



Multiple Hauliers (E.A.) Limited v NCBA Bank Kenya Plc (Insolvency Cause E022 of 2021) [2022] KEHC 11256 (KLR) (Commercial and Tax) (30 May 2022) (Ruling)

Neutral citation: [2022] KEHC 11256 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
COMMERCIAL AND TAX
INSOLVENCY CAUSE E022 OF 2021**

WA OKWANY, J

MAY 30, 2022

BETWEEN

MULTIPLE HAULIERS (E.A.) LIMITED APPLICANT

AND

NCBA BANK KENYA PLC RESPONDENT

RULING

1. When this matter came up for directions on May 18, 2022, the advocates for the various parties presented varying positions on the next course of action that the court should take in progressing the case.
2. While Ms Asli learned counsel for the petitioner and Mr Obwogi for a secured creditor argued that the application dated June 9, 2021 had been withdrawn though a notice of withdrawal dated June 15, 2021 and that the administration order was therefore in force, Mr Orare for the company maintained that interim orders of June 16, 2021 suspending the administration were still in force.
3. Mr Ndungu for NCBA, a creditor, submitted that the administration order was stayed and that the application dated June 9, 2021 is still pending.
4. The court then asked the parties to present written arguments on the direction that they seek.
5. I have perused the written submissions by counsel on the presented way forward and I therefore issue the following directions:-
 - a. In line with the direction issued by Majanja J on September 18, 2020 I direct the company to present a written proposal on a settlement plan in respect to the unsecured creditors within 30 days from the date of this order.



- b. The application dated June 9, 2021 be canvassed by way of written submissions to be filed and exchanged before the next mention date. Parties are at liberty to file their respective responses to the said application.
- c. The application dated March 1, 2022 to await the determination of the application dated June 9, 2021.
- d. Mention on June 30, 2022 for further directions.
- e. Interim orders extended.

DATED, SIGNED AND DELIVERED VIRTUALLY AT NAIROBI THIS 30TH DAY OF MAY 2022.

W. A. OKWANY

JUDGE

In the presence of: -

Mr. Wawire for I & M Bank.

Mr. Asli for the petitioner Synergy

Mr. Mwhari for the Company.

Mr. Orare for the Company in E022.

Mr. Ndungu for NCBA Bank.

Mr. Mwhuya for Secured Credit.

Ms Ogula for KCB & Cooperative Bank.

Ms Wanjeru for Kipkorir for Galana Oil.

Mr. Ayub for Obuo for NSSF.

Court Assistant – Sylvia

