

**IN THE CONSUMER CLAIMS TRIBUNAL MALAYSIA
AT KUCHING, SARAWAK**

CLAIM NO.: TTPM-Q-(P)-32-2024

BETWEEN

THAM NOI FOOK

CLAIMANT

AND

SCHOLARTECH SDN BHD

RESPONDENT

GROUND OF JUDGMENT

Background

1. This is a claim by the Claimant against the Respondent for failure to publish the Claimant's paper in SCOPUS journal Q3.

Claimant's claim

2. The Claimant engaged the service of the Respondent to develop, proofread and edit his paper. Thereafter the Respondent is to submit the paper to be published in SCOPUS journal Q2 or Q3.
3. The Claimant's paper was published in SCOPUS journal Q4.

4. The Claimant was dissatisfied as his university requires that he publish his paper at least SCOPUS journal Q3.
5. The Claimant paid the Respondent the sum of RM6,859.00 for their services (per the Respondent's Quotation to the Claimant at Exhibit C1 page 7).
6. The Claimant is claiming for the sum of RM6,100.00 ie.:

RM2,800.00 - For failure to publish his paper in SCOPUS journal Q3

RM3,300.00 – For Claimant to write a new paper, proofread and edit it.

RM6,100.00 TOTAL

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Respondent's Defence

6. The Respondent in their Statement of Defence and Counterclaim (Form 2) states inter alia that the Claimant did not mention the requirement of publishing his paper in SCOPUS journal Q3.
7. As the agreement between parties were to get the Claimant's paper to be publish at SCOPUS journal Q1 – Q4 (Respondent's Quotation to the Claimant at Exhibit C1 page 7), since the Claimant's paper was published at SCOPUS journal Q4 the Claimant's claim ought to be dismissed.

8. The Respondent in their Counterclaim claimed the sum of RM3,500.00 for flight tickets, hotel, expenses, time to respond and attend hearing. However, there were no supporting evidence tendered to support the Respondent's Counterclaim.

Facts

9. The Respondent's Defence that the Claimant did not mention the requirement of publishing his paper in SCOPUS journal Q3 is not true.
10. Exhibit C8 show an email from the Respondent to the Claimant which states "*We will target Scopus Q3 journal for client and he has no issues of budget.*"
11. Not only did the Claimant mention the requirement that his paper be publish in SCOPUS journal Q3, the Respondent themselves even acknowledge in their email to the Claimant that they "... *will target Scopus Q3 journal for client..*" (ie. the Claimant) as the Claimant has no issue on budget.
12. As the Respondent has failed to publish the Claimant's paper in SCOPUS journal Q3 after agreeing to do the same with the Claimant the Respondent ought not be paid RM2,800.00.
13. With regards to the Respondent's Counterclaim, since there was no supporting evidence tendered to support the Respondent's Counterclaim I cannot be asked to speculate on the Respondent's

Counterclaim. Further the Respondent's only witness RW1 is not from West Malaysia but from Sibul, Sarawak.

Decision

14. The Respondent is to refund the sum of RM2,800.00 to the Claimant within 14 days from the day of the award.
15. The Respondent's Counterclaim is disallowed.

JOSEPH KAHELL BALENG
PRESIDENT
CONSUMER CLAIMS TRIBUNAL
Dated: 31 July 2024