

**THE REPUBLIC OF UGANDA  
IN THE HIGH COURT OF UGANDA AT MUKONO  
CIVIL SUIT NO. 228 OF 2017**

**B.I.G ESTABLISHMENTS (U) LIMITED:::::::::::::::::::: PLAINTIFF**

**VERSUS**

**1. UGANDA ELECTRICITY**

**TRANSMISSION COMPANY LIMITED (UETCL)**

**2. CHINA CAMC ENGINEERING CO. LIMITED::::::::::::DEFENDANTS**

**BEFORE: HONOURABLE JUSTICE DAVID MATOVU**

**JUDGMENT**

**Introduction**

1. M/s B.I.G Establishments (U) Limited (hereinafter referred to as the “Plaintiff”) filed Civil Suit No. 228 of 2017 in High Court of Uganda at Mukono against Uganda Electricity Transmission Company Limited (UETCL) and China Camc Engineering Co. Limited (hereinafter referred to as the “Defendants”) seeking a declaration that the defendants trespassed on its land at Nama II Kitende Village, Mpoma Parish, Nama Sub county in Mukono

District and cut down the Plaintiff's trees without the Plaintiff's consent and compensation.

The Plaintiff claims compensation of Ug Shs 572, 000,000/= (Five hundred seventy two million shillings) being the value of the damaged trees, punitive and general damages.

### **Background facts**

2. The Plaintiff is a licensee on land at Nama II Kitende Village in Mpoma Parish on which it planted eucalyptus trees.
3. On 6<sup>th</sup> February, 2017 the 1<sup>st</sup> defendant informed the Plaintiff that they intended to construct a 132KV Transmission line which would affect Part of the Plaintiff's trees.
4. During the month of June, 2017 the 1<sup>st</sup> and 2<sup>nd</sup> defendants cut down eucalyptus trees belonging to the Plaintiff in order to pave way for construction of the Mukono 132 KV Transmission Power line without first compensating the Plaintiff.
5. In their written statement of defence filed on 17<sup>th</sup> January, 2018, the 1<sup>st</sup> defendant denied trespass on the Plaintiff's land and contended that compensation was to be made to the Plaintiff based on an approved valuation report from the Chief Government Valuer.

6. This suit came up for hearing on several occasions and both Counsel agreed that compensation was to be made to the Plaintiff pursuant to the Chief Government Valuer's report.
7. Court was availed a valuation report by the Chief Government Valuer dated 12<sup>th</sup> April, 2022 which approved compensation of Ug. Shs 440, 232, 000/= (Four hundred forty million two hundred thirty two thousand shillings) to the Plaintiff.
8. Court was also shown a letter from the managing Director of the 1<sup>st</sup> defendant dated 1<sup>st</sup> June, 2022 he indicated that the Plaintiff had already been paid Ug. Shs 209, 599, 000/= (Two hundred nine million five hundred ninety nine thousand shillings) for 3.89 hectares and the only balance known to them was Ug. Shs 19, 064, 500/= (Nineteen million sixty four thousand five hundred shillings) being the value for 0.11 hectares of land

### **Legal representation**

9. Mr. Martin Masereka represented the Plaintiff while Ms. Eva Nabadda appeared for the 1<sup>st</sup> Defendant.



## **Decision of Court**

10. As intimated to Counsel on 24<sup>th</sup> October, 2022 Court was to follow the report of the Chief Government Valuer as was decided by Hon. Justice David Batema and indeed this was the position pleaded by the 1<sup>st</sup> Defendant in their written statement of defence.
11. Court hereby adopts the report of the Chief Government Valuer dated 12<sup>th</sup> April, 2022 signed by a one Andrew Nyumba and copied to the Law firms representing the Plaintiff and 1<sup>st</sup> Defendant which report made reference to an earlier report dated 19<sup>th</sup> January, 2017.
12. Court therefore finds that the Plaintiff is entitled to a sum of Ug. Shs 440, 232, 000/= (four hundred forty million two hundred thirty two thousand shillings) as compensation for his eucalyptus trees and if it is true that a sum of Ug. Shs 209, 599, 000/= (Two hundred nine million five hundred ninety nine thousand shillings) had already been paid to the Plaintiff as contended by the 1<sup>st</sup> defendant then the Plaintiff is entitled to


Ug shs 230, 633, 000/= (Two hundred thirty million six hundred thirty three thousand shillings).

13. Court finds that the Mukono 132 KV Transmission Power line was in the best interests of the people of Uganda including the Plaintiff and for this reason Court will not award any punitive or general damages.

14. Court will award interest on the outstanding balance on compensation sum at Court rate from the date of this Judgment until payment in full.

15. The plaintiff is awarded the costs of this suit.

Dated this .....<sup>5</sup>.....day of .....*May*.....2023.

  
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David Matovu

Judge