

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

MISCELLANEOUS COMMERCIAL CASE NO. 5 OF 2011

IN THE MATTER OF THE COMPANIES ACT [CAP 212 R.E. 2002]

AND

**IN THE MATTER OF AN APPLICATION FOR THE WINDING UP OF
THE LAFARGE GYPSUM TANZANIA LIMITED**

BY

LAFARGE GYPSUM TANZANIA LIMITED..... PETITIONER

Date of last order – 30/06/2011

Date of oral submissions – 18/08/2011

Date of ruling – 18/08/2011

RULING ON THE PETITION

MAKARAMBA, J.:

The Petition is for the Winding up of a Company called Lafarge Gypsum Tanzania Ltd which was incorporated on the 12th day of December, 2005 with the object of dealing in building and construction business as per Memorandum of Association – Annexure 2 to the petition. The Company is now seeking to be wound up as per resolution of the board of directors and the shareholders, Annexure LGT3. The Company's strategy is to close business in Tanzania and other East African Countries where it also has sister Companies.

The Petition has been lodged under Section 279(1) (a) of the Companies **Act Cap. 212 R.E 2002** and Rule 27 of the Winding Up Rules 1929. The Petition having been lodged in this court on the 13/05/2011, it was followed by being advertised in the Daily Newspaper of 06/06/2011. The Registrar of Companies was duly served on the 17/05/2011 but has not entered appearance. As rightly submitted by Counsel Mr. Kabakama, up to 28/06/2011 and to this date there has not been any notice either in support or in opposition to the Petition. As per paragraph 6 of the Petition, the Company is not indebted and has complied with all statutory obligations.

The Petition is supported by the Affidavit of one Alex Matovu, a principal officer of the company who is duly authorized by the Company vide Board Resolution Exh. LGT1. In the circumstances given that the petition is unopposed let it be ordered as follows:

Order:

- 1. The Petition is hereby granted.*
- 2. The Company, Lafarge Gypsum Tanzania Limited is hereby ordered to be wound up under Section 282(2)(a) of the Companies Act Cap.212 R.E 2002.*
- 3. In terms of Section 287 of the Companies Act, a copy of the Winding Up order shall be forwarded to the Company or to the Registrar for registration.*
- 4. In terms of Section 329 of the Companies Act, the Company Lafarge Gypsum Tanzania Limited is hereby dissolved as from today the 18/08/2011.*

5. The Petition is hereby marked settled.

Order accordingly.

A handwritten signature in dark ink, appearing to read 'R.V. Makaramba', is written over a horizontal dotted line.

R.V.MAKARAMBA

JUDGE

18/08/2011

Ruling delivered on the 18th day of August 2011 in the presence of Mr. Kabakama learned counsel for the Petitioner.

A handwritten signature in dark ink, appearing to read 'R.V. Makaramba', is written over a horizontal dotted line.

R.V.MAKARAMBA

JUDGE

18/08/2011

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