

REPUBLIC OF KENYA

IN THE EMPLOYMENT AND LABOUR RELATIONS COURT OF KENYA

AT NAIROBI

CAUSE NUMBER 1065 OF 2017

PANYAKO KEFA EMOJONG....CLAIMANT/RESPONDENT

VERSUS

DEVKI STEEL MILLS LTD.....RESPONDENT

RULING

1. The respondent herein filed a memorandum of review dated 3rd July, 2018 in which it seeks review of the order of the court made on 26th June, 2018. The order sought to be reviewed required the respondent to furnish the claimants with KRA P9 forms for the period 2000-2015 since tax records were a statutory obligation.

2. The respondent in the review application has stated that it has complied with the order of the court and further under section 74(d) it was only required to keep employment records for 36 months. The court has noted that there is no substantive suit filed together with the Motion dated 22nd June, 2018.

3. The interim orders therefore cannot be granted indefinitely or rather as final orders without a substantive suit. The dispute herein seems to be over the respondent's tax compliance with regard to the claimants. If this be the case, the issue ought to be taken up with the relevant authorities which in this case is Kenya Revenue Authority which has powers to demand of the respondent to produce tax compliance records.

4. In the circumstances the court will grant the review application and direct that the issue if still relevant be pursued with assistance of KRA. There being no substantive suit pending the matter is hereby ordered closed.

5. It is so ordered.

Dated at Nairobi this 24th day of May 2019

Abuodha J. N.

Judge

Delivered this 24th day of May 2019

Abuodha J. N.

Judge

In the presence of:-

.....for the Claimant and

.....for the Respondent.