



**Molonket v East Africa Portland Cement (Cause 198 of 2019)
[2024] KEELRC 2573 (KLR) (24 October 2024) (Ruling)**

Neutral citation: [2024] KEELRC 2573 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE 198 OF 2019
S RADIDO, J
OCTOBER 24, 2024**

BETWEEN

LUCY RIMANTO MOLONKET CLAIMANT

AND

EAST AFRICA PORTLAND CEMENT RESPONDENT

RULING

1. Lucy Rimanto Molonket (the Claimant) caused her Bill of Costs to be taxed on 19 August 2024. The Claimant was dissatisfied with the taxation of the instructions fees and consequently, getting up fees.
2. The Claimant, therefore, filed a Reference on 12 September 2024.
3. The Respondent filed a replying affidavit in opposition to the Reference on 2 October 2024.
4. The Court took brief oral submissions from the parties on 23 October 2024.
5. The Court has considered the Reference, affidavits and submissions.
6. It is not in dispute that the Court awarded the Claimant Kshs 15,165,782/-.
7. Paragraph 1(b) of Schedule 6 of the Advocates Remuneration Order sets out the scales of fees applicable. The fees are computed on a graduated basis at the levels of Kshs 500,000/-, Kshs 750,000/-, Kshs 1,000,000/- and ultimately 2% of the balance decretal sum.
8. While taxing the Claimant's Bill of Costs, the Taxing Officer appears to have simply arrived at the sum of Kshs 403,315/- without any explanation (2% of the Kshs 15,165,782/- awarded in the judgment is Kshs 303,315/-).
9. The Taxing Officer then calculated 1/3 of Kshs 403, 315/- to get the getting up fees of Kshs 134,438/-.
10. This Court, therefore, finds that the Taxing Officer fell into an error of principle.



Orders

11. The Reference is allowed with an order that the parties appear before a different Taxing Officer for purposes of re-taxing the instructions fees and getting up fees.
12. Costs of the Reference in the cause.

DELIVERED VIRTUALLY, DATED AND SIGNED IN NAIROBI ON THIS 24TH DAY OF OCTOBER 2024.

Radido Stephen, MCI Arb

Judge

Appearances

For Claimant J.A. Guserwa & Co Advocates

For Respondent Iseme, Kamau & Maema Advocates

Court Assistant Wangu

