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Victoria M. Mwangome

Monica W. Munene

Our Ref:

Your Ref: **AG/L&E/MICT/137/14**

16th May, 2018

The Honourable Attorney General
Justice (Rtd.) Kihara Kariuki
Sheria House
Harambee Avenue
NAIROBI



*Paper laid by the
Hon- Kimani
Ichungw'ah, MP
on 28/06/2018
ISM*

Dear Sir,

RE: HIGH COURT CASE NO. 617 OF 2012

**AFRISON EXPORT & IMPORT LIMITED & ANOTHER V. THE ATTORNEY
GENERAL & OTHERS**

We refer to the subject matter whereby we act for the plaintiffs.

By a judgment delivered in the matter on 12th February 2013, judgment was entered in favor of our clients for the sum of K.Shs.4, 086,883,330/-. By a consent dated 2nd April 2013 the parties mutually agreed to reduce the judgment amount to K.Shs 2, 400,000,000/-.

It was also agreed that the Government will pay a further sum of K.Shs. 150,000,000/- through our office to M/s D. Njogu & Company Advocates for Continental Finance Limited (in liquidation). We have issued our professional undertakings to the said firm in exchange of the title documents including the Re-Conveyance of mortgage over the subject property.

On 25th August 2014 we received KShs.1, 200,000,000/- pursuant to the said consent being 50% of the principal decretal amount.

By another consent dated 25th March 2015 the Government agreed to pay KShs.600, 000,000/- as interest on the decretal amount which amount was received by us on 20th April, 2015.

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inexplicably paid by your office to the firm of Ahmednassir Abdikadir Advocates despite knowledge that we are on record for the plaintiffs and we hold the completion documents and despite our written protestations. The balance of the decretal amount is therefore K.Shs.521,660,830/-.

There is now in total a sum of KShs.671, 660,830/- (K.Shs. 521,660,830/- + K.Shs. 150,000,000/-) outstanding from the Government inclusive of the said amount due to Continental Credit Finance Limited (in liquidation).

We are holding the original indenture of conveyance for the original portion measuring 96 acres being Land Reference Number 7879/4. The conveyance in respect of the sub-divided portion being purchased by the Government being Land Reference Number 7879/24 is with your office.

The Government cannot however register the conveyance in its favor unless we release the said original indenture of conveyance and re-conveyance to your office for which we have given an undertaking to do upon the payment of the said balance to our office.

The other sub-divided portion being Land Reference Number 7879/25 is where the schools stand and we have been reading about this particular portion recently in the newspapers.

There has been unreasonably long delay of about five years now in payment of the full amount by the Government with the sad result that the Government has not gotten title to the property despite having paid a considerable amount of the decretal amount. We are at a loss to understand why the said outstanding amounts have not been allocated in the budget for all these years given the obvious importance of having a title in favour of the Government.

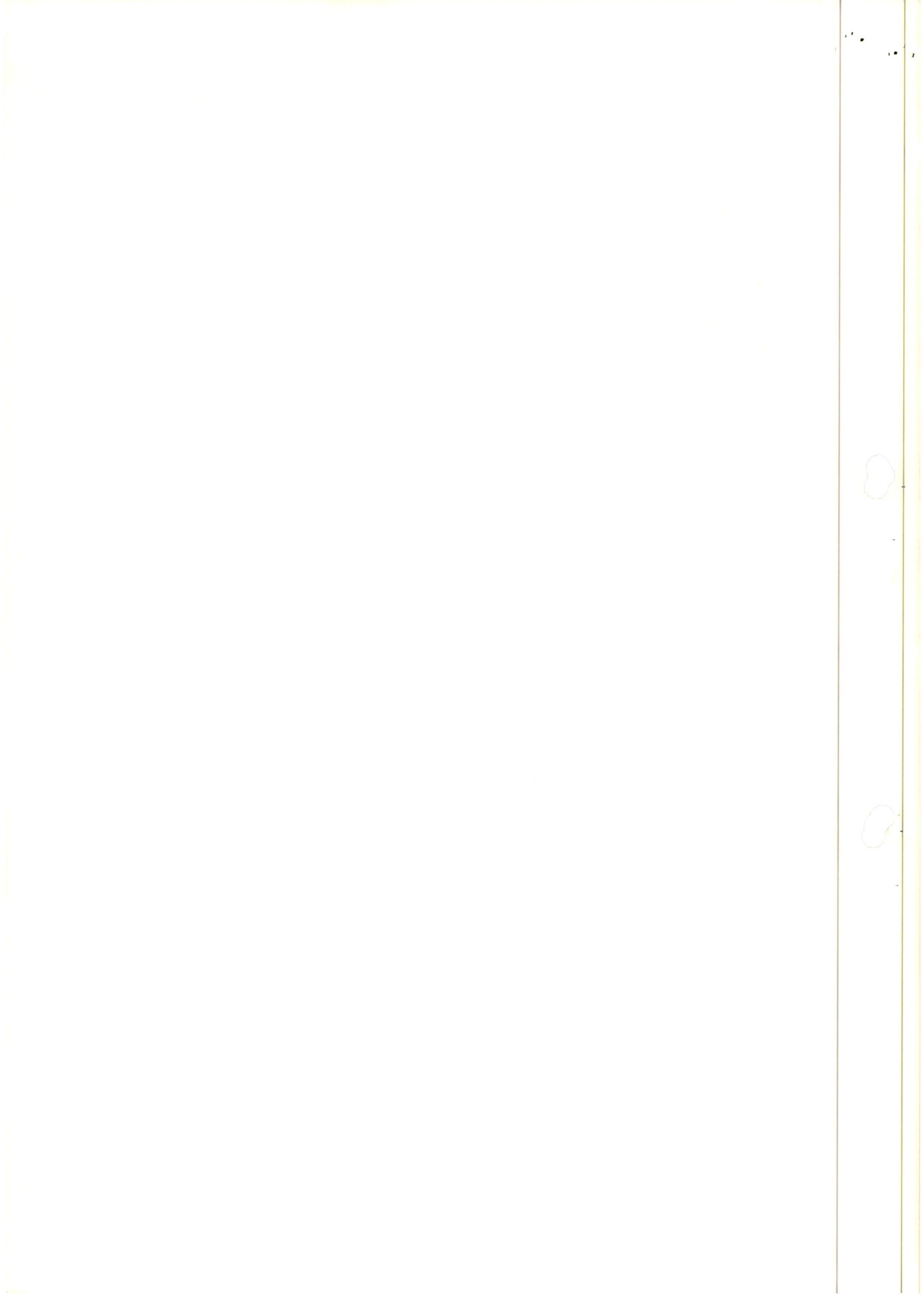
We kindly therefore request you to advise the Treasury to have the said **K.Shs. 671,660,830/-** allocated forthwith and released to us so we can forward the said documents for registration of the title in favour of the Government.

Yours Faithfully,



HARIT SHETH

Cc. The Hon. Solicitor General
Sheria House
Harambee Avenue
NAIROBI



The Principal Secretary to the Treasury
Treasury Building
Harambee Avenue
NAIROBI

The Principal Secretary
Office of the President &
Ministry of Interior and Co-ordination of National Government
NAIROBI

The Chairman
Budget and Appropriations Committee
National Assembly
Parliament Building
NAIROBI



