

**THE REPUBLIC OF UGANDA
IN THE PUBLIC PROCUREMENT AND DISPOSAL OF PUBLIC ASSETS
APPEALS TRIBUNAL AT KAMPALA**

**INTERLOCUTORY APPLICATION NO. 3 OF 2022
(ARISING FROM REGISTRY APPLICATION NO. 18 OF 2022)**

NUMANI MUBIAKULAMUSA =====APPLICANT

VERSUS

- 1. UGANDA REVENUE AUTHORITY**
- 2. MEERA INVESTMENTS LIMITED=====RESPONDENTS**

BEFORE: NELSON NERIMA; PATRICIA K. ASIIMWE, THOMAS BROOKES ISANGA; GEOFFREY NUWAGIRA KAKIRA; AND CHARITY KYARISIIMA, MEMBERS

Representation:

Mr Peter Mukidi Walubiri and Mr. Hannington Mutebi for the Applicant
Ms. Patricia Ndagire and Ms. Christa Namutebi for the 1st Respondent
Mr. Nelson Walusimbi for the 2nd Respondent

RULING

Uganda Revenue Authority (the 1st Respondent herein), initiated a procurement for the provision of office space for Kampala Metro- *Retender*, South and North Tax Offices, under Procurement Ref No: URA/CSD/NCON/21-22/01385/02398 using Open Domestic Bidding Method.

The Applicant was declared as the best evaluated bidder for Lot 1- Kampala Metro, vide a notice of best evaluated bidder dated 30th May 2022.

On 7th June 2022, Meera Investments Limited (the 2nd Respondent herein), one of the unsuccessful bidders, applied to the Accounting Officer for administrative review of the award decision.

On 22nd June 2022, Meera Investments Limited (the 2nd Respondent herein) filed Registry Application No. 18 of 2022 in this Tribunal against Uganda Revenue Authority (the 1st Respondent herein), seeking administrative review of the decision to award the tender to the Applicant. Meera Investments Limited (the 2nd Respondent herein) averred that the Accounting Officer had failed to make and communicate a decision regarding the complaint filed on 7th June 2022.

The Tribunal had by letter dated 22nd June 2022, addressed to the Applicant herein as a Best Evaluated Bidder, invited him to make any submissions if he so wished to Registry Application No. 18 of 2022.

On 30th June, 2022, the Applicant, through his lawyers *M/S KBW Advocates*, filed written arguments in response to Registry Application No. 18 of 2022.

On June 23, 2022, counsel for Meera Investments Limited, the Applicant in Registry Application No. 18 of 2022 (2nd Respondent herein) had however filed a letter, indicating that it was no longer interested in pursuing Registry Application No. 18 of 2022 and prayed that the same be withdrawn. The hearing of the request to withdraw was set down for 7th July, 2022.

On the same day 7th July, 2022, the Applicant herein filed the instant Interlocutory Application No. 3 of 2022, seeking orders to be joined as a party to the request to withdrawal and hearing of Application No. 18 of 2022.

On 8th July, 2022, counsel for Meera Investments Limited filed a letter retracting its letter to withdraw Registry Application No. 18 of 2022 and prayed that the matter be heard on merit.

The 2nd Respondent herein (Meera Investments Ltd) has by letter dated 8th July, 2022, conceded to this Interlocutory Application.

The 1st Respondent did not file an affidavit in reply. However, counsel for the 1st Respondent submitted that it was not necessary to add the Applicant as a Respondent since he had already been invited to respond to Registry Application No. 18 of 2022; and he has not filed his own complaint under section 89 of the *Public Procurement and Disposal of Public Assets Act*.

We note that the invitation to the Applicant herein to make submissions in Registry Application No. 18 of 2022 was premised on the ground that the outcome thereof may affect his rights as the original best evaluated bidder. The Tribunal had already deemed it necessary to hear from him so that we can effectually and completely adjudicate upon and settle all questions involved in the Application consistent with the principles of fair hearing. The Applicant has already filed written arguments in response to Registry Application No. 18 of 2022.

His addition as a party will avoid a multiplicity of applications regarding the impugned procurement. The Applicant herein is therefore a necessary party within the meaning of Order 1 Rule 10 of the *Civil Procedure Rules*.


Order:


The Application is allowed.


The Applicant, Numani Mubiakulamusa, is hereby added as the 2nd Respondent to Registry Application No. 18 of 2022.

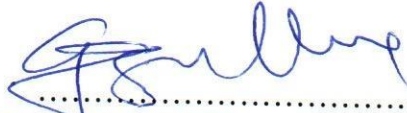
Costs of this application shall be in the cause.

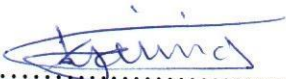
Dated this 11th day of July 2022.


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NELSON NERIMA
MEMBER


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PATRICIA K. ASIMWE
MEMBER


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THOMAS BROOKES ISANGA
MEMBER


.....
GEOFFREY NUWAGIRA KAKIRA
MEMBER


.....
CHARITY KYARISIIMA
MEMBER