

THE REPUBLIC OF UGANDA
PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS APPEALS
TRIBUNAL

MISCELLANEOUS APPLICATION NO. 4 OF 2024 (ARISING FROM
APPLICATION NO. 9 OF 2024- QUALITY INSPECTION SERVICES INC
JAPAN VS. UGANDA NATIONAL BUREAU OF STANDARDS)

BETWEEN

AUTO TERMINAL JAPAN LIMITED,
PAL AUTO GARAGE LTD,
AFRICA AUTOMOTIVE ANALYSIS LTD JV::::::::::::::::::::: APPLICANT

AND

- 1. UGANDA NATIONAL BUREAU OF STANDARDS**
- 2. QUALITY INSPECTION SERVICES INC. JAPAN:::::::::::::::::RESPONDENT**

BEFORE: NELSON NERIMA; THOMAS BROOKES ISANGA; GEOFFREY
NUWAGIRA KAKIRA; PAUL KALUMBA; CHARITY KYARISIIMA; AND
KETO KAYEMBA, MEMBERS

Representation:

Mr. Mark Kizza for the Applicant

Mr. Kakuru Luke; Ms. Doreen Nanvule; and Mr. Hassan Walusimbi, and,
counsel for the 1st Respondent

Mrs Olivia Kyarimpa Matovu, Mr. Martin Kakuru and Mr. Saad Seninde
for the 2nd Respondent

RULING

The Applicant is one of the three Best Evaluated Bidders (namely: *Consortium of EAA Company Ltd and East Africa Auto Technical Testing; Auto Terminal Japan Limited, Pal Auto Garage Ltd, Africa Automotive Analysis Ltd JV; and Quality Inspection Services Inc Japan*) in the emergency procurement for the provision of pre-export verification of conformity to standards-service providers for used motor vehicles under procurement no. UNBS/NCONS/2023-2024/00052 by Uganda National Bureau of Standards (UNBS).

The Applicant is the 3rd Respondent to Tribunal Application No. 09 of 2024 wherein *Quality Inspection Services Inc. Japan* challenges the tender award.

The Applicant seeks leave to deliver interrogatories in writing to the 1st and 2nd Respondents.

In the process of presenting Interrogatories, the party interrogating may put questions for the purpose of extracting from his opponent information material to the questions between them or for purposes of securing admissions as to those facts in order so that the expense and delay may be saved. See: ***Omar Vrs. Gordhanbhai & Another (1974) EA 518.***

In deciding whether the order should be made, the Court is to be guided by whether the Interrogatories are necessary for disposing of the suit fairly; or for saving costs. See: ***Sebastian R. D'Souza & Others Vrs. Charles Clemente Ferrao (1959) EA 1000.***

Therefore, in deciding whether an order for interrogatories should be made, the court is guided by first, whether the interrogatories are necessary for disposing of the suit fairly.

The overriding objective of the *Public Procurement and Disposal of Public Assets (Tribunal) (Procedure) Regulations* is to enable the Tribunal to deal with applications expeditiously, fairly and justly. The Tribunal tries to avoid unnecessary formality and seeks flexibility to the greatest extent possible. The Tribunal does not strictly observe the rules of evidence.

In the course of a hearing, the Tribunal may put questions to the parties and their witnesses in order to elicit further relevant evidence.

The Tribunal is able to ask the questions which the Applicant seeks to ask through interrogatories. The interrogatories in the instant case are therefore not necessary for disposing of the main Application fairly.

Secondly, allowing interrogatories will necessitate an adjournment of the main Application to enable the Respondents reasonable time to file answers by affidavit. Any adjournment will affect the strict statutory timeline of 15 working days within which the Tribunal is required to make a decision. The main Application was filed on February 15, 2024. The Tribunal must render a decision not later than March 15, 2024.

For the above reasons, the application to deliver interrogatories to the Respondents is denied.

Each party to bear its own costs.

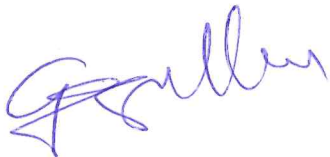
Dated at Kampala this 1st day of March, 2024.



**NELSON NERIMA
MEMBER**



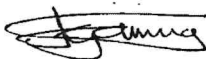
**THOMAS BROOKES ISANGA
MEMBER**



**GEOFFREY NUWAGIRA KAKIRA
MEMBER**



**PAUL KALUMBA
MEMBER**



**CHARITY KYARISIIMA
MEMBER**



**KETO KAYEMBA
MEMBER**