



**REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA
AT NAIROBI (MILIMANI COMMERCIAL COURTS)
Miscellaneous Application 90 of 2010
IN THE MATTER OF PAN AFRICA CHEMICALS LIMITED
AND**

IN THE MATTER OF THE COMPANIES ACT.

R U L I N G

This ruling relates to a notice of motion application brought under section 102 of the Companies Act, Cap 486 Rule 8(b) of the Companies (High Court) Rules. The said application seeks the following orders:

1. THAT this application be certified urgent and heard exparte.
2. THAT this Honourable Court be pleased to extend the time for the registration of the Charge and Further Debenture from Pan Africa Chemicals Limited to Bank of Baroda (Kenya) Limited dated 17th November, 2009.
3. THAT the costs of this application be in the cause.

During the hearing of the application, the applicant’s counsel, Mrs. Jan Mohammed submitted that the reason for the urgency is that a loan is to be disbursed to Pan Africa Chemicals Limited. However, until the Charge and Further Debenture are registered at the Company’s Registries the funds cannot be disbursed. She further informed the court that the requisite 42 days period had already expired. Apart from the above, she also submitted that Mr. Menezes Advocates sent her the documents on 30th November, 2009. Consequently on 2nd December 2009, they presented the documents at the Company’s registry but they were rejected on the ground that stamp duty had not been paid since one document was collateral on another. Thereafter, she wrote a letter to her instructing advocate on 3rd December, 2009, and she received his response on the following day. On going to the Commissioner of Lands on 8th December, 2009 they rejected the document again. It was only on 4th January 2010 that they were able to convince the above office that all was well.

After carefully considering the application together with the annexures, I hereby grant the same in terms of prayer No. 2. specifically, I hereby direct that the time for the registration of the charge and further debenture from Pan Africa Chemicals Limited to Bank of Baroda (Kenya) Limited dated 17th November, 2009 be extended for thirty (30) days from today.

Those are the orders of this court.

**MUGA APONDI
JUDGE**

Ruling read signed and delivered in open court in the presence of:

.....Applicant’s Counsel

MUGA APONDI
JUDGE
15TH FEBRUARY 2010