

**IN THE HIGH COURT OF TANZANIA
(DAR ES SALAAM DISTRICT REGISTRY)
AT DAR ES SALAAM**

**MISCELLANEOUS CIVIL APPLICATION NO. 436 OF 2019
IN THE MATTER OF THE ARBITRATION ACT, CAP. 15 OF
THE LAWS**

**AND IN THE MATTER OF AN APPLICATION FOR STAY OF
PROCEEDINGS PENDING REFERENCE OF DISPUTES TO
ARBITRATION**

BETWEEN

**REGIONAL ADMINISTRATIVE
SECRETARY OF COSTAL REGION.....1ST PETITIONER**

THE ATTORNEY GENERAL2ND PETITIONER

AND

YUKO'S ENTERPRISES (E.A.) LTD..... RESPONDENT

Date of last Order: 21/05/2020

Date of Judgment: 28/05/2020

R U L I N G

MGONYA, J.

Before the court is a Petition brought by the Petitioners herein, Regional Administrative Secretary of Costal Region and the Attorney General seeking for an order of this honourable court to

stay proceedings of **Civil Case No. 93 of 2019** before this honorable court pending Arbitration process in accordance to the terms and conditions stipulated in the contract between the parties herein.

It is the Petitioners' assertion that on the 13th August 2014, the 1st Petitioner entered into a contract with the Respondent herein for provision of printing and supplying of TSM9 Forms, Standard Four National Examinations (IV - 2014) and Standard Seven, (VII - 2014) Mock Examinations in the Coastal Region for the sum of **Tshs. 221,424,536/=**.

In the said contract, **Clause 27.3** and **27.4** of General conditions, made reference to Arbitration in case any dispute arises out of the contract between the parties. However, in the midst of that condition, the Respondent had decided to institute the **Civil Case No. 93 of 2019** in this court contrary to the said provisions.

It is from those circumstances, the Petitioners are now before the court praying this honourable court to stay the proceedings in the above case before this court.

The Respondent did not object the Petitioners' prayer as he conceded the above being the position.

After going through the parties' contract attached to this Petition, it is my firm view that according to the terms and

conditions of the said contract, indeed where the dispute arise between the parties herein, the matter should be referred to the Arbitrator. In that line, **I proceed to grant the Petitioner's prayer as prayed.**

In the event therefore and for avoidance of doubt, **I proceed to order that the proceedings in the Civil Case No. 93 of 2019 before this court be stayed so that the matter be referred to Arbitration for determination.**

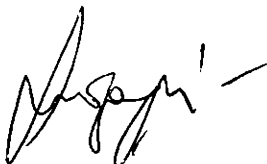
I make no order as to costs.

It is so ordered.



L. E. MGONYA
JUDGE
28/05/2020

Court: Ruling delivered in the presence of Kamihanda, State Attorney for the 1st, 2nd Petitioners, Kasunga, Advocate for the Respondent and Ms. Janet Bench Clerk in my chamber today 28th May, 2020.



L. E. MGONYA
JUDGE
28/05/2020