SANLAM AG PLC v CYABAKANGA

[Rwanda URUKIKO RW'UBUJURIRE – RCOMAA 00053/2020/CA – (Ngagi, P.J., Kaliwabo na Umugwaneza, J.) 26 Gashyantare 2021]

Amategeko agenga imanza z'ubucuruzi – Ubwishingizi – Impanuka yatewe n'inkongi y'umuriro – Kubura ibimenyetso by'uburangare mu mpanuka y'inkongi – Nta mwishingizi ushobora kwitwaza uburangare bw'uwishingiwe ngo ye kutamwishyura kandi butarateganyijwe mu masezerano cyangwa ngo umwishingizi agaragaze ko yateje inkongi ku bushake cyangwa ngo abe icyitso mu guteza inkongi.

Amategeko agengaimanza z'ubucuruzi – Ubwishingizi – Indishyi z'ibikoresho byangijwe n'inkongi y'umuriro – Uko zibarwa mu gihe nta gaciro kabyo kazwi ku munsi w'ibyago – Iyo uwishingiwe atabashije kugaragaza agaciro k'ibikoresho byangijwe n'impanuka ku munsi w'ibyago, indishyi zibarwa hashingiwe ku mubare w'amafaranga ibyo bikoresho byishingiweho.

Amategeko agenga imanza z'ubucuruzi – Indishyi – Indishyi mbonezamubano – Ibikoresho byangijwe n'inkongi y'umuriro bitarakoreshwa – Indishyi zo kuvutswa amahirwe – Uwishingiwe wari wamaze kugura ibikoresho byo gutanga serivisi runaka ariko bikangirika bitarakoreshwa ntiyasaba indishyi mbonezamusaruro, kuko nta musaruro biba byakabyaye ngo awubuzwe no kuba byarahiye ntibisimbuzwe, ahubwo agenerwa indishyi zishingiye ku kuba yaravukijwe amahirwe yo kubyaza umusaruro ibyo bikoresho – Nta mibare fatizo mu kugena indishyi z'amahirwe umuntu yavukijwe ahubwo Urukiko rugenekereza igice cy'inyungu zashobora kuboneka rukazigena mu bushishozi bwarwo.

Incamake y'ikibazo Cyabakanga yagiranye na SAHAM INSURANCE COMPANY LTD yaje guhinduka SANLAM AG PLC amasezerano y'ubwishingizi bw'inkongi y'umuriro kuri ORIENT PARK HOTEL.

Cyabayanga yaje kugira ibyago Hotel ye ifatwa n'inkongi y'umuriro bituma n'ibikoresho byari biyirimo yari yarasabiye ubwishingizi bitikiriramo. Yasabye SAHAM INSURANCE COMPANY Ltd yuko yamwishyura agaciro k'ibyangirijwe n'inkongi kangana na 224.816.872 Frw, mu gihe SAHAM INSURANCE COMPANY Ltd yavugaga ko CYABAKANGA Jean Bosco yananiwe kwerekana ko ibikoresho bivugwa byari mu mutungo wayo, ariko ikemera kwishyura ibyangirijwe ku nyubako bifite agaciro ka 6.587.372 Frw.

Ibi byaje gutuma Cyabayanga aregera Urukiko rw'Ubucuruzi asaba ko yakwishyurwa indishyi z'ibyangijwe n'inkongi y'umuriro nk'uko yagaragazaga urutonde rwabyo ndetse binagaragara mu nyandikomvugo ya police yakoze iperereza. Urukiko rwemeje ko SAHAM igomba kubahiriza masezerano y'ubwishingizi yagiranye na Cyabakanga ikamwishyura 201.796.871 Frw akubiyemo ay'ibikoresho byangiritse, ibyangijwe kuri hoteli ndetse n'indishyi mbonezamusaruro.

SAHAM yajuririye Urukiko Rukuru rw'Ubucuruzi isaba gukurirwaho indishyi mbonezamusaruro, ko urukiko rw'Ubucuruzi rutitaye ku burangare Cyabayanga yagize bwo kudatanga amakuru akerewe bigatuma impanuka igira ubukana bukabije, ko kandi indishyi z'ibyangijwe zabarwa hashingiye ku bikoresho bifitiwe ibimenyetso.

Urukiko Rukuru rw'Ubucuruzi rwemeje ko nta kosa Urukiko rw'Ubucuruzi rwakoze mu kugenera indishyi mbonezamusaruro Cyabayanga; bityo rutegeka ko zigumaho. Rwemeje kandi ko

rutasuzuma ikibazo kijyanye kijyanye n'uburangare kuko ari ubwa mbere gitanzwe mu bujurire; rwongeye rwemeza ko rumugeneye indishyi z'ibikoresho byangijwe zingana na 24.232.456 Frw z'indishyi zibyangijwe kuri hotel n'ibikoresho byarimo ndetse rutegeka agomba guhabwa ibikoresho byari muri Sauna na Steam.

SANLAM AG Plc yajuririye mu Rukiko rw'Ubujurire ivuga ko Urukiko Rukuru rw'Ubucuruzi rwanze gusuzuma nkana ikibazo cy'uburangare bwa Cyabakanga kandi yarakizamuye no mu Rukiko rw'Ubucuruzi, yavuze kandi ko yategetswe kwishyura ibikoresho bya Sauna na Steam kandi bitaragaragajwe ko biri mu mutungo wa Cyabakanga; ko kandi nanone yategetswe gutanga indishyi mbonezamusaruro hashingiwe kuri business plan aho gushingira ku musoro ku nyungu yatangaga.

Cyabakanga yireguye avuga ko ku mpamvu yo kudasuzuma uburangare bwa Cyabakanga ariko itigeze izamurwa mu Rukiko rw'Ubucuruzi, ko kandi itagaragaye mu nyandikomvugo y'iburanisha. Ku ngingo y'ibimenyetso by'ibikoresho bigomba kwishyurwa, Cyabakanga yavuze ko SANLAAM AG Plc ntaho yahera ihakana ko ibikoresho bya Sauna na Steam yari abitunze mu gihe yabisuye ndetse ikemera no kwakira amafaranga y'ubwishingizi bw'ibyo bikoresho. Ko facture zabyo zahiriye mu mpanuka ku buryo atazibona.

Ku kibazo cy'indishyi mbonezamusaruro, yavuze ko nta kosa Urukiko Rukuru rw'Ubucuruzi rwakoze mu kumugenera indishyi mbonezamusaruro kuko mu gihe cyose SANLAM AG Plc yanze kumugarurira ibikoresho bya Sauna na Steam byamuvukije umusaruro yagombaga kubona. Akomeza avuga ko impamvu adashingira ku kimenyetso cy'inyungu yamenyekanyishije mu Kigo cy'Imisoro n'Amahoro ari uko ibikoresho byahiriye muri stock ya Hotel Sauna na Steam zitaratangira gukora.

Incamake y'icyemezo: 1. Kuba imyitwarire ya SANLAM AG Plc muri iki kibazo igaragaza ko kuva ikimenyeshwa inkongi y'umuriro itigeze ihakana uburyozwe ahubwo ikibazo cyari ibimenyetso yasabaga byerekana ko Cyabakanga Jean Bosco yari atunze ibikoresho bya Sauna na Steam asaba kwishyurwa, ntiyahindukira ngo ivuge ko habaye uburangare kandi budateganyijwe mu masezeano ndetse nta n'ibimenyetso bigaragaraza Cyabakanga yateje inkongi ku bushake cyangwa ngo abe icyitso cy'uwayiteje.

2. Indishyi z'ibikoresho byangijwe n'inkongi y'umuriro zibarwa hashingiwe ku mubare w'amafaranga ibyo bikoresho byishingiweho mu gihe uwishingiwe atabashije kugaragaza agaciro kabyo ku munsi w'ibyago.

3. Nta mibare fatizo mu kugena indishyi z'amahirwe umuntu yavukijwe yo kudakoresha ibikoresho yaguze bikaza kwangizwa n'inkongi y'umuriro ahubwo Urukiko rugenekereza igice cy'inyungu zashoboraga kuboneka rukazigena mu bushishozi bwarwo.

Ubujurire bufite ishingiro kuri bimwe.
Urubanza RCOMA 00952/2019/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 30/07/2020 ruhindutse.
Ingwate y'amagarama yatanzwe ihwanye n'ibyakozwe mu rubanza.

Amategeko yashingiweho:

Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi, ingingo ya 12.
Itegeko N° 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza n'itangwa ryabyo, ingingo ya 3.
Itegeko-Teka N° 20/75 ryo ku wa 20/6/1975 ryerekeye ubwishingizi, ingingo ya 27.

Inyandiko z'abahanga zifashishijwe:
P. MALAURIE, L. AYNES, P. STOFFEL- MUNCK, Droit des obligations, 7ème ed. LGDJ Lextenso, Paris, 2015, Pp 141-142.

Imanza zifashishijwe.
Urubanza N°RCOMA 0044/13/CS rwaciwe n'Urukiko rw'Ikirenga ku wa 21/11/2014, urubanza rwatangajwe mu Cyegeranyo cy'Ibyemezo by'Inkiko, umuzingo wa 2 w'umwaka wa 2015, p. 173.
Urubanza N° RCOMAA 0008/05/CS rwaciwe n'Urukiko rw'Ikirenga hagati ya KAMPIRE na SIBOMANA Eugene c/BK ku wa 06/06/2008, page 10.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko rw'Ubucuruzi rwa Nyarugenge CYABAKANGA Jean Bosco arega SAHAM INSURANCE COMPANY Ltd kutubahiriza amasezerano N° 3008/3030000004 (Multirisques Commerciales & Bureaux) y'ubwishingizi bw'inkongi y'umuriro kuri ORIENT PARK HOTEL ya CYABAKANGA Jean Bosco, ndetse n'ibikoresho byarimo nyuma y'uko iyo nzu ifashwe n'inkongi y'umuriro mu ijoro ryo ku wa 25/07/2017. Yasabye SAHAM INSURANCE COMPANY Ltd yuko yamwishyura agaciro k'ibyangirijwe n'inkongi kangana na 224.816.872 Frw, mu gihe SAHAM INSURANCE COMPANY Ltd yavugaga ko CYABAKANGA Jean Bosco yananiwe kwerekana ko ibikoresho bivugwa byari mu mutungo wayo, ariko ikemera kwishyura ibyangirijwe ku nyubako bifite agaciro ka 6.587.372 Frw.

[2] Ku wa 25/10/2019, Urukiko rw'Ubucuruzi rushingiye ku rutonde rw'ibikoresho yakiriyeho amafaranga y'ubwishingizi, hamwe na raporo y'iperereza Polisi yakoreye ku nyubako yangijwe n'inkongi, rwaciye urubanza N° RCOM 01117/2019/TC, rwemeza ko SAHAM INSURANCE COMPANY Ltd igomba kubahiriza amasezerano yagiranye na CYABAKANGA Jean Bosco ikamwishyura 99.697.462 Frw y'agaciro k'ibikoresho byagirijwe n'inkongi y'umuriro, itegekwa no kwishyura 13.599.410 Frw y'indishyi z'ibyangiritse ku nyubako ya Hotel, yose hamwe akaba 113.296.871 Frw. Rwemeje kandi ko SAHAM INSURANCE COMPANY Ltd igomba kwishyura CYABAKANGA Jean Bosco 85.500.000 Frw y'indishyi mbonezamusaruro (manque à gagner) zibarwa guhera ku wa 15/03/2018 kugeza ku wa 25/10/2019, igihe urubanza rwaciriwe ku rwego rwa mbere, itegekwa kwishyura indishyi z'akababaro zo kwica amasezerano n'ibyakozwe kuri urwo rubanza, yose hamwe angana na 3.000.000 Frw, indishyi zose hamwe ziteranyijwe ziba 201.796.871 Frw.

[3] Ku wa 23/11/2019, SANLAM AG Plc yajuririye Urukiko Rukuru rw'Ubucuruzi ivuga ko Urukiko rw'Ubucuruzi rwirengagije uburangare bukabije CYABAKANGA Jean Bosco yagize byatumye inkongi y'umuriro ifata intera itari ngombwa, inasaba kandi ko indishyi zabarwa hakurikijwe ibikoresho bifitiwe ibimenyetso, kuko ngo CYABAKANAGA Jean Bosco yasabwe inyemezabuguzi z'ibikoresho bya SAUNA na STEAM ntashobore kuzigaragaza, ndetse isaba no gukurirwaho indishyi mbonezamusaruro.

[4] Ku wa 30/07/2020, Urukiko Rukuru rw'Ubucuruzi rwaciye urubanza N° RCOMA 00952/2019/HCC rusanga ingingo irebana n'uburangare bwaba bwararanze CYABAKANGA Jean Bosco idakwiye gusuzumwa, kuko yabyukijwe bwa mbere mu bujurire. Urukiko rwasanze kandi ibigomba kwishyurwa byangijwe n'inkongi y'umuriro bigizwe n'amasahani 300 afite agaciro ka 1.140.000 Frw, ice cream machine, 12 bain marie, oven gas, burner bifite agaciro ka 8.742.456 Frw, matelas, ibitanda n'intebe bifite agaciro ka 6.350.000 Frw, igiteranyo cyabyo kikaba kingana na 16.232.456 Frw, hiyongereyeho 8.000.000 Frw y'agaciro k'ibyangirijwe ku nyubako yemeranyijweho n'impande zombi, byose bikaba 24.232.456 Frw. Rwemeje ko CYABAKANGA Jean Bosco asubizwa ibikoresho bya Sauna na Steam bishya kubera ko ibiciro byazamutse. Urukiko rwasanze kandi, hakurikijwe business plan CYABAKANGA Jean Bosco yatanze agaragaza igihombo yatejwe no kuba adakoresha services za Sauna na Steam igaragaza urwunguko yashoboraga kubona, bityo ko nta kosa ryakozwe n'Urukiko rw'Ubucuruzi mu kumugenera indishyi mbonezamusaruro zingana na 85.500.000 Frw.

[5] SANLAM AG Plc yajuririye Urukiko rw'Ubujurire ivuga ko Urukiko Rukuru rw'Ubucuruzi rwanze nkana gusuzuma ikibazo cy'uburangare bwa CYABAKANGA Jean Bosco, ko yategetswe kwishyura ibikoresho bya Sauna na Steam bitagaragarijwe ibimenyetso ko byari mu mutungo wa CYABAKANGA Jean Bosco, ko yategetswe gutanga indishyi mbonezamusaruro zishingiye kuri Business plan aho gushingira ku musoro watangwaga ku nyungu CYABAKANGA Jean Bosco avuga ko yabonaga.

[6] Iburanisha mu ruhame ryabaye ku wa 11/01/2021, SANLAM AG Plc iburanirwa na Me NYABAGABO Félicien na Me Nduwamungu Jean Vianney, naho Cyabakanga Jean Bosco yunganiwe na Me Nkusi Eric, Me Muhiganwa Damas na Me Murindabigwi Miriam.

II. IBIBAZO BIGIZE URUBANZA N'ISESENGURA RYABYO

A. Kumenya niba Urukiko Rukuru rwaragombaga gusuzuma ikibazo cy 'uburangare bwa CYABAKANGA Jean Bosco

[7] SANLAM AG Plc yajuriye ivuga ko Urukiko Rukuru rw'Ubucuruzi rwanze gusuzuma ingingo irebana n'uburangare bwaranze CYABAKANGA Jean Bosco mu gukumira impanuka aregera rwitwaje ko yazamuwe bwa mbere ku rwego rw'ubujurire, nyamara ngo ikaba igaragara mu gika cya 2 cy'umwanzuro wo kwiregura mu Rukiko rw'Ubucuruzi no mu nyandikomvugo y'iburanisha muri urwo Rukiko aho byavuzwe ku buryo buteruye mu ijambo "mauvaise foi" , ndetse ko iboneka no mu gika cya 14 cy'urubanza rwaciwe n'Urukiko rw'Ubucuruzi. SANLAM AG Plc yibukije igika cya 1 cy'ingingo ya 140 y'Itegeko n°45/2011 ryo ku wa 25/11/2011 rigenga amasezerano[1] irebana n'uburangare mu masezerano, isaba ko nta buryozwe yabarwaho. Ivuga ko

[1] Iyo ngingo iteganya ko nta ndishyi zishobora gutangwa mu gihe uwatewe igihombo yashoboraga kucyirinda nta

nta buryo Urukiko rwabura gusuzuma ingingo irebana n'uburangare bwa CYABAKANGA Jean Bosco buvugwa muri raporo ya Polisi mu gihe ku rundi ruhande iyo raporo ari yo yashingiweho mu kumenya urutonde rw'ibintu bivugwa ko byahiriye muri ORIENT PARK HOTEL, kandi iyo ngingo ikaba iteganyijwe mu masezerano y'ubwshingizi bafitanye.

[8] SANLAM AG Plc ikomeza ivuga ko uburangare bwa Cyabakanga Jean Bosco bushingiye ku kuba yaratabajwe n'abakozi be ko hari umwotsi uturuka muri stock ya Hoteli, agatinda gutabaza Polisi ngo ikumire impanuka hakiri kare, ibyo bikaba byaratumye inkongi y'umuriro ifata intera nini nk'uko byemejwe na raporo ya Polisi yo ku wa 25/07/2017, bityo ko byafatwa yuko yateje impanuka ku bushake. Ivuga ko mu masezerano y'ubwishingizi iyo myitwarire yafatwa nk'uburangare, akaba ari impamvu ituma uwishingiye atishyura. SANLAM AG Plc, kuri iyi ngingo, isoza ivuga ko n'ubwo yishyuye itemeye uburyozwe kandi ko yabishyize mu nyandiko y'ubwishyu.

[9] Ku birebana n'ingingo y'uburangare, Cyabakanga Jean Bosco n'ubwunganizi bwe bavuga ko itigeze iburanwaho mu Rukiko rw'Ubucuruzi, kuko bitaboneka mu nyandikomvugo y'iburanisha no mu rubanza rwaciye, ko yazamuwe bwa mbere mu Rukiko Rukuru rw'Ubucuruzi, ari yo mpamvu rwanze kuyisuzuma, basaba ko n'Urukiko rw'Ubujurire rutayisuzuma.

[10] Ku bijyanye n'ishingiro ry'uburangare, Cyabakanga Jean Bosco n'abamwunganira bavuga ko nta burangare yagize, kuko akimenyeshwa ikibazo cy'umwotsi udasanzwe wabonetse muri stock ya Hoteli yahise ajyayo ndetse ahita abimenyesha polisi ariko iyi ikamubwira kureba neza niba hari aho bihuriye n'inkongi, ko aho umwotsi ugaragaye bwa kabiri na none yahamagaye Polisi igahita iza ariko igasanga hari ibyangiritse, ko rero nta kigaragaza uburangare yaba yaragize. Bavuga ko Ubushinjacyaha bwakoze iperereza bushaka kumenya ko yaba yaritwikiye busanga nta bimenyetso bihari, bushyingura dosiye.

[11] Basobanura ko mu nyandiko zitandukanye Cyabakanga Jean Bosco yandikiwe na SANLAM AG Plc harimo iyo ku wa 31/08/2018, n'iyo ku wa 20/05/2019, iyi yavugaga ko idahakana kwishyura ariko ko ikeneye kubona inyemezabuguzi za bimwe mu bikoresho yishyuzwa, ibi kandi ikaba yarabisubiyemo mu Rukiko rw'Ubucuruzi nk'uko biboneka mu gika cya 2 cy'urubanza, ko ndetse mu nyandiko yo ku wa 29/06/2020 yiyemereye kurangiza urubanza ku birebana n'indishyi zo gusana igice cy'inzu cyangirijwe n'inkongi bityo ikaba idashobora guhakana uburyozwe kuri uru rwego yitwaje uburangare budafitiwe ibimenyetso.

UKO URUKIKO RUBIBONA

[12] Ingingo ya 12 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko urega ari we ugomba kugaragaza ibimenyetso by'ibyo aregera.

[13] Dosiye igaragaza ko mu mwanzuro wa SANLAM AG Plc usubiza uwa Cyabakanga Jean Bosco mu Rukiko rw'Ubucuruzi, mu duce twa 6-8 muri parties submissions, SANLAM AG Plc yavuze ku ngingo y'uburangare muri aya magambo: "Cyabakanga JOHN yasize iwe hagaragara

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zindi ngaruka, umutwaro cyangwa igisebo bimuteye.

umwotsi udasanzwe kandi uwo mwotsi kikaba cyari ikimenyetso cy'uko hashobora gushya maze aho gutabara vuba na bwangu ngo hazime cyangwa se gutabaza abaturanyi ngo bafatanye n'abakozi be kuhazimya cyangwa se gutabaza Police hakiri kare akahasiga akajya iwe kwiryamira" .

[14] Dosiye igaragaza na none ko mu miburanire yayo mu Rukiko rw'Ubucuruzi, iyo ngingo y'uburangare bwa Cyabakanga Jean Bosco, SANLAM AG Plc yayigarutseho nk'uko bigaragara mu gika cya 14 cy'urwo rubanza aho SANLAM AG Plc yasabye ko hashingirwa ku gika cya mbere cy'ingingo ya 140 y'Itegeko N°45/2011 ryo ku wa 25/11/2011 rigenga amasezerano[2], ikavanirwaho uburyozwe kubera uburangare bwa Cyabakanga Jean Bosco.

[15] Urukiko rurasanga ingingo irebana n'uburangare mu gukumira inkongi y'umuriro iboneka mu myanzuro ya SANALAM AG Plc yaburanishije ku rwego rwa mbere ndetse n'Urukiko rukaba rwarayigarutseho mu gika cya 14 cy'urubanza ariko ntirwagaraza ko yagiweho impaka n'umwanzuro ruyifatiye. Dosiye y'Urukiko iragaraza kandi ko ingingo y'uburangare buvugwa kuri Cyabakanga Jean Bosco yajuririwe mu Rukiko Rukuru rw'Ubucuruzi, ariko urwo Rukiko, mu gika cya 20 cy'urubanza Nº RCOMA 00952/2019/HCC, rwemeza kutayisuzuma, kuko ibyukijwe bwa mbere mu bujurire.

[16] Urukiko rurasanga, kuba iyi ngingo yarashyizwe mu mwanzuro y'urega ariko Urukiko rw'Ubucuruzi, nubwo rwawugarutseho mu miterere y'urubanza, ntiruyifateho icyemezo, ntabwo byari kuba impamvu yo kutayisuzuma mu Rukiko Rukuru rw'Ubucuruzi, kuko atari bwo bwa mbere yari ibyukijwe, bikaba biri mu burenganzira bwa SANLAM AG Plc gusaba ko ifatwaho icyemezo.

[17] Ku bijyanye n'ishingiro ry'ingingo irebana n'uburangare, SANLAM AG Plc ishingira kuri raporo ya Polisi ivuga ko Cyabakanga Jean Bosco yatinze gutabaza abazimya umuriro no kuba abakozi be baramutabaje ntahite ahuruza abazimya umuriro, ariko Cyabakanga Jean Bosco we akavuga yahamagaye Polisi ikamusaba gushishoza neza mbere yo gutabaza kugeza abonye ibimenyetso bifatika byerekana ko ari inkongi ngo akaba yarakurikije amabwiriza yahawe.

[18] Dosiye igaragaramo raporo ya Polisi yo ku wa 25/07/2017, aho Polisi yagaragaje mu gika yise "observation", ko Cyabakanga Jean Bosco yagize uburangare cyane igihe yahuruzwaga bwa mbere yabona umwotsi ugabanutse akitahira atagiye kureba aho uturuka ndetse ngo akaba yaratinze no guhamagara abashinzwe kuzimya umuriro, ari byo byatumye umuriro wangiriza byinshi bitari ngombwa.

[19] Urukiko rurasanga imbere y'uru Rukiko Cyabakanga Jean Bosco yaravuze ko Ubushinjacyaha bwakoze iperereza ryimbitse kugira ngo bushakishe uruhare rwe muri iyo nkongi, bugera ku mwanzuro wo gushyingura dosiye kubera kubura ibimenyetso bishinja CYABAKANGA Jean Bosco uburangare no gushaka kwitwikira Hotel, SANLAM AG Plc ikaba itarigeze ivuguruza iyi miburanire, bityo ikimenyetso cy'iperereza ry'ibanze kikaba kidashobora gushingirwaho mu gihe Ubushinjacyaha bwasesenguye bugasanga dosiye igomba gushyingurwa.

[2]Iyo ngingo iteganya ko nta ndishyi zishobora gutangwa mu gihe uwatewe igihombo yashoboraga kucyirinda nta zindi ngaruka, umutwaro cyangwa igisebo bimuteye.

[20] Urukiko rurasanga, uretse no kuba ibimenyetso SANLAM AG Plc itanga bitarwemeza ko Cyabakanga Jean Bosco yagize uburangare bwaba bwarateye igihombo kitari ngombwa, nta nubwo uburangare bwateganyijwe mu masezerano impande zombi zagiranye ku wa 12/07/2016 nk'impamvu isonera uburyozwe bw'umwishingizi. Rurasanga na none ingingo SANLAM AG Plc ishingiraho[3] irebana n'ibyangirijwe biturutse ku bushake bw'uwishingiwe idashobora kwiyambazwa muri uru rubanza, kuko SANLAM AG Plc iterekana ko Cyabakanga Jean Bosco yaba yarateje ku bushake inkongi y'umuriro yatwitse stock ya ORIENT PARK HOTEL cyangwa ngo abe yarabaye icyitso cy'undi muntu wateje iyo nkongi y'umuriro.

[21] Urukiko rurasanga imyitwarire ya SANLAM AG Plc muri iki kibazo igaragaza ko kuva ikimenyeshwa inkongi y'umuriro itigeze ihakana uburyozwe ahubwo ikibazo cyari ibimenyetso yasabaga byerekana ko Cyabakanga Jean Bosco yari atunze ibikoresho bya Sauna na Steam asaba kwishyurwa. Ibi bisobanurwa n'ibaruwa ya SANLAM yo ku wa 31/08/2018 n'iyo ku wa 20/05/2019 zisaba Cyabakanga Jean Bosco gutanga inyemezabuguzi z'ibikoresho avuga ko byahiriye mu nzu kugira ngo yishyurwe, inyandiko yo ku wa 08/10/2019 isaba Cyabakanga Jean Bosco kuza gutwara 6.587.372 Frw ivuga ko ari yo yemejwe n'umuhanga ko ahwanye n'ibyangijwe n'inkongi y'umuriro ndetse n'inyandiko yo ku wa 29/06/2020 aho yiyemereye kurangiza urubanza ku birebana n'indishyi zo gusana igice cy'inzu cyangirijwe n'inkongi.

[22] Urukiko rurasanga kuri iyi ngingo, SANLAM AG Plc itsindwa no kuba nta bimenyetso bigaragaza uburangare bwa Cyabakanga Jean Bosco bwaba bwarateye inkongi.

B. Kumenya agaciro k'ibyangirijwe n'inkongi y'umuriro bigomba kwishyurwa

[23] SANLAM AG Plc ivuga ko yamaze kumvikana na Cyabakanga Jean Bosco kuri 8.000.000 Frw z'indishyi zirebana n'igice cya Hoteli cyangirijwe n'inkongi ndetse no kuri 16.232.456 Frw ya bimwe mu bikoresho byagaragajwe na raporo ya Polisi ko byangirijwe n'inkongi ko ariko, isanga Urukiko Rukuru rw'Ubucuruzi mu kuyitegeka kwishyura Cyabakanga Jean Bosco ibikoresho bishya bya Sauna na Steam (en nature) yaciye urubanza ruha Cyabakanga Jean Bosco ibyo atasabye kandi ko iki cyemezo kinyuranye n'amasezerano y'ubwishingizi yagiranye na Cyabakanga Jean Bosco ku wa 12/07/2016, kuko batigeze bumvikana gusimbuza ibyangirijwe, ko ahubwo hatangwa indishyi zishingiye ku bimenyetso ari byo Cyabakanga Jean Bosco yananiwe kwerekana. Ikomeza ivuga ko Cyabakanga Jean Bosco yabwiye Polisi ko inyemezabuguzi z'ibikoresho azifite mu rugo ariko ntiyashobora kuzizana, ko yavuze ko ibikoresho yabiguze mu Bushinwa ariko akaba yarananiwe kwerekana inyemezabuguzi zaba zaranyuze muri Gasutamo yishyura imisoro, ko idashobora kwishyura ishingiye kuri factures proforma Cyabakanga Jean Bosco azana, kuko izo yaguriyeho zagombye kugaragazwa kugira ngo na amortissement y'ibikoresho ishobore gukorwa, kutazigaragaza bikaba bivuga ko ibyo bikoresho bitari mu byangirijwe n'inkongi asabira indishyi. Isaba ko hakurikizwa ibivugwa mu ngingo ya 84 y'Itegeko Nº 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano ivuga ko uruhande rumwe rudashobora gusaba urundi ruhande kurangiza inshingano zarwo rutabanje gukora ibyo rwasabwaga by'ingenzi mu gihe hari inshingano magirirane.

[24] Cyabakanga Jean Bosco avuga ko SANLAAM AG Plc ntaho yahera ihakana ko ibikoresho bya Sauna na Steam yari abitunze mu gihe yabisuye ndetse ikemera no kwakira amafaranga

[3] L'Assureur ne garantit pas les dommages intentionnellement causés ou provoqués par l'assuré ou avec sa complicité

y'ubwishingizi bw'ibyo bikoresho. Akomeza avuga ko, kubera igihunga, yemereye Polisi ko inyemezabuguzi azifite iwe mu rugo nyamara ngo aza kwibuka ko zari muri stock ya Hotel bityo nazo zikaba zarahiye. Cyabakanga Jean Bosco avuga kandi ko SANLAM AG Plc yirengagije kumwishyura mu mwaka wa 2017 ubwo impanuka yabaga, kuri ubu akaba adashobora kwishyurwa ku giciro yaguriyeho ibyo bikoresho mu mwaka wa 2016, kuko icyo atari cyo giciro kiri ku isoko, ko kandi inshuro zose yashyikirije SANLAM AG Plc factures proforma iyi itigeze izivuguruza ngo itange igiciro kinyuranye, ko nta kosa Urukiko Rukuru rw'Ubucuruzi rwakoze ruyitegeka gutanga ibikoresho bishya bya Sauna na Stream, kuko mu Rukiko rw'Ubucuruzi yaregeye gusubizwa ibikoresho bye byangirijwe n'inkongi y'umuriro no guhabwa indishyi mbonezamusaruro.

[25] Cyabakanga Jean Bosco avuga ko ku wa 19/03/2019 yagaragarije SANLAM AG Plc ibiciro byari ku isoko aho Sauna yaguraga 16.785.000 Frw ndetse iki kikaba ari cyo cyari igiciro cya Steam ko ariko ibiciro byahindutse bityo facture proforma yo ku wa 08/01/2021 ikaba igaragaza ko Sauna igura 23.820.000 Frw mu gihe Steam yinjiramo abantu 15 icyarimwe igura 20.142.000 Frw.

[26] Urukiko rwashatse kumenya niba SANLAM AG Plc yaratanze ubwishingizi ku bikoresho idafitiye specifications isubiza ko yashingiye ku rutonde yahawe na Cyabakanga Jean Bosco kandi ko urwo rutonde rugaragaza ibikoresho byishingiwe n'ibiciro byabyo gusa.

[27] Urukiko rwashatse kumenya uburyo ababuranyi basobanura amasezerano y'ubwishingizi yo ku wa 12/07/2016 ku birebana n'ubwishyu, SANLAM AG Plc ivuga ko mu kwishyura hakurikizwa ibiciro byatanzwe mu masezerano hitawe no kuri amortissement y'ibikoresho byishingiwe, ko kubirebana na Sauna na Steam bivugwa muri uru rubanza byishingiwe ku gaciro ka 5.303.520 Frw. Kuri iki kibazo Cyabakanga avuga ko bidashoboka ko yakwishyurwa Sauna na Steam ku giciro cyo mu 2016 ubwo yafataga ubwishingizi kuko ibiciro byahindutse, ariyo mpamvu yagiye atanga factures proforma y'aho ibiciro bigeze uko umwaka utashye.

UKO URUKIKO RUBIBONA

[28] Ingingo ya 12 y'Itegeko N° 22/2018 ryo ku wa 29/04/2018 ryerekeye imiburanishirize y'imanza z'imbonezamubano, iz'ubucuruzi, iz'umurimo n'iz'ubutegetsi iteganya ko urega ari we ugomba kugaragaza ibimenyetso by'ibyo aregera.

[29] Ingingo ya 27 y'Itegeko-Teka No 20/75 ryo ku wa 20/6/1975 ryerekeye ubwishingizi iteganya ibikurikira: "Ubwinshigire bw'ibintu ari amasezerano y'indishyi. Umubare w'indishyi ntushobora na rimwe gusumba agaciro k'ikintu cyishingiwe ku munsi icyago kibereyeho". Ingingo ya 28 y'iri Tegeko-Teka igira iti: "Iyo ku munsi icyago kibereyeho ikintu cyashinganywe gifite agaciro karenze akashinganywe uwagishinganya afatwa nk'aho yishingiye ikirenzeho, akabarwaho igice kimwe cy'indishyi gihwanye n'ibirengaho. Amasezerano ashobora kuvanaho itegeko ry'iyo migabane".

[30] Dosiye y'Urukiko igaragaramo amasezerano y'ubwishingizi yo ku wa 12/07/2016 yabaye hagati ya Cyabakanga Jean Bosco na SANLAM AG Plc aherekejwe n'umugereka w'ibikoresho bya ORIENT PARK HOTEL byishingiwe, kuri urwo rutonde hakaba habonekamo Sauna na Steam. Dosiye igaragaramo kandi raporo ya Polisi yo ku wa 27/07/2017 yibukijwe haruguru, nayo

ikaba igaragaza ko mu bikoresho byangirijwe n’inkongi y’umuriro harimo Sauna na Steam byishingiwe ku gaciro ka 5.303.520 Frw, bityo SANLAM AG Plc ikaba idasobanura aho ishingira ivuga ko itakwemeza ko Cyabakanga Jean Bosco yaratunze ibyo bikoresho.

[31] Urukiko rurasanga, nk’uko SANLAM AG Plc ibiburanisha, Urukiko Rukuru rw’Ubucuruzi rwaraciye urubanza ku kitarasabwe kuko rwayitegetse guha Cyabakanga Jean Bosco Sauna na Steam bishya (en nature) nyamara iyi yararegeye guhabwa indishyi z’ibi bikoresho byahiye.

[32] Urukiko rurasanga, nk’uko biteganywa mu ngingo ya 27 n’iya 28 z’ItegekoTeka No 20/75 ryo ku wa 20/6/1975 ryavuzwe haruguru, kubijyanye no gutanga indishyi z’ikintu cyangiritse (valeur de remplacement), uretse mu gihe bitenyijwe ukundi mu masezerano y’ubwishingizi, agaciro fatizo ari akagenwe mu gihe cyo gufata ubwishingizi (valeur assurée) havuyemo agaciro k’ubusaze (deduction faite de la valeur d’amortissement) aribyo bitanga agaciro nyakuri k’icyangirijwe ku munsi icyago kibereyeho (valeur de la chose assurée au jour du sinistre).

[33] Urukiko rurasanga ibyo Cyabakanga Jean Bosco asaba byo gusubizwa Sauna na Steam ku giciro kigezweho no guhabwa indishyi mbonezamusaruro z’ibyo bikoresho byari kwinjiza kuva ku munsi byahiriye bidashobora kubangikiranywa kuko indishyi asaba ari izisimbura umusaruro wagombaga gutangwa n’ibikoresho asaba, ibyo bikoresho bikaba bidashobora gufatwa nk’ibiguzwe mu mwaka wa 2021, nk’uko abigaragariza factures proforma, kandi ngo bibyare inyungu kuva ku wa 25/07/2017, bityo agaciro fatizo k’indishyi zisimbura Sauna na Steam (valeur de remplacement) kakaba kangana na 5.303.520 Frw ariko gaciro kishingiwe (valeur assurée).

[34] Urukiko rurasanga nta giciro cy’ubusaze (valeur d’amortissement) bwa Sauna na Steam bisabirwa indishyi cyatanzwe kuko SANLAM AG Plc yavuze ko kuba itarashyikirijwe inyemezabuguzi zakoreshejwe muri gasutamo igihe ibi bikoresho byagurwaga bituma idashobora kumenya urugero rw’ubusaze ibi bikoresho byari SANLAM AG Plc ikaba igomba guha Cyabakanga Jean Bosco indishyi za 5.303.520 Frw zisimbura Sauna na Steam byahiye ku wa 25/07/2017. Ibi ninako Urukiko rw’Ikirenga rwabibonye mu rubanza N° RCOMA 0044/13/CS rwaciwe ku wa 21/11/2014 aho rwemeje ko kuba ababuranyi batagaragaza agaciro k’imodoka zishingiwe ku munsi icyago kibereyeho, SORAS AG Ltd igomba guha M.T.S. Ltd indishyi zingana n’umubare w’amafaranga izo modoka zishingiweho (le montant de la valeur assurée)[4].

C. Ku byerekeye inyungu mbonezamusaruro zikomoka kuri SAUNA na STEAM Hotel yari kungukiramo.

[35] SANLAM AG Plc yajuriye ivuga ko indishyi mbonezamusaruro Cyabakanga Jean Bosco yahawe n’Urukiko Rukuru rw’Ubucuruzi nta shingiro zifite kuko zishingiye kuri Business plan kandi izi zikaba zari inzozi n’ibyifuzo bye bitandukanye n’ibyo yungutse koko, ko ahubwo agomba gutanga ikimenyetso cy’inyungu yamenyekanishije mu Kigo cy’Imisoro n‘Amahôro (RRA). Ikomeza ivuga kandi ko Cyabakanga Jean Bosco adakwiye gushingira ku nyungu ziboneka ku bandi bacuruzi batanga serivisi ya Sauna na Steam, kuko buri wese aba afite umwihariko we muri ubwo bucuruzi.

[4] Reba igika cya 44 cy’urubanza N°RCOMA 0044/13/CS rwaciwe n’Urukiko rw’Ikirenga ku wa 21/11/2014, urubanza rwatangajwe mu Cyegeranyo cy’Ibyemezo by’Inkiko, umuzingo wa 2 w’umwaka wa 2015, p.173.

[36] SANLAM AG Plc ikomeza ivuga ko uburyo Cyabakanga Jean Bosco asobanura indishyi birimo urujijo kuko ngo mu Rukiko rw'Ubucuruzi yatangiye avuga ko Hotel yungukaga 150.000 Frw ku munsi ari yo yasabaga mu gihe cy'amezi 19, ariko abonye bamubajije niba yaramenyesheje Ikigo cy'Imisoro n'Amahôro (RRA) ko ORIENT PARK HOTEL yahagaze gukora muri icyo gihe cyose, asubiza ko icyo asabira indishyi mbonezamusaruro ari serivisi za Sauna na Steam gusa kuko ari zo zitigeze zisubukura imirimo. Ikomeza ivuga ko imibare mishya Cyabakanga Jean Bosco yazaniye Urukiko kandi rwashingiyeho igaragaza ko Sauna yakiraga abantu 50 ku munsi x 3000 Frw, naho massage ikakira abantu 15 ku munsi x 15000 Frw, igiteranyo cy'ayo mafaranga ngo kikaba kiruta inyungu ya serivisi zose za Hoteli hakurikijwe ibyavuzwe na Cyabakanga Jean Bosco ko yungukaga 150.000 Frw ku munsi. Isoza ivuga ko Cyabakanga Jean Bosco adashobora gusabira indishyi mbonezamusaruro serivisi zitigeze zikora na rimwe.

[37] Cyabakanga Jean Bosco yaburanye avuga ko nta kosa Urukiko Rukuru rw'Ubucuruzi rwakoze mu kumugenera indishyi mbonezamusaruro kuko mu gihe cyose SANLAM AG Plc yanze kumugarurira ibikoresho bya Sauna na Steam byamuvukije umusaruro yagombaga kubona. Akomeza avuga ko impamvu adashingira ku kimenyetso cy'inyungu yamenyekanyishije mu Kigo cy'Imisoro n'Amahoro ari uko ibikoresho byahiriye muri stock ya Hotel Sauna na Steam zitaratangira gukora, kuko ngo yateganyaga gutangiza izo serivisi mu kwezi kwa Nyakanga 2017, ari yo mpamvu byahiriye muri stock, bityo ko agendera ku biciro n'inyungu biboneka muri za Hoteli ziri ku rwego rumwe.

UKO URUKIKO RUBIBONA

[38] Ingingo ya 3 y'Itegeko No 15/2004 ryo ku wa 12/06/2004 ryerekeye ibimenyetso mu manza iteganya ko buri muburanyi agomba kugaragaza ukuri kw'ibyo aregera.

[39] Mu miburanire ye imbere y'uru Rukiko, Cyabakanga Jean Bosco ubwe yivugiye ko ibikoresho bya Sauna na Steam byahiriye muri stock bitaratangira gukoreshwa ko ahubwo yateganyaga gutanga izo serivisi muri Nyakanga 2017, bivuze ko nta musaruro yari yagatangiye kubona ukomoka kuri izo serivisi.

[40] Urukiko rurasanga Cyabakanga Jean Bosco wari wamaze kugura ibikoresho byo gutanga serivisi ya Sauna na Steam ariko bikangirika bitarakoreshwa atasaba indishyi mbonezamusaruro, kuko nta musaruro byigeze bibyara ngo awubuzwe no kuba byarahiye ntibisimbuzwe, ahubwo icyo yagenerwa ari indishyi zishingiye ku kuba yaravukijwe amahirwe yo kubyaza umusaruro ibyo bikoresho (perte d'une chance), kuko SANLAM AG Plc itubahirije amasezerano y'ubwishingizi ngo imwishyure ibyo bikoresho mu gihe gikwiye abone uko abyaza umusaruro amahirwe yari afite.

[41] Urukiko rurasanga indishyi z'amahirwe Cyabakanga Jean Bosco yavukijwe zidashobora kubarirwa ku mibare yatanze kuko iyo mibare idashingiye ku musaruro yahabwaga na serivisi asabira indishyi, ahubwo Urukiko rukaba rugomba kuzigena mu bushishozi bwarwo rukurikije ingano y'amahirwe umuburanyi yari afite yo kubona inyungu avuga. Ibi ninako abahanga mu mategeko babisobanura aho bavuga ko nta mibare fatizo mu kugena indishyi z'amahirwe umuntu

yavukijwe, ko ahubwo Urukiko rugenekereza igice cy'inyungu zashobora kuboneka[5]. Rurasanga kandi iyi myumvire ari nayo iboneka mu manza zitandukanye zaciwe n'Urukiko rw'Ikirenga harimo urubanza RCOMAA 0008/05/CS rwaciwe ku wa 06/06/20086[6].

[42] Urukiko rurasanga mu gutegura umushinga wa ORIENT PARK HOTEL (Business plan), Cyabakanga Jean Bosco yarateganyaga ko serivisi ya SAUNA yonyine izamwungukira 54.750.000 Frw mu mwaka wa 2017, mu mwaka wa 2018 ikamwungukira 60.225.000 Frw, mu mwaka wa 2019 ikamwungukira 66.247.500 Frw naho mu mwaka wa 2020 ikamwungukira 72.872.250 Frw. Rurasanga mu Rukiko rw'Ubucuruzi Cyabakanga Jean Bosco yaravuze ko ORIENT PARK HOTEL yungukaga 150.000 Frw ku munsi, bivuze ko kumwaka yungukaga 54.000.000 Frw, naho mu Rukiko Rukuru rw'Ubucuruzi avuga ko izo nyungu ari izo yashoboraga kubona kuri serivisi ya Sauna na Steam gusa agereranyije n'inyungu abandi batanga izi serivisi bunguka, ari nazo Urukiko rwashingiyeho rumuha 85.000.000 Frw zihwanye n'amezi 19.

[43] Urukiko rurasanga mu kuregera Urukiko Cyabakanga Jean Bosco ubwe yari amaze kubona ko inyungu yari yiteze mu gihe yatangizaga umushinga atari zo yashoboraga kubona, ari yo mpamvu izo yasabye zari nkeya ugereranyije n'iziri mu mushinga (Business plan). Rurasanga kandi, ibikoresho bya Sauna na Steam byafatiwe ubwishingizi mu kwezi kwa Nyakanga 2016 byarahiriye muri stock ku wa 25/07/2017 nyuma y'umwaka bitarabyazwa umusaruro mu gihe Cyabakanga Jean Bosco yibwiraga ko mu mwaka wa 2017 kuri Sauna yonyine azaba amaze kuyibyaza umusaruro wa 54.750.000 Frw bivuze ko amahirwe yo kubyaza inyungu Sauna na Steam yari ku kigero gito ugereranyije n'ibyo yari yarateganyije.

[44] Urukiko rushingiye ku bisobanuwe haruguru no kubushishozi bwarwo, rurasanga amahirwe Cyabakanga Jean Bosco yari afite yo kubona inyungu ku mwaka kuri serivisi ya Sauna na Steam agomba kubarirwa ku kigero cya 20% ya 54.000.000 Frw[7] yari yagenewe n'Urukiko Rukuru rw'Ubucuruzi. Bityo inyungu ku mwaka ikaba ingana na (20/100 x 54.000.000 Frw) ariyo angana na 10.800.000 Frw; iyi nyungu ikaba igomba kubarwa kuva igihe ibikoresho byahiye (25/07/2017) kugeza igihe uru rubanza ruciriwe (26/02/2021) bingana n'igihe cy'imyaka itatu n'amezi 7, bigatanga igiteranyo cya 38.700.000 Frw ariyo SANLAM AG Plc igomba kwishyura Cyabakanga Jean Bosco.

D. Ku byerekeye amafaranga y'ikurikiranarubanza n'igihembo cya Avoka

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[5] En matière de perte de chance, il n'y a pas de seuil arithmétique ; il faut constater que dans les circonstances concrètes de l'espèce, l'avantage manqué aurait eu une chance raisonnable de survenir. Lorsque la perte d'une chance est réparable, les dommages-intérêts alloués à la victime ne sont qu'une fraction de l'avantage espéré, plus ou moins forte selon la probabilité. P. MALAURIE, L. AYNES, P. STOFFEL- MUNCK, Droit des obligations, 7ème ed. LGDJ Lextenso, Paris, 2015, Pp 141-142.

[6] Urubanza N° RCOMAA 0008/05/CS rwa KAMPIRE na SIBOMANA Eugene c/BK rwaciwe ku wa 06/06/2008, page 10, rwavuze ko Indishyi ziturukа ku kuvutswa amahirwe zigenwa n'umucamanza mu bushishozi bwe, akurikije uko asanga ayo mahirwe yariho koko (chance reelle), ko yari make cyangwa menshi, bitewe n'uko ibintu byari bimeze, indishyi zitangwa kandi zikaba atari izihwanye n'ibyo uwavukijwe amahirwe yizeraga kubona byose ahubwo ari izigereranyizwa gusa ku mahirwe yari afite.

[7] Cyabakanga Jean Bosco yasabye indishyi mbonezamusaruro zishingiye ku musaruro wa 150.000 Frw ku munsi yahombejwe mu gihe cy'amezi 19 ariyo angana na 85.500.000 Frw yagenewe n'Urukiko Rukuru rw'Ubucuruzi. Mu gihe cy'amezi 12, izi ndishyi nizo zingana na (85.500.000 Frw x 12) = 54.000.000 Frw

[45] SANLAM yasabye ko Cyabakanga Jean Bosco yategekwa kuyishyura 2.000.000 Frw y'igihembo cya Avoka na 2.000.000 Frw y'ikurikiranarubanza kuri uru rwego. Cyabakanga Jean Bosco yisobanura avuga ko SANLAM AG Plc yamusiragije mu nkiko nta mpamvu ariyo ikwiye kumuha 4.000.000Frw y'igihembo cya Avoka na 2.000.0000Frw y'ikurikiranarubanza kuri uru rwego.

UKO URUKIKO RUBIBONA

[46] Ku berekeranye n'amafaranga y'ikurikiranarubanza n'igembo cya Avoka asabwa muri uru rubanza, Urukiko rurasanga buri muburanyi agomba kwirengera ikiguzi yarutanzeho kuri uru rwego kuko impande zombi zifite ibyo zitsindiye.

III. ICYEMEZO CY'URUKIKO

[47] Rwemeje ko ubujurire bwa SANLAM AG Plc bufite ishingiro kuri bimwe;

[48] Rwemeje ko urubanza Nº RCOMA 00952/2019/HCC rwaciwe n'Urukiko Rukuru rw'Ubucuruzi ku wa 30/07/2020 ruhindutse;

[49] Rutegetse SANLAM AG Plc kwishyura Cyabakanga Jean Bosco 5.303.520Frw y'agaciro ka Sauna na Steam byahiriye muri ORIENT PARK HOTEL ku wa 25/07/2017 na 38.700.000Frw y'indishyi ku mahirwe Cyabakanga Jean Bosco yavukijwe yo kubyaza inyungu serivisi ya Sauna na Steam, yose hamwe akaba 44.003.520Frw.

[50] Rutegetse ko ingwate y'amagarama yatanzwe ihwanye n'ibyakozwe muri uru rubanza.