NEW FINEST TRADERS LTD v. BANK OF AFRICA RWANDA LTD

[Rwanda URUKIKO RUKURU RW'UBUCURUZI – RCOMA 00695/2018/HCC – (Rutazana, P.J.) 08 Gicurasi 2019]

Amategeko agenga amasezerano – Ingwate yahwe banki – Kwemeza ko ingwate yahawe banki yasimbuzwa – Uwatanze ingwate agasaba ko iyo ngwate yatanze isimbuzwa izindi, ashobora kubihabwa cyangwa ntabihabwe mu gihe yemeranyijwe na banki ko izabanza gusuzuma ubusabe bwe ikabona kumusubiza – Muri icyo gihe banki iba ifite uburenganzira bwo kubyemera cyangwa ikabyanga mu bushishozi bwayo.

Incamake y'ikibazo: New Finest Traders Ltd (New Finest) yagiranye amasezerano y'inguzanyo na Bank of Africa Rwanda Ltd (Bank of Africa). Muri ayo masezerano New Finest yari yatanze n'ingwate ariko bitewe n'uko zari zifite agaciro kanini yemeranywa na Bank of Africa ko ishobora kuzasimbuza imwe mu ngwate ifite agaciro kanini indi ngwate ariko bikabanza gusuzumwa na Bank of Africa.

Byaje kugera aho New Finest isaba Bank of Africa ko ingwate yari yatanze isimbuzwa indi ariko mu gihe yari itarasubiza ihita itanga ikirego mu Rukiko rw'Ubucuruzi isaba gutegeka Bank of Africa ko ingwate yayo yasimbuzwa kugira ngo ibashe kuyisabisha umwenda mu kindi kigo cy'imari kugira ngo umushinga ibikorwa byayo bitaba byahomba.

Urukiko rw'Ubucuruzi rwemeje ko ikirego cya New Finest nta shingiro gifite kuko ngo ntacyagaragaje ko Bank of Africa yanze gusimbuza ingwate.

New Finest yajuririye Urukiko Rukuru rw'Ubucuruzi ivuga ko Urukiko rw'Ubucuruzi rutasuzumye ikirego cyayo ngo runatange umurongo wo kugikemura, igasaba gutegeka Bank of Africa kwemera ko imwe mu ngwate yahawe isimbuzwa, kandi ikishyura New Finest indishyi z'akababaro kubera igihombo yayiteje, amafaranga y'ikurikiranarubanza n'igihembo cy'avoka.

Bank of Africa yireguye ivuga ko kuko urukiko rwaciye urubanza rwajuririwe rushingiye ku masezerano impande zombi zagiranye, kandi ayo masezerano akaba ari nayo Bank of Africa yashingiyeho; ko kandi ayo masezerano ariyo agomba kubahirizwa nta buriganya kuko areba abayagiranye mbere na mbere; ko kuba urukiko rwaravuze ko rutasimbura abagiranye amasezerano mu ishyirwa mu bikorwa ryayo bikaba bifite ishingiro. Yasoje nayo itanga ubujurire bwuririye ku bundi isaba indishyi z'akababaro kubera gukomeza gushorwa mu manza, amafaranga y'ikurikirnarubanza n'igihembo cya Avocat.

Incamake y'ikibazo: Ibikubiye mu masezerano impande zombi zagiranye nibyo biba bigomba kubahirizwa. Bityo ubujurire bwa New Finest Traders Ltd bukaba nta shingiro bufite kuko banki ifite uburenganzira bwo kwemera cyangwa kwanga ko ingwate y'umukiliya wayo idasimbuzwa indi mu gihe byateganyijwe mu masezerano ko banki izasuzuma ubusabe bw'umukiliya wayo ikabona kumusubiza.

Ubujurire nta shingiro bufite.
Amagarama y'urubanza agumye mu isanduku ya Leta.

Amategeko yashingiweho:
Itegeko nº 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano, ingingo ya 64.

Nta manza zifashishijwe.

Urubanza

I. IMITERERE Y'URUBANZA

[1] Uru rubanza rwatangiriye mu Rukiko rw'Ubucuruzi aho NEW FINEST TRADERS Ltd yareze BANK OF AFRICA RWANDA Ltd isaba urukiko gutegeka iyo banki kwemera ko ingwate yahawe igizwe n'umutungo uri mu kibanza N° 01/02/09/03/500 isimbuzwa indi mitungo mu rwego rwo kubahiriza amasezerano y'inguzanyo yo ku wa 04/10/2017 n'ayo ku wa 10/11/2017, no guhabwa indishyi mbonezamusaruro n'inyungu kubera igihombo yatewe no kuba yarangiwe gusimbuza iyo ngwate.

[2] Mu kirego cyayo NEW FINEST TRADERS Ltd isobanura ko BANK OF AFRICA RWANDA Ltd yayihaye inguzanyo ingana na 1.500.000.000 frw, igizwe na 500.000.000 frw yo kongera ubucuruzi na 1.000.000.000 frw y'inguzanyo isanzwe, nayo itanga ingwate zose hamwe zifite agaciro ka 4.091.932.365 frw, hanyuma ishaka kwagura umushinga wayo, BANK OF AFRICA RWANDA Ltd iyiha avansi yo kugura imashini, nyuma yanga gutanga indi nguzanyo yo kuzishyura. NEW FINEST TRADERS Ltd ivuga ko mu gushakisha inguzanyo ahandi, yasabye BANK OF AFRICA RWANDA Ltd kuyemerera gusimbuza ingwate yari yayihaye, iri mu kibanza N° 01/02/09/03/500 kugira ngo ishobore kuyitangaho ingwate mu yindi banki ariko irabyanga nta n'impamvu ifatika igaragaje, bituma NEW FINEST TRADERS Ltd iregera urukiko.

[3] Mu rubanza RCOM 00236/2018/TC rwaciwe n'Urukiko rw'Ubucuruzi rwemeje ko ikirego cya NEW FINEST TRADERS Ltd nta shingiro gifite, kuko nta kigaragaza ko BANK OF AFRICA RWANDA Ltd yanze gusimbuza iyo ngwate, rutegeka NEW FINEST TRADERS Ltd kwishyura BANK OF AFRICA RWANDA Ltd 750.000 frw agizwe n'igihembo cya avoka, ikurikiranarubanza n'igarama.

[4] Urwo rubanza NEW FINEST TRADERS Ltd yarujuririye mu Rukiko Rukuru rw'Ubucuruzi igamije kugaragaza ko mu icibwa ryarwo urukiko rutasuzumye ikirego cyayo ngo runatange umurongo wo kugikemura, igasaba uru rukiko gutegeka BANK OF AFRICA RWANDA Ltd kwemera ko ingwate yahawe yavuzwe haruguru isimbuzwa, kandi ikishyura NEW FINEST TRADERS Ltd indishyi z'akababaro kubera igihombo yayiteje, amafaranga y'ikurikiranarubanza n'igihembo cy'avoka.

[5] BANK OF AFRICA RWANDA Ltd ivuga ko ubujurire bwa NEW FINEST TRADERS Ltd nta shingiro bufite kuko ikirego cyayo cyasuzumwe n'urukiko kandi rugafata icyemezo. Mu bujurire bwuririye ku bundi BANK OF AFRICA RWANDA Ltd isaba guhabwa indishyi z'akababaro kubera gukomeza gushorwa mu manza, amafaranga y'ikurikiranarubanza n'igihembo cya avoka.

[6] Urukiko rugomba gusuzuma ibibazo bikurikira bigize urubanza :

- Kumenya niba BANK OF AFRICA RWANDA Ltd ikwiriye gutegekwa kwemera ko ingwate igizwe n'umutungo uri mu kibanza N° 01/02/09/03/500 isimbuzwa indi mitungo.

- Kumenya niba BANK OF AFRICA RWANDA Ltd igomba kwishyura NEW FINEST TRADERS Ltd indishyi zikomoka ku gihombo, amafaranga y'ikurikiranarubanza n'igihembo cya avoka.

- Kumenya niba NEW FINEST TRADERS Ltd igomba kwishyura BANK OF AFRICA RWANDA Ltd indishyi z'akababaro, amafaranga y'ikurikiranarubanza n'igihembo cya avoka.

II. ISESENGURA RY'IBIBAZO BIGIZE URUBANZA

II.1. Ku byerekeye kumenya niba BANK OF AFRICA RWANDA Ltd ikwiriye gutegekwa kwemera ko ingwate igizwe n'umutungo uri mu kibanza n° 01/02/09/03/500 isimbuzwa indi mitungo.

[7] Me Kabuye Jean avuga ko impamvu ya mbere yatumye NEW FINEST TRADERS Ltd ahagarariye ijurira ari uko mu icibwa ry'urubanza rwajuririwe urukiko rutasuzumye ikirego cyayo ngo runatange umurongo wo kugikemura hashingiwe ku biteganywa n'ingingo ya 9 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 ibyerekeye inshingano y'umucamanza yo guca imanza, n'ingingo ya 10 nayo y'iryo tegeko iteganya ibyerekeye guca urubanza ku cyasabwe.

[8] Asobanura ko mu icibwa ry'urubanza rwajuririwe urukiko rwihungije inshingano zarwo z'ibanze ari zo gukemura impaka zivutse hagati y'ababuranyi, kuko rwemeje ko ikirego cya NEW FINEST TRADERS Ltd nta shingiro gifite rushingiye ku mpamvu y'uko itagaragaje ibimenyetso byerekana ko ibyo isaba BANK OF AFRICA RWANDA Ltd yabyanze uretse gusa kuvuga ko byatinze; akavuga ko urukiko rutasimbura abagiranye amasezerano mu ishyirwa mu bikorwa ryayo, mu gihe hatagaragazwa ko impande zombi zananiranywe cyangwa ko hari uruhande rwananijwe; ngo ibi bikaba ari ukwihunza inshingano z'urukiko z'ibanze, arizo zo gukemura impaka zivutse hagati y'abantu.

[9] Uhagarariye NEW FINEST TRADERS Ltd avuga ko urukiko rwari rufite inshingano zo gukemura impaka zavutse hagati y'ababuranyi muri uru rubanza rushingiye ku bimenyetso rugategeka uruhande ruregwa kubahiriza amasezerano bityo agasaba uru rukiko gutegeka ko ingwate y'umutungo uri mu kibanza N° 01/02/09/03/500 yahawe BANK OF AFRICA RWANDA ltd isimbuzwa indi mitungo hubahirizwa amasezerano yo kuwa 18/10/2017, ashingiye ku mpamvu zikurikira:

- Kuba NEW FINEST TRADERS Ltd yarahaye BANK OF AFRICA RWANDA Ltd indi mitungo nk'ingwate kandi ikaba ifite agaciro gahagije ndetse BANK OF AFRIC ARWANDA Ltd ikaba yarayikoreye igenagaciro.

- Kuba ingwate isabirwa gusimbuzwa ifite agaciro mbumbe gahagije ko kwishingira umwenda NEW FINEST TRADERS Ltd ikeneye.

- Kuba NEW FINEST TRADERS Ltd itarahinduriwe ingwate ngo ibone inguzanyo yifuza, byayiteje igihombo gikomeye gishobora gutuma uruganda rufunga.

[10] Me Kayiranga Cyrille uhagarariye BANK OF AFRICA RWANDA Ltd avuga ko iyi mpamvu y'ubujurire bwa NEW FINEST TRADERS Ltd nta shingiro ifite kuko urukiko rwaciye urubanza rwajuririwe rushingiye ku masezerano impande zombi zagiranye kuwa 18/10/2017, kandi ayo masezerano akaba ari nayo BANK OF AFRICA RWANDA Ltd yashingiyeho. Asobanura ko NEW FINEST TRADERS Ltd yibanda ku gace kamwe k'ingingo ya 2 y'ayo masezerano nyamara hagomba gukurikizwa ingingo zose ziyagize, bityo ayo masezerano akaba agomba kubahirizwa nta buriganya kuko areba abayagiranye mbere na mbere; bityo kuba urukiko rwaravuze ko rutasimbura abagiranye amasezerano mu ishyirwa mu bikorwa ryayo bikaba bifite ishingiro.

UKO URUKIKO RUBIBONA

[11] Dosiye y'urubanza igaragaza ko ku wa 04/10/2017 NEW FINEST TRADERS Ltd yagiranye na BANK OF AFRICA RWANDA Ltd amasezerano y'inguzanyo, iyo banki yemera guha NEW FINEST TRADERS Ltd inguzanyo ingana na 1.500.000.000 frw, uhawe inguzanyo nawe yemera guha banki ingwate ebyiri, zirimo inzu iri mu kibanza no 500 giherereye mu Mudugudu w'Itetero, Akagari ka Nyagatovu, Umurenge wa Kimironko mu Karere ka Gasabo, ibaruye kuri UPI: 1/02/09/03/500, ari nayo NEW FINEST TRADERS Ltd isaba urukiko gutegeka ko isimbuzwa izindi ngwate. Ingingo ya 4 y'ayo masezerano kandi iteganya ko Umwanditsi Mukuru abisabwe n'abagiranye ayo masezerano yemeye kwandika ingwate yahawe banki, ibi bigahesha banki uburenganzira ku buryo budasubirwaho bwo kwandikwaho ingwate ku mutungo utimukanwa mu rwego rwa mbere mu mutungo wavuzwe haruguru.

[12] Urukiko rurasanga ku wa 18/10/2018 impande zombi zavuzwe mu gika kibanziriza iki zaragiranye andi masezerano zise "Addendum" ku masezerano y'inguzanyo", hashingiwe ku biteganywa mu ngingo yayo ya mbere akaba agamije kuzuza ingingo ya 4 y'amasezerano y'ibanze y'inguzanyo no gusobanura uburenganzira bw'uwatanze ingwate yasigaranye mu gihe cyose cy'ubugwate ku nzu iri mu kibanza nº 500 iherereye mu Mudugudu w'Itetero, Akagari ka Nyagatovu, Umurenge wa Kimironko mu Karere ka Gasabo, ibaruye kuri UPI: 1/02/09/03/500.

[13] Urukiko rurasanga ingingo ya 2 y'ayo masezerano y'inyongera (Addendum) iteganya ko impande zombi zemeranyijwe ko ingwate yavuzwe haruguru (inzu iri mu kibanza nº 500 iherereye mu mu Mudugudu w'Itetero, Akagari ka Nyagatovu, Umurenge wa Kimironko mu Karere ka Gasabo, ibaruye kuri UPI: 1/02/09/03/500) yatanzwe nk'inyongera ku ngwate y'uruganda rwa NEW FINES TRADERS Ltd ruri mu Mudugudu wa Munini, Akagari ka Masoro, Umurenge wa Ndera mu Karere ka Gasabo, igamije kuzuza agaciro k'ingwate yari ikenewe ku nguzanyo yari yahawe, kandi ko kubera ko iyo ngwate y'inyongera ifite agaciro kanini hagereranyijwe agaciro kari gakenewe kongerwaho ku ngwate y'uruganda; kandi nyir'inzu akaba ashobora gukenera iyo nzu iri mu kibanza nº 500, impande zombi zemeranyijwe ko uhawe inguzanyo afite uburenganzira bwo gusaba ko iyo ngwate yavuzwe mu ngingo ya 1 y'aya masezerano isimbuzwa banki ikabisuzuma yasanga ari ngombwa ikubahiriza ubusabe bw'umukiriya byaba bidashoboka igahakanira umukiriya.

[14] Iyi ngingo ya 2 y'amasezerano y'inyongera niyo NEW FINEST TRADERS Ltd ishingiraho isaba urukiko gutegeka ko ingwate yavuzwe haruguru yahawe BANK OF AFRICA RWANDA Ltd isimbuzwa izindi ngwate, kugira ngo NEW FINEST TRADERS Ltd ishobore

kuyitangaho ingwate mu yindi banki ishaka gusabamo inguzanyo, ngo kuko yabisabye nk'uko amasezerano abiteganya ariko BANK OF AFRICA RWANDA Ltd ikanga kubisuzuma ngo iyihe igisubizo, kandi ikaba isanga hari impamvu zatuma iyo ngwate isimbuzwa indi.

[15] Urukiko rurasanga ibiteganyijwe muri iyi ngingo ya 2 y'amasezerano y'inyongera byumvikanisha ko kugira ngo iyo ngwate isimbuzwe izindi, uwayitanze yagombaga kubisaba banki iyi nayo ikabisuzuma yasanga ari ngombwa ikabyemera, yasanga bidashoboka ikabyanga. Urukiko rurasanga BANK OF AFRICA RWANDA Ltd yemera ko NEW FINES TRADERS Ltd yasabye ko iyo ngwate isimbuzwa, kandi ikaba nta gisubizo yayihaye kugeza ubwo iyireze mu rukiko, BANK OF AFRICA RWANDA Ltd ikaba yarabwiye urukiko ko impamvu itasubije NEW FINES TRADERS Ltd ari uko mu gihe yari ikirimo gusuzuma ubwo busabe NEW FINEST TRADERS Ltd yahise itanga ikirego mu rukiko.

[16] Urukiko rurasanga iyo myitwarire ya BANK OF AFRICA RWANDA Ltd yo kuba yarakiriye ubusabe ntisubize kugeza ubwo irezwe mu rukiko kandi kugeza n'ubu ibyo yasabwe ikaba itarabikoze bigaragaza ko yabyanze. Urukiko rurasanga ingingo ya 2 y'amasezerano y'inyongera yavuzwe haruguru iteganya ko uwatanze ingwate asaba ko iyo ngwate yatanze isimbuzwa izindi, akaba yabihabwa cyangwa se ntabihabwe, bikaba byumvikana ko muri ayo masezerano y'inyongera impande zombi zumvikanye ko banki ifite uburenganzira bwo kubyemera cyangwa ikabyanga mu bushishozi bwayo.

[17] Urukiko rurasanga mu by'ukuri iyi ngingo ya 2 yavuzwe haruguru iza ikurikira izindi ngingo ziteganyijwe mu masezerano y'ibanze y'inguzanyo ziteganya uburenganzira banki ifite ku ngwate yahawe, urukiko rukaba rusanga imiterere y'iyi ngingo igaragaza ko itaza gukuraho uburenganzira busesuye banki yahawe ingwate ifite nk'uko buteganyijwe mu ngingo ya 5 y'amasezerano y'inguzanyo yo ku wa 10/11/2017, iteganya ko uwahawe inguzanyo yemeye ko iyi nyandiko ari gihamya cy'umwenda kandi ko itamwemerera kugira icyo agurisha cyangwa avana mu ngwate atabyemerewe na BANK OF AFRICA RWANDA Ltd; ibi bikaba byumvikanisha ko kugira ngo hagire ikivanwa mu ngwate zatanzwe banki igomba kubanza kubyemera, bikaba ari nabyo bishimangirwa mu ngingo ya 2 y'amasezerano y'inyongera aho iteganya ko gusaba ko ingwate yatanzwe isimbuzwa bisabwa n'uwatanze ingwate ariko bigasuzumwa na banki ishobora kubyemera cyagwa yasanga bidashoboka ikabyanga.

[18] Urukiko rurasanga mu miburanire ya NEW FINEST TRADERS Ltd, uretse gusa kuvuga ko ishingira kuri iyo ngingo ya 2 y'amasezerano y'inyongera, itagaragaza ko muri iyo ngingo no mu masezerano muri rusange hari igitegeka banki kwemera byanze bikunze ko ingwate yahawe isimbuzwa izindi hashingiwe ku masezerano bagiranye, kandi nk'uko byasobanuwe, uru rukiko rukaba rusanga hashingiwe kubyo ayo masezerano y'inyongera ateganya, banki idategetswe kubyemera ku buryo n'urukiko rwayibitegeka rutabanje kugaragarizwa ko ibyo impande zombi zumvikanye mu masezerano bitubahirijwe koko.

[19] Urukiko rurasanga impamvu NEW FINEST TRADERS Ltd ishingiraho ivuga ko urukiko rugomba gutegeka ko ingwate isimbuzwa arizo kuba NEW FINEST TRADERS Ltd yarahaye BANK OF AFRICA RWANDA Ltd indi mitungo nk'ingwate kandi ikaba ifite agaciro gahagije ndetse BANK OF AFRICA RWANDA Ltd ikaba yarayikoreye igenagaciro, kuba ingwate isabirwa gusimbuzwa ifite agaciro mbumbe gahagije ko kwishingira umwenda NEW FINEST TRADERS Ltd ikeneye no kuba iyo ngwate itarasimbujwe byaratumye NEW FINEST TRADERS

Ltd idashobora gusaba inguzanyo yifuza bikayiteza igihombo gikomeye gishobora gutuma uruganda rufunga, izi mpamvu zose zitavanaho uburenganzira bwa banki bwo gusuzuma ibyasabwe ikaba yabyemera cyangwa ikabyanga nk’uko byasobanuwe haruguru kandi nk’uko biteganyijwe mu masezerano impande zombi zagiranye.

[20] Ingingo ya 64 y’Itegeko no 45/2011 ryo ku wa 25/11/2011 rigenga amasezerano iteganya ko amasezerano akozwe ku buryo bukurikije amategeko aba itegeko ku bayagiranye, kandi akaba agomba kubahirizwa nta buriganya. Urukiko rurasanga iyi ngingo yumvikanisha ko ibyo abagiranye amasezerano bumvikanye mu buryo bukurikije amategeko aribyo biba bigomba gukurikizwa na buri ruhande.

[21] Urukiko rushingiye ku bisobanuro byose byatanzwe no ku ngingo ya 64 y’Itegeko n° 45/2011 ryo ku wa 25/11/2011 yavuzwe haruguru, rurasanga ibikubiye mu masezerano impande zombi zagiranye ari byo bigomba kubahirizwa, bityo ubujurire bwa NEW FINEST TRADERS Ltd bukaba nta shingiro bufite, kubera iyo mpamvu n’indishyi z’akababaro yasabye zikomoka ku gihombo ivuga ko yatejwe na BANK OF AFRICA RWANDA Ltd kuko itemeye ko ingwate yahawe isimbuzwa izindi, amafaranga y’ikurikiranarubanza n’igihembo cy’avoka, byose bikaba nta shingiro bifite kuko itsinzwe.

[22] Urukiko rurasanga kandi kuba rutemeje ko ingwate BANK OF AFRICA RWANDA Ltd yahawe isimbuzwa indi nk’uko byasabwe na NEW FINEST TRADERS Ltd bitafatwa nko kwihunza inshingano zarwo nk’uko uhagarariye NEW FINEST TRADERS Ltd abivuga, kuko kuba urukiko rutemeje ko ibyo isaba bifite ishingiro bitavuze ko rudaciye urubanza ku byasabwe n’ababuranyi.

II.2. Kumenya niba NEW FINEST TRADERS Ltd igomba kwishyura BANK OF AFRICA RWANDA Ltd indishyi z’akababaro, amafaranga y’ikurikiranarubanza n’igihembo cya avoka.

[23] Me KAYIRANGA Cyrille asaba ko hashingiye ku ingingo ya 258 CCL III NEW FINEST TRADERS Ltd yishyura BANK OF AFRICA RWANDA Ltd ahagarariye indishyi z’akababaro zingana na 3.000.000 frw kuri uru rwego rw’ubujurire kubera gukomeza kuyishora mu manza, 2.000.000 frw y’igihembo cy’avoka n’amafaranga 500.000 frw y’ikurikiranarubanza kuko byabaye ngombwa ko ishaka umunyamategeko ukurikirana ndetse akanaburana imanza z’urudaca ikomeje gushorwamo.

[24] NEW FINEST TRADERS Ltd ivuga ko izo ndishyi zisabwa nta shingiro zifite kuko BANK OF AFRICA RWANDA Ltd ariyo itarubahirije amasezerano bagiranye. Uko urukiko rubibona

[25] Urukiko rurasanga NEW FINEST TRADERS Ltd ariyo yajuriye bituma BANK OF AFRICA RWANDA Ltd ikurikirana urubanza inashaka avoka wo kuyiburanira, kandi nk’uko byasobanuwe ubujurire bwa NEW FINEST TRADERS Ltd bukaba nta shingiro bufite, bikaba rero byumvikana ko igomba kuryozwa ibyo BANK OF AFRICA RWANDA Ltd yatakaje ku rubanza ku rwego rw’ubujurire hashingiwe ku ngingo ya 258 y′Igitabo cya gatatu cy′urwunge rw′amategeko mbonezamubano: ibyerekeye imirimo nshinganwa cyangwa amasezerano, iteganya ko igikorwa cyose cy′umuntu cyangirije undi gitegeka nyir′ugukora ikosa rigikomokaho kuriha ibyangiritse. Mu bushishozi bw’urukiko rukaba rugeneye BANK OF AFRICA RWANDA Ltd

200.000 frw y'ikurikiranarubanza na 500.000 frw y'igihembo cya avoka rushingiye ku gihe urubanza rwamaze n'ibyarukozwemo, kuko rusanga ayo isaba ari ikirenga kandi nta bisobanuro n'ibimenyetso iyatangira.

[26] Urukiko rurasanga amafaranga y'indishyi z'akababaro kubera gushorwa mu manza asabwa na BANK OF AFRICA RWANDA Ltd ntacyo rwagaragarijwe rwaheraho ruyagena gitandukanye n'icyashingiweho mu kugena igihembo cya avoka n'amafaranga y'ikurikiranarubanza.

III. ICYEMEZO CY'URUKIKO

[27] Urukiko Rukuru rw'Ubucuruzi rwemeje ko ubujurire bwa NEW FINEST TRADERS Ltd nta shingiro bufite.

[28] Urukiko Rukuru rw'Ubucuruzi rwemeje ko nk'uko byemejwe mu rubanza RCOM 00236/2018/TC rwajuririwe, ikirego cya NEW FINEST TRADERS Ltd nta shingiro gifite.

[29] Urukiko Rukuru rw'Ubucuruzi rwemeje ko NEW FINEST TRADERS Ltd igomba kwishyura BANK OF AFRICA RWANDA Ltd 500.000 frw y'igihembo cya avoka na 200.000 frw y'ikurikiranarubanza ku rwego rw'ubujurire.

[30] Urukiko Rukuru rw'Ubucuruzi rutegetse NEW FINEST TRADERS Ltd kwishyura BANK OF AFRICA RWANDA Ltd 750.000 frw agizwe n'igihembo cya avoka, ikurikiranarubanza n'igarama nk'uko yemejwe mu rubanza rwajuririwe, hiyongereyeho 500.000 frw y'igihembo cya avoka na 200.000 frw y'ikurikiranarubanza ku rwego rw'ubujurire.

[31] Urukiko Rukuru rw'Ubucuruzi rwemeje ko ingwate y'amagarama yatanzwe na NEW FINEST TRADERS Ltd mu bujurire iguma mu isanduku ya Leta.