



**IN THE EAST AFRICAN COURT OF JUSTICE
AT ARUSHA
FIRST INSTANCE DIVISION**



*(Coram: Monica K. Mugenyi, PJ; Faustin Ntezilyayo, DPJ; Fakihi A. Jundu, J
Audace Ngiye, & Charles Nyachae, JJ)*

REFERENCE NO.8 OF 2017

PONTRILAS INVESTMENTS LIMITED..... APPLICANT

VERSUS

CENTRAL BANK OF KENYA 1ST RESPONDENT

**THE ATTORNEY GENERAL OF THE REPUBLIC
OF KENYA2ND RESPONDENT**

4TH JULY, 2019

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RULING ON OF THE COURT

A. INTRODUCTION

1. The instant Reference, **No.8 of 2017**, was filed by Pontrilas Investments Limited ('the Applicant') on 31st August, 2017. The thrust of the Reference is the Applicant's contention that the Respondents breached their obligations under the Treaty for the Establishment of the East African Community, ('the Treaty') and in particular Articles 6, 7(2) and 8(1)(c) thereof, as well as the Protocol for the Establishment of the East African Monetary Union ('the Protocol') as regards supervision of Imperial Bank of Kenya Limited and actions related thereto.
2. The First Respondent is the Central Bank of Kenya, and the Second Respondent is the Attorney General of the Republic of Kenya. The said Respondents filed Responses to the Reference, on 30th January, 2018 and 18th January 2018 respectively.
3. By a Notice of Preliminary Objection, also filed on 30th January, 2018, the First Respondent prayed that the Court do dismiss the Reference as against it, with costs, on the following grounds:
 - a. **That this Court lacks jurisdiction over the First Respondent;**
 - b. **That this Court lacks jurisdiction to determine and grant the reliefs sought;**
 - c. **That the Reference is time barred;**
 - d. **That the Reference is bad in law and has been filed contrary to the provisions of the Treaty;**

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