



Neutral citation [2007] CAT 20

**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No. 1027/2/3/04

Victoria House  
Bloomsbury Place  
London WC1A 2EB

3 April 2007

Before:

Marion Simmons QC  
(Chairman)  
Michael Davey  
Sheila Hewitt

BETWEEN:

**VIP COMMUNICATIONS LIMITED**  
**(in administration)**

Appellant

-v.-

**OFFICE OF COMMUNICATIONS**

Respondent

supported by

**T-MOBILE (UK) LIMITED**

Intervener

**ASSESSMENT OF COSTS**

1. At a hearing on 1 November 2006 the Tribunal ordered, pursuant to Rule 55 of the Tribunal Rules (SI 2003 No. 1372), that the appellant pay the respondent's reasonable costs thrown away by the provision by the appellant on 23 October 2006 of a document headed "*Re-Amended Notice of Appeal*", to be subject to detailed assessment by the Tribunal if not agreed.
2. Having failed to reach agreement with the appellant as to the amount of such costs, the respondent applied to the Tribunal in writing on 15 March 2007 for detailed assessment of those costs. A schedule of costs was enclosed with that application.
3. The Registrar of the Tribunal wrote to VIP on 21 March 2007 inviting VIP to make any observations on the applications by OFCOM and T-Mobile. VIP did not respond to that letter and has not made any submissions.
4. We have considered the application and the schedule of costs attached thereto. The Respondent seeks to recover the costs incurred by counsel in considering the document in question, but does not seek to recover its own internal solicitors' costs. The total amount claimed is £1,873.34 (one thousand, eight-hundred and seventy-three pounds and thirty-four pence).
5. In our assessment, both the time spent by counsel on this matter (as set out in the schedule of costs) and the costs claimed by the respondent are reasonable and proportionate in the circumstances.

Accordingly:

**IT IS ORDERED THAT:**

The appellant pay the respondent £1,873.34 by way of the reasonable costs of the respondent thrown away by the provision by the appellant on 23 October 2006 of a document headed "*Re-Amended Notice of Appeal*".

Marion Simmons QC

Michael Davey

Sheila Hewitt

Charles Dhanowa  
Registrar

3 April 2007