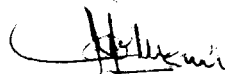


**IN THE HIGH COURT OF TANZANIA****(D'SALAAM MAIN REGISTRY)****AT DAR ES SALAAM****MISC. CIVIL CAUSE NO.51 OF 1999****THE BANK OF TANZANIA..... APPLICANT****VERSUS****1. LABOUR COMMISSIONER****2. ATTORNEY GENERAL..... RESPONDENTS****RULING****MSUMI, JK:**

After leave to file application for prerogative orders of certiorari and mandamus was granted, the court ordered the respondent to file the substantive application by 31/12/99. In the present proceedings the applicants are requesting the court to strike out the said leave for respondent's failure to file the substantive application by 31/12/99 as ordered.

In reply, respondent admits that it failed to file the application within the prescribed time. However, it contends that the application was filed on 29/2/2000 after the court, on 3/2/2000, had granted it leave to file the said application out of time. The applicants are on the other hand contending that at

to ignore most part of their argument. The fact on record is that applicant was one of bidders for the tenders floated by the first respondent. Applicant is challenging the decision of second respondent of not awarding the said tender to him on the ground that it was not done fairly. For example applicant is alleging that second respondent took into account matters which ought not to have been taken, that applicant was not given an opportunity to be heard and generally the tender process was tainted with procedural impropriety. No doubt these allegations raise serious legal issues for judicial determination. On this ground leave is accordingly granted. The substantive application to be filed within thirty days from the date of this ruling. Nor order as to costs.



H.A. Msumi

**JAJI KIONGOZI.**

1/8/2001

For the applicant: Msafiri

For the respondent: Miss Otaro