



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

COMMERCIAL AND TAX DIVISION

MILIMANI LAW COURTS

HCCC NO. 579 OF 2014

**COMROAD CONSTRUCTION & PLAINTIFF
EQUIPMENT LIMITED**

VERSUS

**IBERDROLA ENGINEERING & DEFENDANT
CONSTRUCTION COMPANY**

RULING

1. The Notice of Motion dated 17th June 2019 is for allowing. It seeks the discharge of Orders made herein on 2nd July 2015 and issued on 9th July 2015.
2. A deposit of substantial amounts of money was ordered to be made pending the hearing and determination of this suit.
3. The dispute between the parties was referred to Arbitration and the Arbitral Tribunal determined it by way of a Final Award on 5th March 2019. This Court has just dismissed an Application to set aside the said award and the same holds. In essence the dispute has been heard and determined.
4. The purpose for which the orders made on 2nd July 2015 and issued on 9th July 2018 are now spent.
5. The Notice of Motion dated 17th June 2019 is allowed with costs.

Dated, Signed and Delivered in Court at Eldoret this 28th Day of April 2020

F. TUIYOTT

JUDGE

ORDER

In view of the declaration of measures restricting Court operations due to the COVID-19 pandemic and in light of the directions issued by his Lordship, the Chief Justice on 17TH April 2020, this Ruling has been delivered to the parties through virtual platform.

F. TUIYOTT

JUDGE

PRESENT: