



**CHARTERED INSTITUTE OF ARBITRATORS KENYA BRANCH LIMITED
SUMMARY CASE LAW**

MISC.APPLI.CAUSE NO. E304 OF 2021

ENZYNE CREATIONS LIMITED VS CHINA QUINGJIAN INTERNATIONAL (K) LTD

FACTS

The Applicant filed an Originating Summons dated 26th April 2022 for orders that Mr. Anthony Lubulellah be appointed as sole arbitrator to hear and determine the dispute between the parties in respect of a contract for provision of services and construction materials with regard to construction of Ngong Road; in the alternative the Court to direct the Chairman of Chartered Institute of Arbitrators to appoint an Arbitrators within 7 days to heat and determine the dispute and any such directions and orders as may be necessary to effect the appointment of an arbitrator.

ISSUES

Whether the orders sought for in the Originating Summons Application should be granted?

RULE OF LAW

The Constitution of Kenya, Article 159(2)(c)
The Arbitration Act, Section 12(9)(a)
The Arbitration Rules, 1997
The Civil Procedure Act, Section 3A
The Civil Procedure Rules , Order 46 Rule 20



ORDER

It was ordered that the Chairman of Chartered Institute of Arbitrators Kenya be directed to appoint an Arbitrator within 7 days to hear and determine the dispute between the parties in respect of the Contract for provision of services and construction materials with regard to the construction of Ngong Road and the Chairman of Chartered Institute of Arbitrators to appoint an Arbitrator within 10 days from the date of the order to hear and determine the dispute between the parties. There was no order as to costs.

RATIONALE

The order was given upon reading the Supporting Affidavit of Eng. Evans Omari sworn on 26th April, 2021 and upon hearing counsels for both parties.