**Cogecot Cotton Co Ltd v Tanzania Marketing Board**

**Division:** High Court of Tanzania at Dar-Es-Salaam

**Date of Ruling:** 26 January 2000

**Case Number:** 34/96

**Before:** Mapigano J

**Sourced by:** A Bade

**Summarised by:** H K Mutai

*[1] Bankruptcy – Attachment of property – Application by decreee – Holder to sell attached assets belonging to public corporation – Corporation placed under receivership of Parastatal Sector Reform*

*Commission – Whether attached property should be released to receiver – Section 43 – Public*

*Corporations (Amendment) Act 1993 – Sections 9(1), 38 and 45 – Bankruptcy Ordinance (Chapter 25).*

**Editor’s Summary**

The powers vested in the Parastatal Sector Reform Commission under section 43 of the Public Corporations (Amendment) Act go beyond those vested in an ordinary receiver under the Bankruptcy Ordinance. Those powers include, *inter alia*, the power to write off any debt of a private debtor and the power to reschedule the payment of such debt. Accordingly, the inference must be drawn that where the Commission has been constituted the official receiver of a specified public corporation, a decreeholder’s title over attached property does not prevail over that of the Commission.

**No cases referred to in judgment**