

Summary of Judgement

URUGAGA RW'ABAVOKA mu Rwanda mu izina ry'umuyobozi v. ISPA LTD mu izina ry' Umuyobozi wayo KANINGU Yvon

Rwanda TB KICUKIRO -RS/SCP/RCOM 00005/2021/TB/KICU 2021-09-20

ikirego gishingiye ku kiburanwa gifite agaciro gato -(umwenda ungana 4,430,000frw)

Facts:

Held: Urukiko rurasanga rero mu kumenya icyaregewe, hatashingirwa gusa ku buryo cyanditse, ahubwo hagomba kurebwa ibisabwa na buri buburanyi nkuko ingingo ya 6 yitegeko n° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize yimanza zimbenezamubano, izubucuruzi, izumurimo nizubutegets, bigaragazwa ninyandiko itanga ikirego ninyanzuro yo kwiregura, bikaba byagaragajwe haruguru ko icyo Urugaga rw'Abavoka mu Rwanda rugamije , ari ugutegeka ISPA Ltd kwishyura umwenda uregerwa , kandi ukaba ushingiyeye ku iburanwa cy'agaciro gato hashingiye ku ingingo ya 201 yitegeko n° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize yimanza zimbenezamubano, izubucuruzi, izumurimo nizubutegets cyane ko n'urega muri note and attachment ubwo yasabaga ko ikirego cyeyahabwwe n'umubanyi w'urubanza yagaragaza ga ko ikirego gishingiye ku kiburanwa cyagaciro gato uregwa kandi nawe mu myanzuro ye bikagaragara ko ari muri ubwo buryo yireguyemo. 11.Urukiko rushingiyeye ku ingingo zigaragajwe mu gika kibanziriza iki ndetse no no kunyandiko zitandukanye zagaragajwe muri systeme zigaragaza amasezerano impande zombi zifitanye ndetse n'umwenda wishyurizwa uregwa .» rurasanga ISPA LTD igomba kwishyura Urugaga rw'Abavoka mu Rwanda miliyoni enye n'ibihumbi Magana ane na mirongo itatu (4,430,000frw) akomoka amasezerano yo gukodesha umwanya ku nzu yarwo y'ubucuruzi, hagashigirwa ku ingingo ya 209 yitegeko N° 21/2018 ryerekeye imiburanishirize y'imanza zimbenezamubano izubucuruzi, izumurimo n'izubutegets aho ivuga ko «Umucamanza uburanisha imanza zishingiye ku kiburanwa gifite agaciro gato asesengura ibimenyetso, akabaza ababuranyi ibibazo bigamije mbere na mbere gutahura ukuri kandi akabafasha kukwemeranyaho igihe cyose bishoboka, hanyuma agahita afata icyemezo ashingiyeye ku byabaye no ku mategeko n'ibimenyetso » .

Judgment:

RWEMEYE kwakira no gusuzuma ikirego cyatanzwe n' Urugaga rw'Abavoka mu Rwanda rugisuzumye rusanga gifite ishingiro kuri bimwe;

RUTEGETSE ISPA LTD kwishyura Urugaga rw'Abavoka mu Rwanda miliyoni enye n'ibihumbi Magana ane na mirongo itatu (4,430,000frw) akomoka amasezerano yo gukodesha umwanya ku nzu yarwo y'ubucuruzi ;

RUTEGETSE ISPA LTD kwishyura Urugaga rw'Abavoka mu Rwanda amafaranga y'ikurikiranarubanza ahwanye n'ibihumbi magana abiri na mirongo itatu nakimwe n'amafaranga Magana atanu akubiyemo n'igarama ry'urubanza (231,500frw);

RUTEGETSE ISPA LTD kwishyura Urugaga rw'Abavoka mu Rwanda amafaranga yose yaciwe mugihe kitarenze iminsi mirongo itatu (30 Jours).

RWIBUKIJE ababuranyi ko uru rubanza rutajurirwa

No cases referred to.

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Statutes and statutory instruments referred to: ingingo ya 6,12, 200,208, 209,2010 cpccsa 2 , 4 yitegeko N°15/2004 ryo kuwa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, iteganyako