

# Helen Dennis successful in Bilton & Johnson (Building) Co Limited v Three Rivers Property Investments Limited [2022] EWHC 53 (TCC)

In a decision handed down on 14 January 2022 the TCC allowed a contractor's application for summary judgment to enforce an adjudicator's decision dated 2 September 2021. It rejected the defendant employer's arguments that the decision had been made in excess of jurisdiction and/or breach of natural justice and/or that the adjudicator failed to exhaust his jurisdiction. [Helen Dennis](#) acted for the successful contractor.

In reaching his decision, Jason Coppel KC (sitting as a Deputy High Court Judge) reiterated that while when an adjudicator intends to adopt a methodology for resolving a dispute which was not proposed by either party, they should give the parties an opportunity to comment on that approach, the adjudicator need not consult the parties on every aspect of their reasoning.

In particular, in this case, it was not a breach of natural justice for the adjudicator to have derived his reasoning from the parties' cases rather than to have taken it directly from the parties' submissions and he did not need to consult the parties about it in advance of providing his decision. In any event, the breach would not have been material.

The judge further held that the adjudicator had not failed to consider the Defendant's rectification defence but rather considered and rejected it. The question of whether his decision on that point was correct in law was not relevant to the question of enforcement.

In the circumstances, neither of the Defendant's grounds for resisting enforcement had a real prospect of success and the Claimant was granted summary judgment to enforce the award.

A more detailed report of the case can be found [here](#) by Lexis PSL.

[Read full judgment](#)