The National Gas Company of Trinidad and Tobago Limited

MEDIA STATEMENT

The National Gas Company of Trinidad and Tobago Limited succeeds in landmark judgement of the Judicial Committee of the Privy Council

November 25, 2026

PORT OF SPAIN

The National Gas Company of Trinidad and Tobago Limited (NGC) has secured a landmark victory before the Judicial Committee of the Privy Council against ArcelorMittal Point Lisas Ltd (ArcelorMittal). The judgment delivered today, now paves the way for NGC to take steps to recover over TTD $100,000,000.00 from ArcelorMittal, now in voluntary liquidation, under the gas supply contracts that existed between the two companies, before ArcelorMittal ceased operations.

The claim of NGC arose on 17 March 2016, when NGC wrote to ArcelorMittal enclosing an invoice for US$12,635,661.06, which it said was a debt due and owing pursuant to obligations to which ArcelorMittal was subject under two contracts for the supply of natural gas to its smelting plants. NGC alleged that the sum of US$12,635,661.06 arose under ArcelorMittal's take or pay obligations under both contracts. On 14 September 2017, Arcelor Mittal wrote to NGC rejecting the proof of debt and on 9 October 2017, NGC commenced proceedings for the sum said to be due and owing under the contracts.

NGC was successful in its claim in the High Court, Boodoosingh J, as he then was, finding that the liquidator was wrong to have rejected NGC's proof of debt. The Court of Appeal comprising, Bereaux, Mohammed and Rajkumar JJA, in a judgment delivered on 26 July 2024, allowed the liquidator's appeal, finding that the liquidator was entitled to reject NGC's debt. On the issue of costs, the Court of Appeal held that Rule 79 of the Winding Up Rules applied so that whatever the result, NGC had to bear the costs of proving the debt. The judgment of the Court of Appeal was delivered by Justice of Appeal Rajkumar.

The Privy Council in its judgment delivered by Lady Rose held:-

(i) That the Court of Appeal was wrong to find that NGC had to prove that it could make gas available before NGC was entitled to impose the take or pay obligation on ArcelorMittal.

(ii) The Court of Appeal erred in the standard of proof that was required to prove the debt.

(iii) Rule 79 of the Winding Up Rules does not apply to the court proceedings culminating in this judgment

NGC therefore succeeded in all of the issues that arose before the Board. NGC will now be able to recover the sum of US$12,635,661.06 together with statutory interest and costs.

NGC's President (Ag.) Mr. Edmund Subryan stated, "This achievement represents a significant legal victory for NGC and demonstrates its commitment to protecting its contractual rights, safeguarding its financial interests and pursuing accountability in the enforcement of its commercial agreements.

"This success reflects positively on NGC's approach to managing complex commercial disputes. The outcome is also a testament to the importance of a robust legal strategy, effective representation and NGC's determination to pursue its interest through the highest appellate court."

Chairman of the Board of NGC, Mr. Gerald Ramdeen, commenting on the success of NGC before the Privy Council today stated, "I wish to thank Mr. Tom Weisselberg KC and Mr. Daniel Cashman, who advocated NGC's Appeal powerfully before the Board and our instructing Attorney Mr. Gregory Armorer who provided tremendous support in prosecuting this appeal. I also wish to thank NGC's internal legal team led by NGC President (Ag.) Mr. Edmund Subryan, without whom this success would not be possible.

"This was a difficult appeal, that had far reaching consequences for the administration of NGC's gas supply contracts, had NGC not been successful. This claim was pursued over a period of ten years. The sum of US$12,635,661.06 that was being pursued represents monies that are owed to the citizens of this country. I look forward to payment by the liquidator, failing which NGC intends to employ every mechanism available to recover the debt owed to the people of this country."

This decision of the Privy Council today, represents the second victory of NGC under the present Board before the Privy Council. On **14 April, 2026**, the Judicial Committee of the Privy Council handed down its judgment in Devant Maharaj v National Gas Company of Trinidad and Tobago **[2026] UKPC 14**, dismissing Devant Maharaj's appeal and upholding NGC's refusal to disclose records under the Trinidad and Tobago's Freedom of Information Act.

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