

IN THE HIGH COURT OF THE UNITED REPUBLIC OF TANZANIA

COMMERCIAL DIVISION

AT DAR ES SALAAM

MISC. COMMERCIAL CAUSE NO. 75 OF 2023

AND

IN THE MATTER OF ARBITRATION

AND

IN THE MATTER OF THE ARBITRATION ACT, CAP 15 R.E. 2020

BETWEEN

BANK OF TANZANIAPETITIONER

VERSUS

GALILEA COMPANY LTDRESPONDENT

RULING

May 28th, 2024

Morris, J

The matter before me is uncontested. Mainly, the petitioner seeks extension of time so that he can file the petition challenging the award by the sole Arbitrator (Eng. Dr. Kubwaeli Salewi) dated September 20th, 2023 in the matter of arbitration between the Petitioner-Bank and the Respondent-Company above. The Court has been moved under Sections 75(1) & (2) and 89(1) of ***the Arbitration Act***, Cap 15 (2020); 14 of ***the Law of Limitation Act***, Cap 89 R.E. 2019; and Rule 63 of ***the Arbitration (Rules of Procedure) Regulations*** (GN No. 146 of 2021).

The grounds supporting this application are well articulated in paragraphs 13 through 16 of this petition. The major of all, is that the

Petitioner's internal procedures of approving fund for payment of the Arbitrator's fee took the normal channels only to place the petitioner face-to-face with the time bar. By the time the money was disbursed, he was already out of time. As the subsequent proceedings are dependent upon procurement of the Award, payment for the same was a conditional precedent. Hence, the Petitioner was prevented by the just cause to take appropriate action.

In such view, the Court holds that the petitioner has exhibited the sufficient cause enough to merit these proceedings. Further, as the respondent is not contesting the grant of the main prayer hereof, I grant the application hereof.

For avoidance of any doubt, the Petitioner is given **twenty-one (21)** days within which to initiate the envisaged proceedings. I award no costs to either party. It is so ordered.



C.K.K. Morris

Judge

May 28th, 2024

Ruling delivered this 28th day of May 2024 in the presence of Ms. Neisha Shao, learned State Attorney for the Petitioner; and Advocate Mussa Daffa for the Respondent.

A handwritten signature in black ink, appearing to read 'C.K.K. Morris', with a large, sweeping loop at the end.

C.K.K. Morris

Judge

May 28th, 2024

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