

FAIR IS FORBIDDEN TO RAZE PAVILION

Court Decision Will Permit World of Food to Finish Work on Its Exhibition

BUILDING HAD LAGGED

Fear That Structure Would Not Be Ready April 22 Led to Move to Tear It Down

By ROBERT E. TOMASSON

The World's Fair was barred yesterday by the State Supreme Court from tearing down the partly completed World of Food Pavilion, one of the largest and most prominent exhibitions planned for the 1964-65 fair.

Construction of the building is far behind schedule. Pending the outcome of the litigation, no work has been done on the steel superstructure, which stands 75 feet from the fair's main entrance, for the last seven weeks.

A spokesman for the World of Food Pavilion said that he hoped work would be resumed Monday at 8 A.M., but he added that even with construction crews working overtime, the building would not be completed before the middle of June.

The fair had sought to end its contract with the backers of the pavilion so that it could level the superstructure and landscape the area.

Officials of the fair had charged that the building would not be completed in time for the opening of the exposition on April 22 and that the pavilion's backers repeatedly had broken contractual obligations for meeting construction deadlines.

Financial Troubles Conceded

The World of Food corporation conceded in court that it had had financial difficulties, but said that fair officials had been kept up to date on these matters. When the fair halted construction on the building in January, the corporation maintained, sufficient financial commitments had been obtained to finish the pavilion.

Fair officials had made no secret of their apprehension that if the superstructure were not torn down, the first thing visitors to the fair would encounter on walking through the main gate would be an incomplete building.

The food corporation maintained that it could have completed the exterior of the building in time for the opening and the interior several weeks later, if the fair had not attempted to revoke the contract.

Yesterday, however, a spokesman for the pavilion implied that since no work had been done on the building for almost two months, the exterior would probably not be completed by the opening.

Building to Be Shielded

He added that in order not to embarrass the fair, the incomplete building would be shielded as much as possible from the public during the first months of the fair.

In his court decision, Justice Thomas Dickens granted the food corporation's request for a permanent injunction preventing the fair from "interfering" with the construction.

However, he indicated that if it were not for the rights of subtenants, whose investments total about \$900,000 in the \$2.2 million building, he might have ruled in favor of the fair.

The rights of the subtenants, Justice Dickens said, "have unceremoniously been completely rubbed out, when, in good conscience, World's Fair should have spoken before acting, instead of keeping silent."

After yesterday's court decision, Robert Moses, president of the fair, said that he had been advised by counsel that the ruling was "erroneous." He said that it had not been decided whether to appeal the decision.