



Fiji Islands Revenue and Customs Authority

PRESS RELEASE

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HIGH COURT JUDICIAL REVIEW BROUGHT BY NATURAL WATERS OF VITI LIMITED AGAINST FIRCA AND OTHERS: STATUS UPDATE

Fiji Islands Revenue and Customs Authority (FIRCA) believes that the public should be made duly aware of the progression of the litigation.

The case was brought by Natural Water of Viti Limited to challenge decisions of the Comptroller of the Customs in the administration of the Exchange Control Act. The invoice value stated by the company for its exports is \$US4-\$US5 per carton. The Comptroller has refused to accept that value, on grounds that the relevant product is resold overseas for up to US\$50 per carton.

The Company has until 10th April to file affidavits in reply, and the case is to be called for mention on 15th April to set a hearing date.

Natural Waters of Viti Limited sought from the Court interim relief to allow it to continue to export at US\$4 to US\$5 per carton until substantive judgment. Two interim judgments given by the Court allowed it to continue to export, but on certain restrictive conditions.

In the first interim judgment the court ordered Natural Waters of Viti Limited to file in court a bond for \$US5 million, resulting in a “notional” export value of US\$10 or over F\$15 per carton.

In the second interim judgment, the court directed that the bond for \$US5 million remain in the Court, and that an additional sum of \$1F million to be paid into court. The court further ordered that a charge be placed upon the land held by Natural Waters of Viti Limited at Yaqara, which contains an aquifer and approximately 1,000,000 sq ft bottling plant. The court also ordered that Natural Waters of Viti Limited continuously file in the court a record of all water exported.

The effect of the second order of the Court was to retain a “notional” export value of US\$10 per carton.

FIRCA has filed a number of affidavits, including 2 affidavits by expert witnesses dealing with relevant issues of valuation affecting export prices.

Further information will be issued in due course.

JITOKO TIKOLEVU
CHIEF EXECUTIVE OFFICER

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