

THE REPUBLIC OF UGANDA
IN THE SUPREME COURT OF UGANDA
AT KAMPALA

TAXATION REFERENCE NO. 0001 OF 2023

(Arising from Tax Applications No. 6 and 7 of 2022 and Civil Appeal No. 07 of 2020)

BANK OF UGANDA ::: APPLICANT

VS.

1. SUDHIR RUPARELIA

2. MEERA INVESTMENTS LTD ::: RESPONDENTS

(Reference arising out of the rulings of the Registrar, Her worship Ssali Harriet Nalukwago in Taxation Applications No. 6 and No. 7 of 2022 in the taxation of costs for Civil Appeal No. 7 of 2020)

RULING OF CHIBITA, J.S.C

This is a reference under r. 106(1) and (3) of the Rules of this court from the ruling of the Registrar in her capacity as taxing officer. She taxed two bills of costs of the successful appellants (now respondents), each at 54,185,433,421/= making a total of **108,370,866,842/** (*One Hundred Eight Billion, Three Hundred Seventy Million, Eight Hundred Sixty-Six Thousand, Eight hundred forty-five Shillings.*)

The reference was premised on the following grounds;

- 1. The taxing officer erred in law when she taxed and allowed double awards of costs to the same law firm which represented both respondents in the appeal.**



2. The taxing officer erred in law and fact when she taxed and allowed amounts in the bills of costs which were manifestly excessive thus arriving at wrong decisions thereby occasioning a miscarriage of justice.
3. The taxing officer erred in the computation of the total amount of costs in the sum of UGX 54,185,433,421/=.
4. The taxing officer applied wrong principles in assessing and allowing quantum of instruction fees of UGX 45,860,682,725.90/= for each bill of costs in the appeal, which was manifestly excessive in the circumstances.
5. The taxing officer applied wrong principles in assessing and allowing the quantum of instruction fees of UGX 50,000,000= in Miscellaneous Application No. 33 of 2020, which was manifestly excessive in the circumstances.
6. The taxing officer applied wrong principles in assessing and allowing the quantum of instruction fees of UGX 50,000,000= in Miscellaneous Application No. 32 of 2020, which was manifestly excessive in the circumstances.
7. The taxing officer applied wrong principles in assessing and allowing the quantum of instruction fees of UGX 50,000,000= in Miscellaneous Application No. 39 of 2020, which was manifestly excessive in the circumstances.
8. The taxing officer applied wrong principles in assessing and allowing the quantum of instruction fees of UGX 50,000,000= in Miscellaneous Application No. 02 of 2020, which was manifestly excessive in the circumstances.

- 9. The taxing officer erred in law and fact in assessing and allowing amounts for drawings, copies thereof, attendances and perusals.**
- 10. The taxing officer erred in law in assessing and allowing Value Added Tax in the absence of a tax certificate of registration on the file.**
- 11. The taxing officer erred in law and fact in assessing and allowing amounts for disbursements which were not proved.**

The applicant sought for orders that;

- a. The decision of the taxing officer overruling the preliminary objection be set aside.*
- b. The decision of the taxing officer of making double awards of fees be set aside.*
- c. The Honorable Court makes such deductions and /or variations as will render the bills of costs reasonable.*
- d. The decision of the taxing officer in awarding Value Added Tax be set aside.*
- e. The decision of the taxing officer in assessing and awarding costs to the 2nd Respondent in proceedings to which it was not a party be set aside.*
- f. The decision of the taxing officer in awarding amounts for drawings, copies thereof, attendances and perusals be set aside and / or varied.*
- g. The respondents pay the costs of this reference to the Applicant.*

