

IN THE FEDERAL HIGH COURT OF NIGERIA
IN THE ABUJA JUDICIAL DIVISION
HOLDEN AT ABUJA
ON TUESDAY, THE 24TH DAY OF JANUARY, 2017
BEFORE HIS LORDSHIP, THE HON. JUSTICE G.O. KOLAWOLE
JUDGE

SUIT NO. FHC/ABJ/CS/915/2015

IN THE MATTER OF KANN UTILITY COMPANY LIMITED
IN THE MATTER OF THE COMPANIES AND ALLIED MATTERS
ACT CAP.C20 LAWS OF THE FEDERATION OF NIGERIA, 2010

AND IN THE MATTER OF AN APPLICATION FOR LEAVE TO
APPLY FOR A WRIT OF CERTIORARI AND PROHIBITION AND
OTHER RELIEFS BY WAY OF JUDICIAL REVIEW

BETWEEN:

CEC AFRICA INVESTMENTS LIMITED ::::::::::: APPLICANT

AND

- | | | |
|---|---|--------------------|
| <ol style="list-style-type: none">1. CORPORATE AFFAIRS COMMISSION2. KANN UTILITY COMPANY LIMITED3. XERXES GLOBAL INVESTMENT LIMITED | } | RESPONDENTS |
|---|---|--------------------|

RULING

In view of the information which both learned Counsel have given to the Court which relates to an "Arbitral Award" rendered on

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ABUJA

Signature... *AS*
Date... 25/1/17
Abu S. O
(C O C O)

28/10/16 between the Applicant herein and the 3rd Respondent, the learned Counsel shall be required to file and serve a written address to argue the issues to the legal effect and implication of the said "Award" on the pending suits in this Court.

The Applicant's Counsel shall within five (5) days file and serve his written address on this issue, whilst the 3rd Respondent's Counsel shall upon being served with the Applicant's written address, file and serve their Reply to the Applicant's written address. The Applicant's Counsel when served with the 3rd Respondent's written address as a Reply, shall be at liberty within 5 days of service, to file a Reply on Points of Law to the 3rd Respondent's address.

In view of the absence and non representation of the 1st and 2nd Respondents' Counsel, both the 1st and 2nd Respondents shall when served with the Applicant's written address, within ten (10) days thereof, file their respective written Replies to the Applicant's written address. The Applicant's learned Counsel, shall obtain a certified true copy of this Ruling and effect its service on the 1st and 2nd Respondents' Counsel.

The addresses which I have called up further to the proceedings of 7/11/16, are to assist this Court in taking a decision as to the

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Signature.....
Date..... 25/11/17

continued prosecution or otherwise, of this suit and the sister suit filed by the 3rd Respondent in Court No.8 which upon the demise of the Hon. Justice E.S. Chukwu was re-assigned to this Court and which I have decided to consolidate with the instant suit.

The decision which this Court will render on the addresses ordered to be filed, shall determine the success or otherwise of this suit and the sister suit consolidated because, this Court has a duty, not only to exercise its powers to enforce "Arbitral Awards" duly made by Arbitration Panels properly constituted and pursuant to the agreement of parties to it, but must exercise its *judicial powers* to disallow any party from taking steps that are intended to render such proceedings and award made therefrom, *nugatory* and *ineffective*.

I have expressed this view, so that both parties and their Counsel will fully appreciate the enormity of the assignment which they have because, the addresses which are required to be filed and served within the time frame I have prescribed, will in effect, "*short circuit*" the full hearing of two substantive suits without taking any arguments on the processes filed in both suits.

Let me also state that the addresses which both Counsel shall file, shall not exceed in all, twenty-five (25) pages.

This case is adjourned to 17/2/17 at 11.00a.m for the adoption of the written addresses filed and exchanged on the issues which I have defined in this Ruling.

A fresh hearing notice of the adjourned proceedings, shall be issued and served on the 1st and 2nd Respondents' Counsel on the record.

Adjourned 17/2/2017 at 11.00a.m.



HON. JUSTICE G.O. KOLAWOLE
JUDGE
24/1/2017

COUNSEL'S REPRESENTATION:

- 1. ETIGWE UWA, SAN with him are M. MICHAEL, ESQ. and MS. CHRISTABLE BENEBO for the PLAINTIFF.**
- 2. MRS. I.K. UWALAKA with her is B. ADEWUMI, ESQ. for the 3RD DEFENDANT.**
- 3. 1ST and 2ND DEFENDANTS are not represented by COUNSEL.**

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Signature.....
Date..... 25.1.17

Abu SO
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