

THE REPUBLIC OF UGANDA

**IN THE HIGH COURT OF UGANDA AT KAMPALA
COMMERCIAL COURT DIVISION**

**HCT-00-CC-MC-0026-2006
(ARISING OUT OF HCT-00-CC-MC-0014-2006)**

OFFICIAL RECEIVER APPLICANT

VERSUS

THE COMPANIES ACT CAP 110..... RESPONDENT

BEFORE: HON. MR. JUSTICE LAMECK N. MUKASA

RULING:

18/12/2006 at 11:35 a.m.

MS Juliet Lugya State Attorney for Applicant

Mr. Makoha Ojambo Court Clerk

Ms Lugya: This is an application for receiver of the Order made by this Court under Misc. Cause NB: 14/2006 for expending Ug Shs 139,100,000/= In October 2006 we made an application to expend of 139,100,000/= for Contingency Fund Account. The Application was allowed.

From the item which furniture for office curtains and two (2) executive chairs the proper quotation should have been for only curtains and should have read Shs8,110,081/= as per annexure "B" but by error but it read Shs2,000,000/= and in further error included furniture. This has been corrected to exclude the furniture and has as per the new quotation increased to Shs8, 887,760/= as per annexure "C". This increase is due to the increase in pricing per sq meter. In July it was shs36, 500/= per meter and by November it has gone to shs40, 000/=. The curtains are for the entire Registrar General Office with 41 windows. The Registrar General is also the official Receiver.

The proper estimate for the Computer should have been 4 computer, 4 UPS and I printer for data entry at 16,035,600/= yet by error if had originally been only 4 computers at 5,000,000/= I pray that the error is so corrected.

I seek for a receiver of the two items giving new total Shs 157,023,360/= instead of Shs139, 100,000/= originally applied.

Court: I have studied the application and the affidavit in support and the annexures thereto and heard submissions of Counsel for the applicant and made the findings below.

The applicant has found new matters which were not originally within their knowledge and also errors which require rectification. The quotation for vertical blinds was originally shs36, 500/= per meter in July. They have discovered that the quotations have since been revised upwards to Shs40, 000/=- making a total of Shs8, 887,760/= as opposed to the original total quotation of shs2, 000,000/=.

Further it has been discovered that the quotation for computer left out the other items that is 4 UPS and I Printer data entry which has increased the quotation from the original of Shs 5,000,000/= for only computers to shs16,035,600/= for the 4 computers, 4 ups and 1 printer for data entry.

Considering all the above the application to review the amount authorized from 139,100,000/= to Shs157, 023,360/= is hereby allowed.

Therefore, the order of this Court dated 10th November 2006 is hereby reviewed and is hereby received and the Official Receiver is authorized to spend a sum of not more than Shs157,023,360/= from the Companies Contingency Fund for the activities detailed in the revised budget annexed to this Application. The other terms remain the same.

Hon Mr. Lameck N. Mukasa

JUDGE