

URUKIKO RWISUMBUYE RWA NYARUGENGE, RURI I NYARUGENGE, RUHABURANISHIRIZA IMANZA Z'UBUTEGETSI MU RWEGO RWA MBERE, RUKIJJE MU RUHAME URUBANZA RAD 00147/2018/TGI/NYGE NONE KU WA 30/1/2020 MU BURYO BUKURIKIRA:

HABURANA :

UREGA : MEGA HOLDINGS LTD ibarizwa mu Mudugudu wa Amizero, Akagari ka Kiyovu, Umurenge wa Nyarugenge, Akarere ka Nyarugenge, Umujyi wa Kigali, TEL +250788300087 e-mail julius.kayonga74@gmail.com uburanirwa/wunganirwa na Me KABEYA Augustin Tel +250783073865.

UREGWA : UMUJYI WA KIGALI mu izina ry 'umuyobozi wawo, uburanirwa/wunganirwa na MINIJUST Tel P.O.B e-mail CivalLitigationServiceDivision@minijust.gov.rw.

UWAGOBOKESHEJWE : AKARERE KA KICUKIRO, mu izina ry'umuyobozi wako.

IKIBURANWA: indishyi ikwiye ingana n'amafaranga 2.102.522.100 frw yo kwimura umuntu ku mpamvu z'inyungu rusange hiyongereyeho indishyi zingana n'amafaranga 105.207.648 frw kubera gutinda kwishyura indishyi ikwiye.

I. IMITERERE Y'URUBANZA

1. Umujyi wa Kigali wafashe icyemezo Ref: 527/ 07.0103.10/17 cyo kuwa 05/05/2017 cyimura MEGA Holdings LTD ku mpamvu z'inyungu rusange ku butaka bwayo bufite ubuso bungana na 91,413 SQM burangwa na UPI 01/03/04/03/1571 buherereye mu Karere ka KICUKIRO, Umurenge wa KAGARAMA, akagari ka RUKATSA umudugudu wa RUKATSA ku gaciro kangana n'amafaranga y'u Rwanda 2.102.522.100 frw. MEGA Holdings LTD yemeye icyo cyemezo. Ariko hashize igihe kirenga umwaka Umujyi utishyura mu gihe MEGA Holdings LTD ikomeje kugira igihombo gikomeye kandi gikomeza kwiyongera. Isaba ko Umujyi wa Kigali wategukwa kwishyura MEGA Holdings LTD indishyi ikwiye ingana n'amafaranga y'u Rwanda 2.102.522.100 frw ku mpamvu zo kuyimura k'ubutaka bwayo kubera inyungu rusange n'inyungu zingana n'amafaranga y'u Rwanda 105.126.100 frw kubera gukererwa kwishyura.

2. Umujyi wa Kigali wireguye uvuga ko atariwo warukwiye kuregwa, ko haregwa Akarere ka KICUKIRO, kuko atariwo wakurikiranye iby'igenagaciro kuburyo wategukwa kwishyura indishyi zisabwa.

3. Nyuma yuko MEGA HOLDINGS LTD isabye ko Akarere ka KICUKIRO kagobokeshwa muri uru rubanza, mu namantegurarubanza yo kuwa 28/1/2019 hafashwe icyemezo ko Akarere ka KICUKIRO gatumizwa, kuwa 01/4/2019 Umujyi wa Kigali na Akarere ka Kicukiro bitaba mu namantegurarubanza bahagarariwe n'abavoka babo naho MEGA HOLDINGS ititabye ariko yarasinyiye itariki, Me CYUNAHIRO Fiat uburanira Umujyi wa Kigali na Me SAFARI Vianney uhagarariye Akarere ka Kicukiro basaba umwanditsi w'urukiko guhagarika inamantegurarubanza bakajya munzira z'ubwumvikane barabyemererwa, inamantegurarubanza yimurirwa 03/6/2019 saa yine za mu gitondo, Me SAFARI Vianney ahabwa inshingano zo gukurikirana ubwumvikane akazashyikiriza urukiko raporo. Uwo minsi yongera kwimurwa kuko Umujyi wa Kigali wari wanditse ugaragaza ko inzira z'ubwumvikane zikomeje yimurirwa kuwa 18/7/2019 saa tanu uwo muni ugera umwanzuro utarafatwa ariko Umujyi wa Kigali ukomeza gusaba ko hategerezwa ubwumvikane, ubwanditsi bw'urukiko bufata icyemezo cyo gushyiraho umunsi w'iburanisha wo kuwa 14/11/2019 saa mbiri (08h00) ariko bitabujije ibiganiro by'ubwumvikane gukomeza ngo gukomeza gusubika ku mpamvu imwe kandi ababuranyi batabyemeranyaho byafatwa nko gutinza urubanza.

4. Umunsi urubanza rwashyizweho wo kuburanisha ntirwaburanishijwe kubera ko umucamanza yari yagiye mu mahugurwa, rwimurirwa kuwa 09/1/2020 saa tatu za mugitondo, uwo muni ugera urukiko rusanga kuwa 18/11/2019 Me KABEYA Augustin yashyize muri SYSTEM ya IECMS inyandiko y'ubwumvikane yo kuwa 17/9/2019, maze kuwa 18/11/2019 Mulombi Kabeya mu mwanya wa MEGAHOLDINGS LTD yandika avuga ko aretse urubanza kubera ko habaye ubwumvikane, ahubwo ibyumvikanyweho bigashyirwa mu cyemezo kugira ngo birangizwe. Mu iburanisha Me SAFARI Vianney uburanira umujyi wa Kigali avuga ko ubwumvikane bwashyizwe muri system ya IECMS bwabaye kuwa 17/9/2019 abwemera, ariko ko nta mpamvu byashyirwa mu cyemezo cy'urukiko.

5. Ikibazo kigomba gusuzumwa muri uru rubanza akaba ari ukumenya niba ukureka urubanza bisabwa na MEGAHOLDINGS yabyemererwa ibyo bumvikanyeho bigashyirwa mu cyemezo cy'urukiko kugira ngo birangizwe.

II. ISESENGURA RY'IKIBAZO KIGIZE URUBANZA

➤ *Kubijyanye no kureka urubanza bisabwa na MEGAHOLDINGS yabyemererwa ibyo bumvikanyeho bigashyirwa mu cyemezo cy'urukiko kugira ngo birangizwe.*

6. Me KABEYA Augustin uburanira MEGA HOLDINGS LTD avuga ko nyuma yo gutanga ikirego arega Umujyi wa KIGALI hakagobokeshwa AKARERE KA KICUKIRO, hakurikiyeho imihango y'ubwumvikane maze kuwa 17/9/2019 barumvikana bukorewe imbere ya Madamu AKAMANZI Claire, CEO RDB, agaragaza inyandiko y'ubwumvikane yo kuwa 17/9/2019, asaba urukiko kureka urubanza ibyo bumvikanye muri iyo nyandiko bigashyirwa mu cyemezo cy'urukiko kugira ngo birangizwe.
7. Me SAFARI Vianney uburanira umujyi wa Kigali avuga ko ubwumvikane bwasyizwe muri system ya IECMS bwabaye kuwa 17/9/2019 bukorewe imbere ya Madamu AKAMANZI Claire, CEO RDB abwemera, kureka urubanza ari uburenganzira bw'uregwa kandi ko ntacyo abivugaho, ariko ko nta mpamvu byashyirwa mu cyemezo cy'urukiko.
8. Kubijyanye no kurek aurubanza, Urukiko rurasanga nk'uko Me KABEYA Augustin uburanira MEGA HOLDINGS LTD asaba kureka urubanza ngo kuko bumvikanye ari uburenganzira bwe, kuba rero uregwa abyemera akaba agomba kubyemererwa rushingiye ku ngingo ya 123 y'itegeko no 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko Kureka urubanza ari uburenganzira umuburanyi afite bwo kuvuga ko aretse urubanza yari yaregeye, uwo yaregaga akabyemera kandi ko bishobora gukorwa no kwemerwa aho urubanza rwaba rugeze hose bikozwe mu nyandiko iriho umukono w'umuburanyi ubwe cyangwa w'umwunganira kandi bikamenyeshwa uwo baburana. Bishobora kandi kuvugirwa mu nama ntegurarubanza cyangwa mu iburanisha.
9. Kubijyanye no kuba ibyo bumvikanyeho byashyirwa mu cyemezo, Urukiko rushingiye ku nyandiko y'ubwumvikane yo kuwa 17/9/2019 yashyizwe muri dosiye kuwa 18/11/2019 igaragaza ko ababuranyi bamaze kwikiranura kukibazo bari bafitanye babifashijwemo na Madamu AKAMANZI Claire, CEO RDB, rurasanga rushingiye ku ngingo ya 241 al¹

¹ Inyandikompesha ni inyandiko zishingiye ku byemezo by'inzego zibifitiye ububasha cyangwa byemeranyijweho n'abo bireba, zishobora kurangizwa ku gahato zimaze kugenzurwa no kwemezwa n'umwanditsi w'urukiko, cyangwa undi mukozi ubifitiye ububasha.

Le membre du Siegs Ce 13/02/2020