

TANZANIA / JUDGMENT

Vintan Mbiro v Hashim Mussa et al

COURT
TANZLIIDECIDED
20 March 2025

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1 IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA COMMERCIAL DIVISION AT
DAR ES SALAAM MISCELLANEOUS COMMERCIAL APPL. NO. 30134 OF 2014 IN THE MATTER OF
COMPANIES ACT, CAP 212, 2002 IN THE MATTER OF PETITION FOR WINDING UP OF ACCESS
MEDICAL AND DIALYSIS CENTRE LIMITED BETWEEN VINTAN WILLGIS MBIRO
..... APPLICANT AND HASHIM HASAN
MUSSA..... 1ST RESPONDENT DR. CRISPIN SEMAKULA
..... 2ND RESPONDENT ACCESS MEDICAL & DIALYSIS CENTRE
LTD..... 3RD RESPONDENT THE REGISTRAR OF COMPANIES 4TH
RESPONDENT

RULING

March 20th, 2025 Morris, J On August 16th, 2024, this Court granted Misc. Commercial Cause No. 31 of 2019 between the parties herein. Under the subject cause, the petition was filed pursuant to section 279(1)(e) of the Companies Act, No. 12 of 2002 (the Act); and rules 95(1) together with 100 of the Companies Insolvency Rules, 2005 (the Rules). The petitioner therein was seeking the Court's order for winding up of the Access Medical & Dialysis Centre 2 Limited (the third respondent herein); appointment of a liquidator for such exercise; and other discretionary reliefs. Consequently, the primary relief sought were sustained. That is, subsequent to such grant, the applicant herein was appointed the liquidator of the now-third respondent. Nevertheless, the Court set the timeframe for such exercise. That is, the applicant was sanctioned to complete the liquidation process in not more than ninety (90) days effective August 16th, 2024. Through the present matter, it is apparent that the applicant was unable to meet the set deadline above. He has thus, lodged this application seeking for the extension of time. According to the affidavit of Vintan Willgis Mbiro, the applicant, the exercise was delayed by several factors. Among them were: the absence of the directors of the company for the necessary meeting; protracted inventory, auditing valuation processes; and the applicant's inability to access the necessary fund for the undertakings under his docket. Hence, in the absence of such critical logistical tools, the compliance with time set by the Court was accordingly affected. 3 When that matter was tabled for hearing today, the applicant was represented by Ms. Hellena Ignas, learned Advocate. However, the respondents were absent as the application was lodged on ex-parte basis. For the application the applicant's counsel submitted that her client was seeking the extension of time because he was prevented by reasonable factors as deposed in the affidavit. She thus prayed

for nine (9) months' extension. Nevertheless, the application was not opposed by the howsoever. The Court is now required to settle the issue whether the applicant is justified to be granted extension of time. Principally, in allowing the previous application (Misc. Comm. Cause No. 31/2024), this Court based its decision on the legitimacy under the Act . Further, Mr. Mbiro was appointed based on his experience of handling various liquidation assignments successfully and timely. Henceforth, he is accordingly held to have been prevented by reasonable grounds for the delay as deposed herein. Now that it is evident that the timeline set by the Court did not suffice for the exercise, this application is merited. I allow it. Consequently, the applicant is given an addition time of six (6) months from the date of this ruling to complete the intended exercise. For avoidance of doubt, the 4 exercise must be completed on or before September 30th, 2025. I grant no costs. It is so ordered. C.K.K. Morris Judge March 20th, 2025 Ruling delivered this 20th day of March 2025 in the presence of Advocate Hellen Ignas for the applicant. C.K.K. Morris Judge March 20th, 2025

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