



**IN THE COMPETITION**  
**APPEAL TRIBUNAL**

Case No: 1722/5/7/25

BETWEEN:

**PERSE TECHNOLOGY LIMITED**

Applicant

- v -

**ELECTRALINK LIMITED**

Respondent

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**ORDER**

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**PENAL NOTICE**

IF YOU ELECTRALINK LIMITED DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR HAVE YOUR ASSETS SEIZED.

IF ELECTRALINK LIMITED DISOBEYS THIS ORDER, ANY DIRECTOR OR OFFICER THEREOF MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR/THEIR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DISOBEYS THIS ORDER OR DOES ANYTHING WHICH HELPS OR PERMITS ANY PERSON TO WHOM THIS ORDER APPLIES TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

**UPON** the Applicant and the Respondent entering into a Data Services Framework Agreement (the “**Bilateral Agreement**”) dated 6 March 2024 by which the Respondent agreed to supply data in the form of the Orders in Appendix A of Schedule 1 of Annexes 1 – 4 of the Bilateral Agreement (the “**Data**”) at the prices set out in Schedule 2 of Annexes 1 – 4 of the Bilateral Agreement (the “**Prices**”)

**AND UPON** reading the Applicant’s application for interim relief (the “**Injunction Application**”)

**AND UPON** the “**First Permitted Purpose**” being for the Applicant to provide a service directly to a legal or natural electricity consumer, without sharing the Data or derivatives thereof with any person or entity other than the electricity consumer (via a software platform of the electricity consumer’s choice for the purposes of receipt of the Data or derivatives thereof, and only in circumstances where the Applicant has a direct relationship with the electricity consumer) or a supplier of electricity or demand flexibility services (a “**Supplier**”)

**AND UPON** the “**Second Permitted Purpose**” being for the Applicant to provide a service to the legal owner or leaseholder of premises (a “**Landlord**”), without sharing the Data or derivatives thereof with any person other than the Landlord (via a software platform of their choice) or a Supplier

**AND UPON** reading the supporting evidence filed with the Injunction Application

**AND UPON** reading the parties’ written submissions ahead of an application hearing

**AND UPON** hearing counsel for the Applicant and counsel for the Respondent at hearings on 6 May 2025 and 14 May 2025

**AND UPON** accepting the Applicant’s undertaking that it will comply with any order for compensation which the Tribunal might make in the event that the Tribunal later finds that this Order has caused loss to the Respondent and the Tribunal finds that the Respondent ought to be compensated for that loss

**AND UPON** accepting the Applicant’s undertaking that it will use the Data only for the First Permitted Purpose

**AND UPON** the Tribunal writing to the parties on 16 May 2025 stating its decision to make an order for resumption of supplies in respect of the First Permitted Purpose and that it had not made a decision in respect of the Second Permitted Purpose, pending the parties providing further submissions on this issue

**AND HAVING REGARD TO** the Tribunal’s powers under Rule 53 (case management) and Rule 68 (interim injunctions) of the Competition Appeal Tribunal Rules 2015 (S.I. 2015/1648)

**IT IS ORDERED THAT:**

**FORUM**

1. Pursuant to Rule 52 and Rule 18 of the Tribunal Rules, the proceedings be treated as proceedings in England and Wales.

**INTERIM INJUNCTION**

2. The Injunction Application be granted in respect of the First Permitted Purpose.
3. The Respondent shall by no later than 12:00 noon on the business day following the hand down of this Order resume supply of the Data on the same terms as the terms in the Bilateral Agreement for the First Permitted Purpose.

**MISCELLANEOUS**

4. The Applicant shall file a Claim Form within 10 days of the date of this Order.
5. There be liberty to apply.

**The Honourable Mr Justice Morris**  
Chair of the Competition Appeal Tribunal

Made: 21 May 2025  
Drawn: 21 May 2025