

Negotiations with liquidator of specialist stone supplier

Thomson Snell & Passmore's Construction & Engineering team acted for a specialist roofing contractor in relation to a very urgent matter caused by our client's supplier of York stone going into liquidation.

The stone supplier went into liquidation having only supplied the first consignment of specially cut York stone that was to be used on the roof terraces of one of the iconic new skyscrapers in London, for which our client had the roofing subcontract.

The stone slabs were to a bespoke specification for the job, in order to comply with the very demanding technical performance requirements and so as to be capable of being physically installed to the building. Securing an alternative supply of stone would have basically required the manufacturer to go 'back to the drawing board', and could potentially have caused several months of delay to a major construction project, depending upon the impact on the critical programme. A different source of stone from a different quarry would also not have matched that already installed on site, which may then have required removal and replacement.

We were instructed by our client immediately upon the stone supplier going into liquidation, and entered into negotiations and dialogue with the liquidator to seek to secure the supply of the stone. In the event, it became clear that the supplier had not, as it had always claimed, obtained or cut the remaining consignments of the stone.

However, we were able through enquiries of various other third parties (including the owner of the stone supplier's yard and the haulier) to obtain details of the quarry from which the stone had come. Our client was then able to contact them direct, and make arrangements for the remaining stone required to be produced as an urgent special order, therefore considerably reducing the potential delay and expense that would have arisen had our client had to go to an entirely new source.

Our client was left in an incredibly difficult position by events completely outside its control, but of course commonplace in the current difficult market. Whilst the 'legal answer' was not palatable or capable of furthering our client's immediate need, we were able to assist our client in finding the best available practical solution to the problem, to improve its position as far as possible.

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The team dealing with this case was headed by Chris Kirby-Turner, Associate, Construction & Engineering.

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