

**IN THE HIGH COURT OF TANZANIA  
DAR ES SALAAM DISTRICT REGISTRY  
AT DAR ES SALAAM  
CIVIL APPEAL NO. 64 OF 2019**

(Originating from the Accident Investigation Report carried out by  
Inspector of the Occupational Safety and Health Authority)

**CENTAZA PLASTIC LIMITED ..... APPELLANT**

**VERSUS**

**OCCUPATIONAL SAFETY AND HEALTH  
AUTHORITY.....RESPONDENT**

**CONSENT JUDGMENT**

*Date of Last Order: 10/3/2020*

*Date of Judgment: 10/3/2020*

**S.M. KULITA, J.**

The Appellant herein (CENTAZA PLASTIC LIMITED) is a liability company incorporated in Tanzania while the respondent (OCCUPATIONAL SAFETY AND HEALTH AUTHORITY) or OSHA as it is used to be called in short is the Government agency responsible for ensuring safety at work and healthful work environment. The Acting Chief of the respondent found the appellant negligent for causing bodily injuries to his servant namely Jumanne Seif Ally who was the Assistant Machine Operator in his industry located on plot no. 140/141 Mwakalinga Road, Chang'ombe in Dar es Salaam. According to the records the basic activity for the said industry was production of the plastic bags. The appellant being found responsible was penalized to pay a fine at the tune of Tsh.

28,000,000/= which was to be paid in the 30 days period from the date of decision that is 19/3/2019. Aggrieved with the said decision the appellant lodged this appeal at High Court on the 18/4/2019 claiming for the following reliefs;

- (a) That the order of Acting Chief Executive of the Occupational Safety and Health Authority delivered on 19/3/2019 be quashed and set aside.
- (b) The appellant be set free from liability of the respondent's claim.
- (c) Any other order and relief that the honourable court finds fit and just to grant.

Before the appeal being heard the parties mutually agreed to settle the matter out of court. They amicably agreed each other by filing the deed of settlement comprising the following conditions:-

1. That, the case between Centaza Plastic Limited and the Occupational Safety and Health Authority (OSHA) to be withdrawn from this court.
2. That, the Centaza Plastic Ltd to pay in full Tshs. 3,000,000/= as accident investigation fees within 14 days from 20<sup>th</sup> day of November, 2019.
3. That, the Centaza Plastic Ltd to pay the remaining balance of 5,000,000.00 on two instalments. First instalment to be paid on 30<sup>th</sup> day of January, 2020, and second instalment to be paid on 20<sup>th</sup> day of February, 2020.

Upon the parties reaching into that consensus agreement to settle the matter out of court and upon the deed of settlement signed by both parties being filed to this court, under Order XXIII, Rule 3 of the Civil Procedure Code [Cap 33 RE 2002] the matter is regarded settled. It is hereby marked withdrawn. Each party to bear its own costs.



**S.M. KULITA**

**JUDGE**

**10/03/2020**