

**THE REPUBLIC OF UGANDA**  
**IN THE HIGH COURT OF UGANDA AT KAMPALA**  
**CIVIL DIVISION**  
**MISC. CAUSE NO. 0133 OF 2016**

**1. DOTT SERVICES LIMITED**

**2. GENERAL NILE COMPANY FOR**

**ROADS AND BRIDGES ::::::::::::::::::::::::::::::::::: APPLICANTS**

*Versus*

**ATTORNEY GENERAL ::::::::::::::::::::::::::::::::::: RESPONDENT**

**BEFORE: HON. MR. JUSTICE STEPHEN MUSOTA**

**RULING**

The applicants filed this ex-parte Notice of Motion for extension of time within which to file an application for Judicial Review. The orders sought are that time within which to file the application against the respondent for judicial review orders of certiorari and prohibition to quash the findings and recommendations and to prohibit the respondent from implementing the said recommendations respectively of the commission of inquiry into allegations of mismanagement, abuse of office and corrupt practices in the Uganda National Roads Authority (UNRA) contained in the report of 29<sup>th</sup> January 2016 be extended by at least fourteen days from the date of granting the order for extension of time. The other order sought is for costs of the application.

The application is supported by the affidavit of Boinapally Venugopal Rao a director with the applicants which raises the following grounds:

- a. That the applicants intend to apply for judicial review orders of certiorari and prohibition against the Attorney General to challenge the report of the commission of inquiry into allegations of mismanagement, abuse of office and corrupt practices in the Uganda National Roads Authority.
- b. That the said report of the commission of inquiry was signed on 29<sup>th</sup> January 2016 but the applicants did not know that the said report was ready until 27<sup>th</sup> May 2016 when he read it in the Newvision Newspaper that the chairperson of the said commission of inquiry had presented the said report to the president of the Republic of Uganda.
- c. That the applicant wrote to the respondent to obtain a copy of the report by the respondent never responded. However on 14<sup>th</sup> June 2016, the applicants obtained 5/6 volumes of the report four and a half months from the date when the report was made or signed.
- d. That under rule 5(1) of the Judicature Judicial Review Rules 2009, the application for judicial review has to be made within three months from the date when the grounds of the application first arose unless the court considers that there is good reason for extending the period within which the application will be made.
- e. That the applicants were not aware of the completion and signing of the said report until 27<sup>th</sup> May 2016 as stated in para B and did not get a copy of the report until 14<sup>th</sup> June 2016 as stated in para C above and could not have brought the application for judicial review until they had received and read a copy of the said report.
- f. That the applicants are highly aggrieved and adversely affected by the findings of the recommendations against them contained in the said report, most of which are false, unfounded, untrue, biased, illegal, irrational and procedurally improper.

- g. That unless the time within which the application for judicial review, orders of certiorari and prohibition is extended for at least two weeks from the date of the order for extension of time applied for herein, the applicants' business will be forced to close and the applicants will suffer substantial and irreversible financial losses and the directors, employees and their dependants will lose their sole source of livelihood.
- h. That it is fair and just that the orders of extension of time within which to file the application for judicial review be granted and the respondent will not be prejudiced by the said order at all.

At the hearing of the application, Mr. Enos Tumusiime appeared for the applicants. I have considered his submissions and the case authorities cited for my assistance. Under Rule 5(1) of the Judicature Judicial Review Rules 2009, it is provided that;

***“5. Time for applying for judicial review;***

***(1) an application for judicial review shall be made promptly and in any event within three months from the date when the grounds of the application first arose unless the court considers that there is good reason for extending the period within which the application shall be made.”***

This rule has been severely interpreted by this court to the effect that it gives this court allowance to exercise discretion to extend time in favor of the applicant where court considers that there is good reason for extending the period within which the application shall be made. Courts' discretion to extend time must be judicious and based on good reasons and this depends on the circumstances of a given case.

See: *Khabusi building contractors, furniture center Limited versus Andrew Kayeki & another, Misc. application 359 of 2013 and Kuluo Joseph Andrew & 2 ors versus Attorney General & 6 Others Misc. Cause No.106 of 2010*)

From the depositions by the applicants in the supporting affidavit, paragraphs 4, 5, 6, 7 and 8 and the submissions by learned counsel for the applicant, it has been established that the applicants did not know that the commission of inquiry made a report on 29<sup>th</sup> January 2016 vide annexure B not until they read the new vision newspaper of 27<sup>th</sup> May 2016 pages 8-9 annexure B indicating the presentation of a copy of the said report to His Excellency the President of Uganda. Thereafter the applicants' counsel M/s Tumusiime Kabega & Co. Advocates wrote to the respondents and requested for a copy of the said report but the respondents did not avail a copy to the applicants or counsel. It was on 14<sup>th</sup> June 2016, that the applicants obtained five copies out of six volumes of the report from an undisclosed third party. This is when they got to note the findings against them which they wish to contest through a judicial review application. From these revelations, I am satisfied that there is good reason to extend time for the applicant to file for a judicial review so that the substance of the dispute between the parties is investigated and decided on merit. The applicant did not know the adverse report against them until after the statutory time for filing for judicial review had lapsed. It is therefore just that this application is allowed so that the report is looked into since it raises issues that affect the right of the applicants and their employees as well as dependants. The respondent will not be prejudiced in any way if this application is allowed.

Consequently, I will order that this application be allowed. The application may be filed within fourteen days of this order. Costs of the application shall be in the cause.

**Stephen Musota**

**J U D G E**

**12.07.2016**