



**Chabra v Bhogals Garage Limited (Cause E105 of 2024)
[2025] KEELRC 2395 (KLR) (29 August 2025) (Ruling)**

Neutral citation: [2025] KEELRC 2395 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAKURU
CAUSE E105 OF 2024**

**J RIKA, J
AUGUST 29, 2025**

BETWEEN

BAL KRISHAN CHABRA CLAIMANT

AND

BHOGALS GARAGE LIMITED RESPONDENT

RULING

1. Rule 29 [5] of the E&LRC [Procedure] Rules, 2024 states that, the Court may, on an application, extend or reduce the time within which a responding party may respond to a pleading.
2. Rule 80 augments the above Rule, stating that, the Court may, upon application, or on its own motion, extend any time prescribed under these Rules, or such time as may be stipulated in an order of the Court.
3. Relying on these Rules, the Respondent has applied, through its application dated 28th January 2025, that the Court be pleased to extend the time for responding to the Statement of Claim by 12 weeks from the making of the order.
4. The Claim was filed on 20th January 2025. The Notice of Summons is indicated to have been received by the Respondent on 23rd January 2025.
5. Rule 29 [1] stipulates that a party who is served with the Statement of Claim, shall, within 28 days or such a shorter time as the Court may direct in urgent matters, enter appearance and file and serve a Response to the Claim.
6. The Respondent does not seem to have entered appearance, but filed a notice of appointment of Advocates dated 28th January 2025, and the application bearing the same date.
7. The application is founded on the affidavit of Harbinder Singh Bhogal, a Director of the Respondent, sworn on 28th January 2025 and his further affidavit sworn on 29th May 2025.



8. He explains that the Claimant was the Respondent's Managing Director. During his tenure, allegations of tax fraud were levelled against the Respondent by Kenya Revenue Authority [KRA].
9. Investigations by KRA are ongoing. The findings are important to the Respondent, in responding to the Statement of Claim.
10. The Respondent states that in addition to the KRA exercise, a separate audit process is underway. It is a detailed process, which will culminate in uncovering the Claimant's role. It will take a bit of time.
11. The Respondent therefore pleads for time to respond to the Claim.
12. The application is opposed by the Claimant, through his affidavit, sworn on 13th March 2025.
13. His position is that the application does not have merit. Audits by KRA are routine, and whatever issues are raised, are to be answered by the taxpayer. At the time he was constructively dismissed by Bhogal, the Claimant states that the Respondent's accounts had been audited by external auditors PKF. They were submitted to the Respondent and to KRA.
14. The Respondent have had more than 3 years since constructively dismissing the Claimant. It has had more than enough time to gather evidence. The application is meant to obfuscate issues, and is highly prejudicial to the Claimant.
15. Parties agreed to have the application considered, and determined, on the strength of their affidavits and submissions. The application was last mentioned on 1st July 2025 when it was reserved for ruling.

The Court Finds: -

16. The Claimant pleads that he was forced to retire, by then vice-chairman of the Respondent Bhogal, on 7th January 2022.
17. The Respondent has had adequate time, to investigate any financial irregularities attributed to the Claimant, for over 3 years.
18. There is evidence that the Respondent's accounts were audited by external auditors at the time the Claimant was at the helm. The audit report was shared with the Respondent and KRA.
19. Whatever additional investigations and/or audit are being carried out by KRA and other external auditors, cannot be a justifiable reason for the Respondent to delay in filing its Statement of Response.
20. Rule 29[2] of this Court's Procedure Rules, regulates Statements of Response. It elaborately outlines the contents of a Statement of Response. This does not include evidence, such as the Respondent alleges it needs, to respond.
21. Rule 32 [4] clarifies that pleadings may contain evidence. Evidence is not a mandatory requirement in filing the initial pleadings.
22. Parties must first file and exchange their pleadings, in accordance with the timelines given under the Rules.
23. Bundles of documents to be relied on can always be introduced later, before the Claim is scheduled for hearing.
24. The Court has an obligation to hear and conclude Claims filed before it, expeditiously. Failure to file a Statement of Response within the prescribed time, results in formal proof, under Rule 40[3].



25. It is noted that the Respondent received the Statement of Claim on 23rd January 2025, over 8 months ago. This is far in excess of 12 weeks sought by the Respondent, to file its Statement of Response.

It is ordered: -

- a. The application dated 28th January 2025 filed by the Respondent is declined.
- b. The Respondent shall file and serve its Statement of Response within 14 days of delivery of this Ruling, in default, the Claim is scheduled for formal proof.
- c. Costs in the cause.

DATED, SIGNED AND DELIVERED ELECTRONICALLY AT NAKURU, PURSUANT TO RULE 68[5] OF THE E&LRC [PROCEDURE] RULES, 2024, THIS 29TH DAY OF AUGUST 2025.

James Rika

Judge

