

**IN THE HIGH COURT OF TANZANIA
[DAR ES SALAAM DISTRICT REGISTRY]
AT DAR ES SALAAM
MISCELLANEOUS CIVIL CAUSE NO. 224 OF 2020
IN THE MATTER OF THE COMPANIES ACT, 2002
AND
IN THE MATTER OF PETITION FOR WINDING UP OF
BAZIZANE COMPANY LIMITED**

R U L I N G

Date of last Order: 13/12/2021

Date of Ruling: 08/02/2022

MGONYA, J.

This is a ruling on a Petition for winding up of **BAZIZANE COMPANY LIMITED**, a Limited Liability Company (the Company), incorporated in Tanzania on **17th July 2009** through a Certificate of Incorporation **No. 712980** with its registered office at Baracuda Road Modeco B; at Morogoro -Tanzania. The Petition has been brought pursuant to **Section 279(1) (a) of the Companies Act No. 12 and Rule 100 of the Companies (Insolvency) Rules 2005**. The same has been brought by the Petitioner's learned Advocate **Mr. Derick Pascal Kahigi** following a Board Resolution passed on **17th March 2020** by Directors for the Company that their Company be wound up voluntarily.

The Petitioner has advanced one ground for the winding up order; that The Directors of the Company have lost interest with the business of the Company and that they have mutually by Special Resolution resolved to wind up the Company.

Having filed the Petition, the Petitioner has also complied by advertising the Petition in the **Mwananchi Newspaper** dated 19th May 2021 pursuant to **Rule 99 (2) (b) of the Companies (Insolvency) Rules GN No. 34 of 2014**. Having been satisfied that the service and advertisement requirements were complied with, the Petition was fixed for hearing as also the Petitioner's Counsel has confirmed upon swearing an Affidavit that the Company is solvent and capable of paying its debts to any creditor as at the time of filing this Petition.

When this matter was called for hearing on 27th May 2021, as the Publication Order has been adhered to and the copy of the same tabled before the Court, as prayed, the Court proceeded to appoint **ADVOCATE ROBERT RUTAIHWA** as the Official Receiver of this matter in respect of Winding up of **BAZIZANE Company** under **Section 291 of the Companies Act**.

I have carefully considered the submission by the Petitioner's counsel and the documents in support of the Petition. Undoubtedly,

the Court is invited to issue a Winding up Order based on Voluntary Winding up Resolution passed on the above stated date.

The law provides that, one among the reasons for a Voluntary Winding up of a Company is where Members have passed Resolution to wind up the company, as per **Section 333 (1) (a) of the Companies Act, Cap 212 [R. E. 2002]**. I am satisfied that the said Resolution is attached to this Petition.

Guided by the provisions of law cited and the reasons stated, I find the Petition competent as it has adhere to all the requirements of the law. Consequently, **the Winding up Order sought by the Petitioner is accordingly granted.**

For avoidance of doubt, it is ordered that:

1. **BAZIZANE COMPANY LIMITED**, a Limited Liability Company, incorporated in Tanzania on **17th July 2009** through a Certificate of Incorporation **No. 712980** with its registered office at Baracuda Road Modeco B; at Morogoro -Tanzania should be wound up under the **provisions of section 279 (1) of the Companies Act, Cap. 212 [R.E. 2002]**.
2. **ADVOCATE ROBERT RUTAIHWA** has been duly appointed by this Honorable Court as the Official Receiver

in respect of Winding up of **BAZIZANE COMPANY LIMITED** under **Section 291 of the Companies Act.**


3. I make no order as to costs.

Order accordingly.



L. E. MGONYA
JUDGE
08/02/2022

Court: Ruling delivered in chambers in the presence of Mr. Kahigi Advocate for the Petitioner and Mr. Richard RMA on this 8th day of February 2022.



L. E. MGONYA
JUDGE
08/02/2022