

TANZANIA / JUDGMENT

sunil danny pascal rodrigues vs quality group ltd 2021 tzhcld 336 11 august 2021

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11 August 2021

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IN THE HIGH COURT OF TANZANIA LABOUR DIVISION AT DAR ES SALAAM REVISION NO. 62
OF 2021 SUNIL DANNY PASCAL RODRIGUES..... APPLICANT VERSUS QUALITY GROUP
LIMITED..... RESPONDENT

RULING

— Date of last Order: 01/06/2021 Date of Ruling: 11/08/2021 Z.G. Muruke,*— ----- J. Sunil Danny Pascal Rordrigues was recruited by Quality group from India on two years contract from 1st April, 2016 to 31st March, 2018. He was employed as General Manager of Quality Group Limited subsidiary Company named Quality Extended Enterprises Limited. Contract of employment was pre-matually terminated, triggering filing of labour dispute at Commission for Mediation and Arbitration. Applicant was awarded 254,432,400.00 being terminal dues, compensation and damage. He was also awarded monthly remuneration of 12,355,000 as subsistence allowance from date of the order 1st November, 2018 until the K ■ date of repatriation. Respondent filed revision number 928/2018, which was struck out on 20th February, 2020. Applicant succeeded to be paid 23,711,699.16. Since decretal sum was not all paid then applicant filed execution number 216/2020 that was dismissed on 4th February, 2021 on the reason that properties sought to be attached were under i encumbrance's by TRA to the tune of Tshs. 11,925,870,598.00. The ruling by registrar dissatisfied applicant thus, filed present revision. After conclusion of pleadings, hearing was ordered to be by way of written submission. Both parties complied hence this ruling, issue before this court, is whether properties flagged by TRA Agency is capable of being attached. The answer is no. Applicant himself admit that, properties to be attached are subject of security for income Tax for the sum of Tshs. 11,925,870,598, registered under FD No. 191781 dated 3rd October, 2017. Issues of TRA taxes are mandatory before paying other claims. Once there are Tax due to the Government, other creditors will follow after Tax due to the government has been paid. On those circumstances, there is nothing this court can revise. Application, for revision is dismissed, for lack of merits. Z.G. Muruke JUDGE 11/08/2021 2

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CASE PAGE	https://chat.esheria.ai/case-law/tanzania/sunil-danny-pascal-rodrigues-v-quality-group-limited-executionofjudgment-tanzlii-2021

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