



VICE-PRESIDENT Samia Suluhu Hassan plants a tree to celebrate the World Environment Day at national level in Butiama Village in Mara Region, yesterday. (Photo by VPO)

High court dismisses with cost 92bn/- decree application

By **FAUSTINE KAPAMA**

THE High Court in Dar es Salaam has dismissed with costs an application by FBME Bank Limited to challenge execution of a decree for payment of over 92bn/- to Coast Textiles Limited.

Judge Wilfred Ndyansobera issued the verdict last week when the bank, through its advocate, Ms Angelister Naashon attempted to withdraw the application.

Justice Ndyansobera said the bank could not withdraw the application because the company, through its counsel, Mr Joseph Rutabingwa, had lodged two grounds of objection to oppose the hearing of the matter.

In its objections, the company stated that the court has not been properly moved and that the appli-

cation relating to the execution ought to have been brought under section 38 of the Civil Procedure Code and not under section 95, which merely saves the inherent power of the court.

The advocate further stated that in as far as FBME Bank Limited was seeking the court to exercise revisional powers, such powers could not be invoked under section 95.

In his brief ruling, the judge said under the circumstances, the bank could not withdraw an application, which does exist in law, striking out the application with costs.

FBME Bank was asking the court to call, revise and set aside the ruling and orders of September 7, 2016, issued in execution of the judgment and decree of July 25, 2015 by Judge Aloysius Mujulizi.

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Hectic week Minister Mpango unveils budget

From **DAILY NEWS**
Reporter in Dodoma

BUDGET speech for 2017/18 fiscal year and report on the country's state of the economy is scheduled for tabling in the National Assembly this Thursday.

The timetable for the House's activities shows that the Minister for Finance and Planning, Dr Philip Mpango, will read the budget after the presentation of the economic status report.

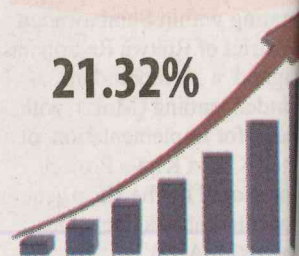
Key economic areas to be covered by the budget include infrastructure development, energy and minerals projects and industrial projects.

Early in March, in the National Assembly, Dr Mpango read the proposals of the 2017/18 National Development Plan and the country ceiling for next year's budget.

Dr Mpango said the government, in the 2017/18 budget, expects to keep the 31.6tri/- budget ceiling, with the development budget increased from

From non-tax sources, the minister said revenue collections as of March this year reached 500.13bn/- against the 412.23bn/- target, an equivalent to 121.32 per cent of the estimates.

21.32%



11.8tri/- in the 2016/17 to 11.1tri/- in the coming year.

According to the minister the 2017/2018 is pegged at 3 trillion/- whereas internal revenue sources are expected reach 20.872tril/-.

Last week, when tabling budget estimates for the Ministry of Finance in the 2017/20

You're 'cheating' me

From DAILY NEWS
Reporter in Morogoro

PRIME Minister Kassim Majaliwa has said he will send an auditor to assess availability of medicines at the Gairo town health centre, Morogoro region.

He stated this over the week-

end when addressing residents of Gairo and its environs at a public rally held at Gairo 'A' Primary School. The PM arrived at this decision after questioning Gairo District Medical Officer (DMO), Dr Albert Lyaruu, over whether he owns a pharmacy – who said he did not have a pharmacy but

admitted that some of his subordinates were running their own pharmacies.

“The solution is to bring the inspector from my office so that we get the real picture whether the drugs are received by the health centre ... and how they are used ... the inspector will

come to assess you personally (DMO) and all public dispensaries in the district,” he decided, adding: “During my recent meeting with government officials, I told you that you are the decision makers ... unfortunately, you go out to the villages and see ‘real things’ on the ground

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There is similar application by the Bank of Tanzania (BoT) pending before the same judge who has indicated to give the ruling on the matter on June 9.

In the execution proceedings, Deputy Registrar Project Kahyoza ordered BoT Governor Professor Benno Ndulu and Statutory Manager with FBME Bank to show cause how the decree should be satisfied or else will be imprisoned.

The decree execution originates from a civil case that was decided against FBME Bank after selling landed property, including Coast Textiles Limited owned plant, which was later transferred to Five Star Investment Limited over an overdraft related dispute.

Records show that BoT, which was not part to the original proceedings, is linked to the matter after taking over FBME Bank management to protect Tanzanian customers, after the bank was implicated in money laundering.

The court, on December 31, 2015, issued a garnishee order, directing BoT Governor to attach accounts belonging to FBME Bank in execution of the decree by High Court Justice Mujulizi for payment of 92,265,023,140/-, which include principal sum and interests.

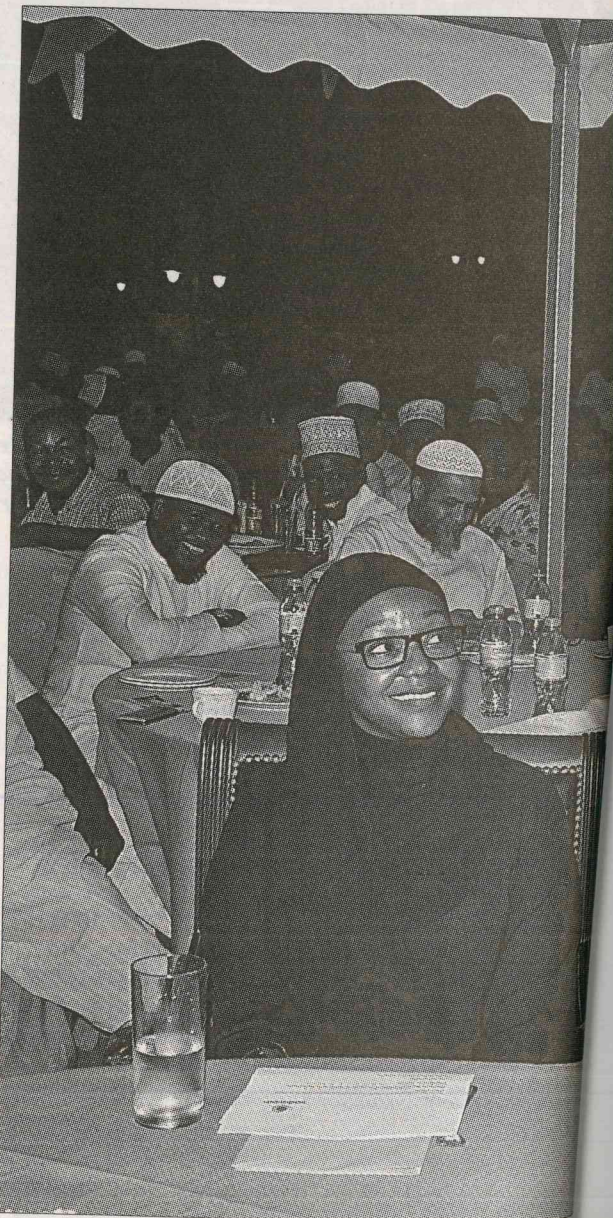
Following the garnishee order, BoT filed an application requesting the court to investigate into the legal ownership and, or fund status in the two bank accounts and eventually lift and set aside the order.

Reasons advanced were that the central bank was currently managing FBME Bank, therefore having interest on its affairs, thus no attachment could be made in respect of those accounts, which are legally known as Statutory Minimum Reserve Account and no any third party could claim interests therein.

The court was told that the accounts are opened for specific purpose and could not be attached until when the banking operation of the financial institution ceases. In its ruling, the court agreed to lift the issued garnishee order, but that could not exonerate the BoT to satisfy the decree.

It noted that FBME Bank was operating smoothly its business in Tanzania though they were under the management of BoT and was getting profit out of the daily transaction.

As a result, the court ordered BoT Governor and FBME Bank Statutory Manager to personally appear before the court to explain how they will pay the decree holder, Coast Textiles Limited.



FORMER President, Jakaya Kikwete, delivers a speech at Msoga Village in Coast Region, yesterday. Look at Rosalynn Mworia. (Photo by Vagabond)