



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**(MILIMANI COMMERCIAL & TAX DIVISION)**

**MISCELLANEOUS CIVIL APPLICATION NO. 69 OF 2011**

**IN THE MATTER OF: DISCOUNT SECURITIES LIMITED (Under Statutory Management)**

**AND**

**IN THE MATTER OF: AN APPLICATION UNDER SECTION 33A (3) OF THE CAPITAL MARKETS ACT,  
CHAPTER 485A LAWS OF KENYA.**

**IN THE MATTER OF: AN APPLICATION BY THE CAPITAL MARKETS AUTHORITY FOR AN  
EXTENSION OF THE**

**PERIOD OF APPOINTMENT OF THE STATUTORY MANAGER OF DISCOUNT SECURITIES LIMITED**

**R U L I N G**

On 2<sup>nd</sup> February, 2011 the applicant filed an originating notice of motion application under Section 33A (3) of the Capital Markets Act, Cap 485A seeking the following orders.

1. The period of statutory management of Discount Securities Limited be extended for a further period of 6(six) months.
2. Directors be given as to which parties are to be notified of the order made herein pursuant to Section 33A(3) of the Capital Markets Act Cap 485A Laws of Kenya..
3. The costs of this application be provide for.

The application is supported by the supporting affidavit of Johnson Ole Tetia. In his affidavit he was able to explain the amount of work that he was able to complete within the last 6 months. The said accomplishments are clearly set out in paragraph 8 and 11 of his affidavit. Apart from the above, the deponent has also explained in paragraph 12 that there are some pending assignments which related to

- (a) Sale of moveable assets

- (b) Verification of accounts
- (c) Investigation, tracing and recovery of assets
- (d) Submission of an interim statutory management report.
- (e) Establishment of an investor compensation fund.

After carefully considering the application together with the affidavit annexed herein, I hereby concede to the application by extending the period of statutory management for only a period of 3 months from today. This court is satisfied that if the statutory manager performs his duties diligently, and in an efficient manner he should be able to accomplish his tasks. Secondly, I hereby direct that all the interested parties who include the creditors, the debtors, and shareholders should be informed about this new development within the next 30 days through one of the daily newspapers.

Those are the orders of the court.

**MUGA APONDI**

**JUDGE**

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

Mr. Murugara - Applicant's Counsel

**MUGA APONDI**

**JUDGE**

**10<sup>TH</sup> FEBRUARY, 2010**