOJ:** *22<sup>nd</sup> October 2020*

**CASE:** APPLICATION FOR DEBT SETTLEMENT

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## JUDGEMENT

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**Issues:**

- Whether or not the Defendant operates a Business [Sea Transport] in the years 2016?
- Whether or not the business is operational during that period?
- Whether or not the defendant is liable to pay for business license during such period?

**Introduction**

1. This is an Application for the settlement of outstanding debt brought before this court by the claimant, Stephen Bet [as the Vanua Lava Area Secretary], against the defendant, Danken Leo.



2. The claimant claims that the defendant, as a business operator, has failed to make payments of Business License for the year 2016.
3. In the years 2016, the defendant has been operating a Business, namely; Boat Taxi.
4. Several attempts were made for the defendant to settle the debt as required under the Business license Act, with no success, therefore the claimant pursues the matter before this Court to order the defendant to settle the outstanding debt.

### **Application**

5. The claimant claims an amount of 10,000 VT as the outstanding Debt plus 1,000 VT as the Court fee.

### **Appearance**

6. Both parties are present in court.

### **Claimants Facts**

7. In addition to the application lodged, he also states that his role and responsibility as an Area Secretary is to make sure all Businesses comply with Business License Acts.
8. He further stated that if the defendants business is registered with Mota Area council then he needs to provide payment receipts.

### **Defendant's Facts**

9. The defendant denies the statements, and provide reasons as outlined;
  - o His boat taxi business is registered with the Mota Area Council, and thus all business license payments are made with the Mota Area council secretary and not with Vanua lava area council.
  - o And in the years 2016 his business is un-operational.

### **Conclusion**

10. As the court resume to deal with this matter, the court gave answers to the issues;
  - o Whether or not the Defendant operates a Business [Sea Transport] during the period from years 2016?

-Yes



- o Whether or not the business is operational during that period?

-Yes

- o Whether or not the defendant is liable to pay for business license during such period?

-No. The court finds out that the defendant's business is registered with the Mota area council and not the Vanua Lava area council. Thus, he has completed business license payment for years 2016.

11. Considering facts from both side, the court made the following Order:

**COURT ORDER**

12. This matter is hereby dismissed.

13. No Orders as to costs.

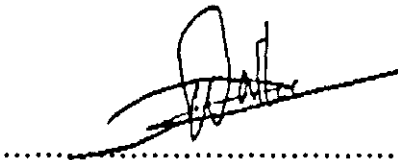
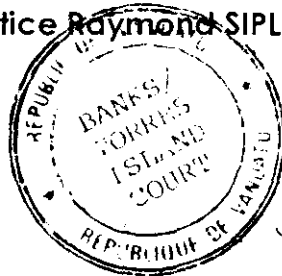
14. Liberty is given to both parties to appeal within 30 days if they are not satisfied with this decision.

**Dated at SOLA, this 22<sup>nd</sup> October 2020**

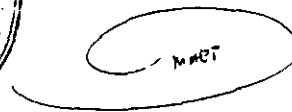
**BY THE COURT**



Justice Raymond SIPLAQ



Justice James EDWARD



Justice Keith HOPKINS