

# OFFICIAL RECEIVER'S OFFICE (ORO)

Case No. OMB 1851/95

## **Complaint against ORO - undue delay in gazetting an order to rescind a Receiving Order and unreasonably expecting payment for the gazetting expenses**

The complainant was the subject of a Receiving Order in a bankruptcy related matter. This Order was annulled on appeal at the High Court in February 1993. The Order to rescind the Receiving Order was however only gazetted by the ORO some two and a half years thereafter in September 1995 with one-day prior notice to the complainant.

2. The complainant was aggrieved that there was undue delay in publishing the rescission order and the ORO had unreasonably expected him to pay for the costs of gazetting the said notice.

3. Separately, the complainant also felt aggrieved that the ORO had in June 1993 transmitted in error a fax message about certain details of the complainant to the legal representative of his opposition whilst arbitration proceedings involving the complainant were in progress. This message had to be subsequently retracted by the ORO pleading error in transmission.

4. Upon examination of file records and ORO's own admission of mistake, the error of fax transmission referred to in para. 3 was found to be substantiated.

5. As to the alleged delay in the gazetting of the Order to rescind the Receiving Order, the investigation by this Office revealed that in the normal course of events any gazetting of this nature should have been prompt and at the earliest opportunity. The protracted duration of over two and a half years taken to gazette the rescission order in question had been occasioned by internal communication lapses within the ORO. In view of the unwarranted delay in gazetting, the insufficient prior notice given to the complainant and that the ORO had failed to appreciate the complainant's situation at that point in time, this Office also found the ORO to have been unreasonable in expecting the complainant to reimburse the gazetting and related expenses. The complaint points concerning undue delay in gazetting and unreasonable expectation of the complainant to pay for the costs are therefore substantiated.

6. Overall, the complaint is **substantiated**.

7. The ORO did not agree to the findings of the investigation but had reminded its staff to gazette Orders for rescission of Receiving Orders in a timely manner after the complainant's case came to light.

8. After careful consideration of the ORO's comments, the Ombudsman concludes that there is no sufficient ground to change the findings of the investigation.