

TANZANIA / JUDGMENT

arab contractors osman ahmed osman anoher vs bharya engineering 2022 tzhccomd 246 15 august 2022

COURT
TZHCCOMDDECIDED
15 August 2022

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IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA COMMERCIAL DIVISION AT DAR ES SALAAM MISC. COMMERCIAL CASE NO.124 OF 2022 (Arising from Misc. Commercial Case N0.28 of 2022) IN THE MATTER OF ARBITRATION ACT CAP 15 RE 2020 AND IN THE MATTER OF ARBITRATION UNDER THE INSTITUTE OF ARBITRATORS (TIArbs) RULES 2018 BETWEEN THE ARAB CONTRACTORS (OSMAN AHMED OSMAN.....1ST PETITIONER ELSEWEDY ELECTRIC COMPANY2ND PETITIONER AND BHARYA ENGINEERING & CONSTRUCTING COMPANY LIMITED (BECCO).....1ST RESPONDENT LARRISSA LEACH.....2ND RESPONDENT Date of Ruling: 15/08/2022.

RULING

NANGELA, J.: This application was filed under Order XXXVII Rule 1(a)

(b) and 2(1) and Section 68 (c),(e) and 95 of the Civil Procedure Code, Cap.33 R.E 2019. It arises from a Petition No.28 of 2022, which was filed in this Court under the Arbitration Act, Cap.15 R.E 2020 and currently still pending in Court. Page 1 of 4 The Applicant is praying for the following Orders: EX-PARTE:

1. That, this Court be pleased to grant an order to maintain the Status quo between the parties herein pending the hearing of this application inter-partes. INTER-PARTES
2. That, this Court be pleased to grant an injunction order against the 1st and 2nd Respondents, their agents, officials and any other persons acting on their authority, expressly or impliedly to stop any acts, or do any act in relation to issuance of any other or Award in regard to the presided dispute under the Arbitration between the Applicants and the 1st Respondent in relation to the Equipment Rental Agreement Page 2 of 4 pending determination of Misc. Commercial Cause No.2022.
3. Costs of this application.

4. Any other and further orders as this Honourable Court will deem just and equitable to grant. Earlier, the first order was granted. On the 15 th August 2022, the learned advocates for the parties appeared with a view to set a date for the hearing of the second part of the application. The learned advocates, who appeared for the parties, were Mr Anwar Katakweba for the Applicant, and Mr Benedict Ishabakaki, learned counsel for the 1 st Respondent and Mr Haji Litete, (learned counsel for the 2nd Respondent). In their quick reflections, the learned advocates for the respondents were of the view that, there was no need to contest the application at this time since this Court has in the Misc. Cause No.28 of 2022 set a date for its hearing. Since the Respondents have not contested the application, this Court settles for the following orders:
 1. That, this application is granted. Page 3 of 4
 2. However, the granting of this application is with no orders as to costs. It is so ordered.
DATED AT DAR-ES-SALAAM ON THIS 15TH AUGUST 2022 DEO JOHN NANGELA JUDGE Page 4 of 4

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