

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

**AT DAR ES SALAAM**

**MISC. CIVIL APPLICATION NO. 217 OF 2019**

(Arising from Civil Case No. 128 of 2016)

**ATTORNEY GENERAL.....APPLICANT/INERVENER**

**VERSUS**

**1. COAST WATER PROJECT ..... } RESPONDENTS  
2. NATIONAL DEVELOPMENT CORPORATION }**

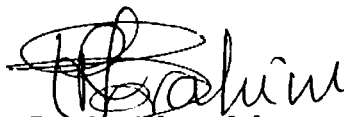
**RULING**

**EBRAHIM, J.**

The applicant, the Attorney General has made an application under **S.17(1) (a) and 2, 6(a), 8(7) (f)** of the **Office of Attorney General (Discharge of Duties) Act, 2005** and **O.XLIII Rule 2 of the Civil Procedure Code, Cap. 33 R.E. 2002** seeking for an order of the court to allow her to join and intervene in **Civil Case No. 128 of 2016**. The application is supported by an affidavit of Haruni Matagane, Senior State Attorney. At the hearing of the application the applicant was represent by Ms. Mdedeni, State Attorney and 1<sup>st</sup> Respondent was represented by Advocate Rausi.

In this application there was no counter affidavit filed to challenge the application. In view of that Counsel for the applicant prayed for the applicant to be joined and intervene in Civil Case No. 128 of 2016 between **Coast Water Project (T) Ltd (plaintiff) v. NDC (defendant)**. The law allows the Attorney General to represent the Government in courts of law in any suit to which the Government is a party or has interest – **S.8(1) (f) of the Act**. Accordingly NDC is a government entity owned by the Government of the United Republic of Tanzania. According to para 3 of the affidavit sworn in support of the application, the 1<sup>st</sup> respondent has sued NDC for breach of contract and ultimately the applicant is involved and have right of audience in terms of **S.17 (1) (a) of the Act**. It is on those basis that the application is allowed and the applicant is allowed to join and intervene by being made a party in Civil Case No. 128 of 2016 which is between the 1<sup>st</sup> Respondent herein and the 2<sup>nd</sup> Respondent herein. Cost shall follow the main event.

Accordingly ordered.



**R. A. Ebrahim**

**JUDGE**

**05/03/2020**