



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI COMMERCIAL & ADMIRALTY DIVISION

WINDING UP CAUSE NO. 5 OF 1997

IN THE MATTER OF BUS SERVICES CORPORATION

THE STATE CORPORATIONS INSPECTORATE:.....PETITIONER

-VERSUS-

THE NYAYO BUS SERVICE CORPORATION:.....RESPONDENT

KINYOSI KITUNGI :.....APPLICANT

R U L I N G

1. The Winding up Order was issued against the Nyayo Bus Service Corporation (In Liquidation) on 5th May 1997. Since that time, the Official Receiver has never briefed the court on the official status of the Corporation.
2. Pursuant to the demand by one of the Creditors represented by Mr. Agina, the Official Receiver did on 9th October 2014 file a Report on the current status of the Liquidation. I have perused that Report, and it contains gaps and omissions which automatically renders it incomplete. Such shortcomings include:-
 - *The Report does not show whether or not there was a Settlement List of Creditors required under Section 232 of the Companies Act.*
 - *There is no indication whether the Official Liquidator took custody of the assets of Nyayo Bus Corporation (In Liquidation).*
 - *There is no indication whether Public Examination of the Corporation's Officials was undertaken.*
 - *There are no audited Reports for the over 17 years the Liquidation process has been ongoing.*
 - *There are no periodic reports given to the court, since the Winding up was ordered by the court.*
 - *It also appears that some Creditors have been paid through the Office of the President in a process which is not made clear to some of the Creditors.*
3. In that regard, the only sensible thing to do is to require the Official Receiver to do the right thing, and to start the entire process afresh; if need be. In this regard, the court makes the following

orders and directions:-

- a. *The Official Receiver shall within the next 30 days from the date of this Ruling advertise for the meeting of all the Creditors of the Nyayo Bus Service Corporation (in Liquidation).*
- b. *The said meeting shall take place in the offices of the Official Receiver.*
- c. *The aim of the said meeting will be to allow all the Creditors to lodge their claim (if any) against the Official Receiver.*
- d. *The ascertained list of all the Creditors who shall attend that meeting shall be availed to this court on a mention date to be agreed on by the parties.*
- e. *The Official Receiver shall source the funds for the said advertisements within the offices of the Attorney General, failure whereof the Office of the President.*

Orders accordingly.

READ, DELIVERED DATED AND AT NAIROBI THIS 30TH DAY OF JANUARY 2015

E. K. O. OGOLA

JUDGE

PRESENT:

No appearance for the Petitioner

M/s Osicho for the Official Receiver

Teresia – Court Clerk