



### MINISTRY OF WATER AND IRRIGATION

Telegrams: "MAJI", Nairobi

Telephone: 020-2716103

Fax:

020-2727622

Email: ps@water.go.ke

While replying please quote:

PERMANENT SECRETARY

MAJI HOUSE

NGONG ROAD

P.O. Box 49720

<u>NAIROBI</u>

### REF:

DATE:

A. S. Gatumbu

Controller and Auditor general Kenya National Audit Office P. O. Box 30084-00100

**NAIROBI** 

Dear

### **ANNUAL AUDIT REPORT FOR 2006/2007&2007/2008**

Further to this Ministry's presentation before Public Accounts Committee on 30<sup>th</sup> Oct 2009, please receive the following report on the additional information that the Ministry was directed to provide:-

Para. 933-935,940,941,(2007/08)&(1058(2006/07) Uncollected Water Revenues in the following Districts;

Mt Elgon District Water Office	Kshs 3,794,542.65
Keiyo District Water Office	Kshs 7,325,295.20
Koibatek District Water Office	Kshs 1,786,270.00
Transmara District Water Office	Kshs. 2,719,031.00

### The analysis of revenue arrears in each District is as follows;-

### (i) Mt Elgon District

TOTAL	2829	315	726	1360	674880.50	1587886.55	1531776.25	74880.50	3119662.15
Chemondi	339	105	136	27	223667.00	17751.50	198151.20	223667.00	215902.70
Namwela	238	109	33	35	223230.00	74692.00	78389.00	223230.00	153081.00
Cheptais	466	34	99	284	63936.50	168262.65	68398.05	63936.50	236660.05
Sirisia	860	34	296	474	77664.00	910191.00	689092	77664	1599283.00
Changara	152	0	0	152	0	51079.00	0	0	51079.00
Malakisi	289	0	0	289	0	231626.40	0	0	231626.40
Melon	485	33	162	99	86383.00	134284.00	497746.00	86383.00	632030.00
Zone	No. of regd con	No. of active con	No. of con on cut/off	No. of con on dry taps	Arrears on active con	Arrears on dry taps con	Arrears on Cut/off con	Collectable Arrears	Uncollectable Arrears

### Total Uncollectable Revenue is Kshs. 3,119,662.50.

### (II) Koibatek District

Zone	No. of Regd Cons	No. of Active Con	No. Con on cut off	No. of Con with dry taps	Arrears on active Con	Arrears on Con with dry taps	Collectable Arrears (Kshs)	Uncollectable Arrears (Kshs)
Mogotio W/S	1,000	338	310	352	82,295	178,900	260,195	755,905
Timboroa W/S	427	63	360	204	115,300	247,334	362,634	327,566
Cheberen W/S	55	20	35	-	79,970	-	79,970	-
Total	1,482	421	705	556	277,565	426,234	702,799	1,083,471

Total Uncollectable Revenue is Kshs 1,083,471.

### (III) Keiyo District

Name of Water supply	No. of Reg Con.	No. of active Con.	No. of Con on cut-off	No. of Con on dry line	Arrears on active Con.	Arrears on cut-off Con.	Collectable Arrears Ksh	Uncollectable Arrears Ksh
Kaptakwa	640	107	533	320	1,100,1414	949,162.50	1,479,860.00	569,497.50
Kapkoi	289	92	197	118	66,212.00	394,664.70	224,077.70	236,799.00
Chepkorio	394	49	345	207	205,800.00	1,083,736.00	639,294.00	650,242.00
Iten /Tambach	1285	912	373	108	2,343,705.00	1,181,875.00	3,173,022.00	352,558.00
TOTAL	2608	1160	1448	753	3,715,858.00	3,609,438.20	5,516,199.70	1,809,096.50

### Total uncollectable revenue is Kshs. 1,809,096.50

### (IV) Transmara District

Name of the water supply	No. of regd con	No. of active con	No. of cut off	No. of con with dry taps	Arrears on active con	Arrears on dry taps	Collectable Arrears	Uncollectable arrears
Kilgoris	733	403	198	132	1,673,841	389,168	1,597,128	950,356
Lolgorian	25	23	0	2	10,225	0	10,225	0
Angata	22	4	9	9	7,000	24,150	17,915	44,611
Nkararo	40	17	21	2	39,445	0	46,051	52,745
Total	820	447	228	145	1,730,511	413,318	1,671,319	1,047,712

### Total uncollectable revenue is Kshs.1,047,712.

### Action the Ministry is taking;

The Ministry has written to the Ministry of Finance seeking for authority to write off the uncollectable revenues See Annex (97) based on:

- The age of the arrears i.e. large percentage of the arrears have been outstanding since 2003 and beyond which makes it difficult to collect.
- Due to insecurity in some of the Districts, it has proved impossible to locate the debtors as most of them have moved away.
- Many of the water supplies lines dried up and consumers are therefore not likely to pay since they have no water currently

### Paragraphs 926-929 F/Y 2007/2008 Irregular Payments - Kakamega Central District Irrigation Project

The Accounting Officer has recommended a surcharge against the District irrigation officer for the loss of Kshs. 667,120/= being the difference between the amount paid and the value of the executed works. (See annex (926))

### Paragraphs 930-931,936&939 F/Y 2007/2008 Encashment of supplier's cheques in the districts below and the disciplinary action taken against the officers.

i)	Rongo District Water Office	Ksh.	1,179,208.00
ii)	Siaya District Water Officer	Ksh.	545,000.00
iii)	Nyamira District Water Office	Ksh.	700,612.00

It had been reported that the District Water Officers in the three districts had encashed merchants cheques amounting to the figures indicated against each of the three districts. As explained in our earlier report of 30<sup>th</sup> October, 2009 the merchants confirmed in writing having received the payment and also that they themselves had requested that their cheques be encashed on their behalf because of the liquidity situation they were experiencing.

In the case of Rongo District Water Office, the Ministry had served the officer with a show cause letter for encashing merchant's cheques. However, the District Water Officer defended himself by demonstrating through production of Bank Statement confirming that the cheques were enchased by an official from the District Treasury on behalf of the suppliers.

Consequently, the Accounting Officer has written a warning letter to the concerned officer reprimanding and warning him not to repeat the issue in future, (see Annex (LI)

In order to prevent and stop encashment of merchant's cheques in future, the Ministry has put the following measures in place:-

- (i) Circular no WD/3/3/1308/(69) issued by the Director Water Services to all District Water Officers on project implementation and compliance to updating of stores records (See Annex (DWS)).
- (ii) A training program for non financial managers has been proposed for all District Water Officers country wide (See Annex (T)).
- (iii) Intensive monitoring and evaluation of projects from Hqs (Maji House) has been enhanced.

### Paragraph 1050 DEFECTIVE GOODS F/Y 2006/2007

The Ministry of Water and Irrigation paid a supplier through payment Voucher No.002179 dated 29<sup>th</sup> September, 2006, 15 No, 11A, and 20No. 12A toners and 30no.45A cartridges valued at Kshs, 192,000, Kshs.176, 000 and Kshs.86, 400 respectively. It is also true that the audit report indicated that toners No. 12a were defective.

The position on the 15 No. 11A and 20 No. 12A toner is that the toners in question were as per specifications and have since been issued in various offices. The office of C &AG confirmed the same. (See Annex 1050 (A,B,C,D,E,F,G,H.I,J,K,L,M,N,O,P,Q,R,ST,U,))

### Paragraph 1051 -1057

### REPLACEMENT OF TWO PASSENGER LIFTS AT MAJI HOUSE

The Chief Electrical & Mechanical Engineer (Ministry Of Public Works) who was the Project Manager has written to the contractor requesting for final inspection for the Passenger Lifts at Maji House. (

Further the Accounting officer has written to the Commissioner General, Kenya Revenue Authority requesting a refund of VAT of Kshs 1,322,620.50 ( \text{No.} \text{Value of Kshs})

Eng: David N. Stower, CBS, OGW,

PERMANENT SECRETARY



### MINISTRY OF WATER AND IRRIGATION .

Telegrams: "NATURE", Nairobi

Telephone: Nairobi 716103

Fax: Nairobi 727622

PERMANENT SECRETARY

NGONG ROAD MAJI HOUSE P. O. BOX 49720 NAIROBI, KENYA

Ref: MWI/FIN/3/62 Vol. V (97)

Date 2<sup>nd</sup> December, 2009

Mr. Joseph Kinyua, CBS Permanent Secretary. Ministry of Finance NAIROBI

Dear  $\sqrt{Q}$ 

AUTHORITÝ TO WRITE OFF UNCOLLECTIBLE WATER REVENUE ARREARS – KSHS. 7,059,941.65 IN MT ELEGON, KOIBATEK, KEIYO AND TRANSMARA DISTRICTS

Every year, the Controller and Auditor General has been raising the issue of uncollected Water Revenue in most of our districts. Some of which have remained uncollected for over ten years.

During the Public Accounts Committee deliberations for the years 2006/07 and 2007/08 held on 30<sup>th</sup> October, 2009, the members of the Public Accounts Committee after listening to our presentation on why it has been difficult to collect the revenue and their advice was that the arrears appear uncollectible given the circumstances explained by the Ministry, which circumstances are as follows:

(i) Given the low level of investment in the Water Sector, many of the existing water supplies have not been upgraded intandem with increase in population. Consequently, many of the consumers particularly, those down stream no longer receive water. However, Ministry officials have over the years continued to bill them despite lack of water, leading to huge uncollectible water revenue portfolio.

This problem is currently experienced in the four districts that were a subject of Audit in the Controller and Auditor General's report for the financial year 2007/2008 as follows:-

The analysis of uncollectible arrears in each District is as follows;-

### Mt Elgon

Zone	No. of registered connections	No. of active connections	No. of connections on cut/off	No. of connections on dry taps	Arrears on active connections	Arrears on dry taps connections	Arrears on Cut/off connections	Collectable arrears	Un collectab arrears
Melon	485	33	162	99	86383.00	134284.00	497746.00	86383.00	630.00
Malakisi	289	0	0	289	0	231626.40	0	0	231626.40
Changara	152	0	9	152	0	51079.00	Q	0	51079.00
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TOTAL	2829	315	726	1360	674880.50	1587886.55	1531776.25	674880.5	3119662.15

### Total uncollectible revenue is Kshs. 3,119,662.50.

### Koibatek District

	Zone	No. of Registered Connections	No. of Active Connections	No. Connections on cut off	No. of Connections with dry taps	Arrears on active Connections	Arrears on Connections with dry taps	Collectab le arrears (Kshs)	Uncollectable arrears (Kshs)
1.	Mogotio W/S	1,000 .	338	310	352	82,295	178,900	260,195	755,905
2.	Timboroa Water Supply	427	63	360	204	115,300	247,334	362,634	327,566
3.	Cheberen Water Supply	-55	20	35		79,970	-	79,970	
Γota		1,482	421	.705	556	. 277,565 .	426,234	702,799.	1,083,471

Total uncollectible revenue is Kshs, 1,083,471.

### (Keiyo District)

Nater Soly	No. of Reg Con.	No. Of active Con.	No. of Con on cut-off	No. of Con on dry line	Arrears on active Con. Ksh	Arrears on cut-off Con. Ksh	Collectable arrears  Ksh	Uncollectable arrears  - Ksh
k takwa	640	107	533	320	1,100,1414	949,162.50	1,479,860.00	569,497.50
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r 'AL	2608	1160	1448	753	3,715,858.00	3,609,438.20	5,516,199.70	1,809,096.50

Total uncollectible revenue is Kshs. 1,809,096.50

### Tansmara District

Total	820	447	228	145	1,730,511	413,318	1,671,319	1,047,712
NKARARO	40	17	21	2	39,445	0	46,051	52,745
ANGATA	22	4	9	9	7,000	24,150	17,915	44,611
LOLGORIAN	25	23	0	2	10,225	. 0	10,225	0
KILGORIS	733	403	198	132	1,673,841	389,168	1,597,128	950,356
NAME OF THE WATER SUPPLY	No. OF REG CON	No. OF ACTIVE CON	No. OF CUT OFF	No. OF CON WITH DRY TAPS	ARREARS ON ACTIVE CON	ARREARS ON DRY TAPS	COLLECTABLE ARREARS	UNCOLLECTABLE E ARREARS

Total uncollectible revenue is Kshs.1,047,712.

The total amount reflected as uncollectible is Kshs. 7,059,941.65

(ii) The issue of land clashes and general insecurity particularly in Mt. Elgon and Transmara districts have equally contributed to accumulation of revenue arrears. Since 2003, the two districts have experienced a lot of insecurity incidences that have led to many of the residents fleeing the areas. As the residents have continued to rellocate, bills for the water consumed became impossible to collect leading to revenue arrears in those districts.

After extensive deliberations, the members of Public Accounts Committee directed that this Ministry liaises with Treasury with a view of seeking for a write off of the uncollectible water Revenue arrears.

The purpose of this letter therefore is to seek for Treasury's authority to write off the uncollectible arrears as follows:-

Mt Elgon District Water Office Kshs 3,119,662.15
Koibatek District Water Office Kshs 1,083,471
Keiyo District Water Office Kshs 1,809,096.50
Transmara District Water Office Kshs 1,047,712

Total.....Kshs. 7,059,941.65

I would be grateful for your support in this regard.

Yours

ENG. DAVID STOWER, CBS PERMANENT SECRETARY

Annex - 926

### MWI/MHRMAC/NOVEMBER/2009/MIN 3 – DISCIPLINE/ SURCHARGE

1. Name:

Abdullahi Mohammed Juma

P/No:

1989112046

Designation:

Superintendent Irrigation (J/G

(J/G"K")

Date of 1<sup>st</sup> Appointment:

9<sup>th</sup> October, 1989

Date of present Appointment:

27<sup>th</sup> October, 2006

Terms of Service:

Permanent and Pensionable

Age:

49 years

Gender:

Male

Department:

Irrigation

Station:

Kakamega

### PREVIOUS OFFENCE(S)

Nil

### PRESENT CHARGE(S)

The Controller and Auditor General vide his two letters, one dated 22<sup>nd</sup> October, 2008 and DA.35/2007 – 2008 dated May, 1<sup>st</sup> 2009 reported to this office that during their audit inspection of the District Irrigation office – Kakamega for the financial year 2007/08 they revealed irregular payments for works not done at Ikonyero Drainaige Project which totalled to Kshs. 967,120.00.

The Director, Irrigation and Drainage Department vide memo Ref. No. MWI/IDD/21/14/(53) dated September, 11<sup>th</sup> 2009, also confirmed that the implementation of this project was not properly carried out as evidenced by the various correspondences on the issue. Mr. Juma's response letter Ref. No. DIO/KAK/CENTRAL/CON/1/2 (folio 68B) of personal file to the Director, Irrigation and Drainage dated November, 24<sup>th</sup> 2008 was unsatisfactory and therefore not acceptable.

Following these reports, this Ministry addressed Mr. Juma a disciplinary letter through Provincial Irrigation Officer, Western to show cause why he should not be surcharged Kshs. 967,120 less Kshs.300,000 being the amount

paid to the Contractor in advance and irregularly yet the project was not inspected and certified to be complete as per the specifications.

(1)



### REPUBLIC OF KENYA MINISTRY OF WATER AND IRRIGATION

Telegrams: "WATER" Nairobi Telephone: Nairobi 2716103

Fax: 2727622

PERMANENT SECRETARY MAJI HOUSE NGONG ROAD P. O. BOX 49720 NAIROBI

**Ref:** EST/6801494/ (219) **Date:** 2<sup>nd</sup> November, 2009

### Edwin Ojula Mikoyah

Thro'

The District Water Officer, Kisumu East, P.O. Box 457, KISUMU

Dear Sir,

### RE: LIFTING OF INTERDICTION/SEVERE WARNING

Please refer to our letter Ref. No. 68014924/(210) of 5<sup>th</sup> May, 2009 in which you were accused of gross misconduct by encashment of suppliers cheques and cash withdrawals not accounted for at Rongo District Treasury which led to your interdiction w.e.f 5/5/2009.

Due consideration has been given to your representation by the Authorized Officer and it has been decided that the interdiction imposed on you be and hereby lifted w.e.f. 5/5/2009 being the date it was imposed.

You are hereby given a severe warning and a repetition of a similar or any other offence will lead to a more severe action being taken against you which may even include dismissal from the Service.

Signify in writing that you have read and understood the contents of this letter.

Yours faithfully,

F. J. MUGAMBI

F.J. Mugambi FOR: PERMANENT SECRETARY



### MINISTRY OF WATER AND IRRIGATION

Telegrams:

"MAJI" Nairobi

Telephone:

Nairobi 2716103

Fax:

Nairobi 2727622

DIRECTOR WATER SERVICES MAJI HOUSE

NGONG ROAD P. O. BOX 49720

**NAIROBI** 

Ref:

WD/3/3/1308/(69)

Date:

5<sup>th</sup> November, 2009

**All District Water Officers** 

### **RE: UPDATE OF STORE RECORDS**

The Ministry has received and continued to receive audit queries from the office of Controller and Audit General concerning poor projects implementation and noncompliance to updating of stores records.

In most cases the following issues are raised:-

- Missing store records;
- Goods are neither taken on charge nor entered into store ledgers vide S3, S13 and S11;
- Vehicles are repaired without authorized inspections from the Ministry of Public works. Job Cards are not maintained to show actual repairs done on the vehicles;
- Fuel registers are not maintained to show how fuel is drawn from the Service Stations.

The purpose of this circular is to request you to follow Government procedure in procurement of goods and services and that you will be held personally responsible for any procurement malpractice that will be detected in your office. The store records must be updated regularly to avoid attracting any audit query.

ENG - MITU

### Eng. L. N. Simitu, HSC DIRECTOR WATER SERVICES

CC

All Chief Executive Officers. Water Services Boards.

### GOVERNMENT OF KENYA

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Form S 11

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REPUBLIC OF KENYA

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REPUBLIC OF KENYA

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DESCRIPTION / ONNER

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STORES LEDGER AND STOCK CONTROL CARD

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REPUBLIC OF KENYA COUNTER REQUISITION AND ISSUE OUCHER Dept./Branch Dept./Branch Unit BOXL62 Please issue the stores To (issue point) STORES sted below to (point of use)..... Remarks Purpose Quantity Issued Value Unit of Issue Quantity Required Item Description Code No. Na 36 D009428 NO Date 5/06/09 Account No. Signature ..... Designation ... Requisitioning Officer Signature .. Issued by .... Signature. Designation.

GPK 5616-20m Bks-7/2001

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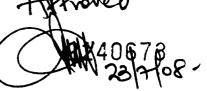


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inistry	1 W \$ 1	***********	Dept.	/Branch	IW		Unit 302 -
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REPUBLIC OF KENYA COUNTER REQUISITION AND LISUE VOUCHER Irrigation Dept. Branch Personnel Unit Nº81 To (issue point) Thase issue the stores listed below to (point of use)... CHRMO Code No. Item Description Unit Cunntity Cuantity Value Remarks of Issue Required Issual Purpose 100 92260 No. 8 Marker )en N0. Pencils No. reld Notebooks NO. 6 95 NO. Account No. Date ... Requisitioning Officer Mary Designation CHUMO Signature. Issued by \_ ... Signature Received by\_ Designation\_ Signature GPK 5616-20m Blss-7/2007 **ORIGINAL** Form S 11 16/16/08-2140219 REPUBLIC OF KENYA COUNTER REQUISITION AND LIGHT VOU Valification Dept./Branch Ministry Ch To (issue point) ... Please issue the stores listed below to (point of use).... Code No. Item Description Remarks Unit Quantity Quantity Value Purpose of Issue Required Iseun 1 Account No. Requisitioning Officer... Issued by ... Signature ..



REPUBLIC OF KENYA

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	point) Si OR	7/0	····	······································		se issue the stores
iisted beli	ow to (point of use)					
Code No	o. Item Description	Unit of Issu	Quantity Required	Quantity Issued	Value	Remarks Purpose
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2	TONER 12A	NO	_ 2	1		197760
	1 LOOSE Legg	No	340	017		THE CONTRACTOR OF THE CONTRACT
	1 CD'S	PKI	- 2	~ 12		
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L	5 Toner 136	No	2	2	u-	1000942
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To (issue po	oint) Stores	Dept.	Branch TRA			
l below		W/NI	31		Please	issue the stores
Code No.	Item Description	Unit				
	Tem Description	of Issue	Quantity Required	Quantity Issued	Value	Remarks Purpose
1	PHOTO COPYING PAPE	REAM	5 3	2		D454978
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4 5	TONER 12A	Nº		075		1922ko
4 5 6	TONER 12A LOOSE LEAF	No No	20	45	- Q	1922ko
4 5 6 1 ccount No.	TONER 12A LOUSE LEAS BIROS	N° PKI	20 1	of s	Date	1922ko
4 5 6 7 ccount No	TONER 12A LOUSE LEAF BIRDS	PKI  Quantity  PKI	20 1 ion D0	of s	Signature	19nako
4 5 6 7 ccount No	TONER 12A LOOSE LEAF BIRDS POFFICED T. MOQUE	N° PKI	20 1 ion D0	of s		19nako



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REPUBLIC OF KENŶA
COUNTER REQUISITION AND ISSUE VOLICHER

Ministry	MW \$I	Dept.	Branch	- 1000	E VU	Unit 332/30
To (issue p	MW STORES v to (point of use)	2017-	2		Please	issue the stores
Code No.	Item Description	Unit of Issue	Quantity Required	Quantity Issued	Value	Remarks Purpose
(	PHOTOCOMING DAPES	peam	3	3 -	B4549	8300m
2	TONER 53A	No	3	3	- 0295 1	
3	PONER 12A	NO	/	1 -	C1922	617
4	SAFE CLOTE	Vo	2	0		- chail
<u> </u>	EXT CHETE	HO	<u> 3</u>	15		1000
6	BIROS	PKF		25		401
<u> </u>	pencils	PKT		12		
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Requisitioni	ing Officer J. L. Con	Designation	tion	Ψ-	Signaturė.	Dead
ssued by	topu.	Signatur	e <u> </u>		Date	718081
Received by	Way C	Designa	tionS	00	Signature .	w
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COL Ministry	INTER RECIT	STTIO	OF KENT	Teer		
To (issue p	point)		/Dianon			Unit issue the stores
listed below	v to (point of use)	- W/2n			**************************************	Stotes
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<u>ų.</u>	Jenn)	PUB	4	2/25	1) Twento	
<del>5</del> ,	Stabling machine	No	1			
6.	Tonnai 56 A	No	3	NIC		
71	7 onner 57A	Ni	1	4		150 9-19
Account No	)	*******	λ	Δ .	Date	18/8/07
Requisitioni	ing Officer E Dall	Designa	tion M	Vn En	YSignature,	( Town
ssued by	·	Signatur	1		. Date1	48/08
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GP¥ 3616	-20m Bks-7/2007		( )	6.	_	Alexander and

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To (issue p	NTER REQUI	SITIO	Branch LE	AANUBOU	Please	JCHER Unit 462 issue the stores
Code No.	Item Description	Unit of Issue	Quantity Required	Quantity Issued	Value	Remarks Purpose
1:	Phatocopy Papers	Roam	5	2		45493
2.	Tissue	NO.	16			B 03 ( 18 )
3.	TONER 12A	NO.	ı	1	-6	79250
4.	FLOSH LISK	NO.	4	075		17000
5.	Pins Dages	PKt	٤	2		<del></del>
6.	NELLON PICKOLS	10.	2	2		<del></del>
<u></u>	Crips (Vaper)	NO.	2	2	ĺ	<del></del>
Account No.	ng Officer M. W. ILUNG	d/Designat	ion _SGW]		DateSignature	**
ssued by	Katunga	Signature			Date 25	4108
	M. W. BUNGS	Designat	ion Saku		Signature	W.
GPK 5616 20	m Pho 712007					

Form S 11

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### REPUBLIC OF KENYA

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rem Description	Unit of Issue	Quantity Required	Quantity Issued	Value	Remarks Purpose
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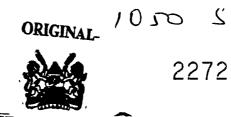
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Approved 21/201.



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REPUBLIC OF KENYA COUNTER REQUISITION AND ISSUE VOUCHER Ministry ... macher Dept. /Branch Rosewices To (issue point) listed below to (point of use) Please issue the stores Code No. Item Description Unit Quantity Quantity Value Remarks of Issue Require 1 Issued Purpose Towar 12A 40 No. E17 10 Neshu 2 ડ bkt İ No. 20 51 No NcAccount No. Requisitioning Officer. Designation .. Issued by. \_\_\_Signature Received by\_ Designation GPK 5616-20m Bks-7 2007 Signature ORIGINAL-



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REPUBLIC OF KENYA COUNTER REQUISITION AND ISSUE VOUCHER Ministry MWS

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### MINISTRY OF WATER AND IRRIGATION

Telegrams: "MAJI", NAIROBI

Telephone: 2716103

Fax: NAIROBI, 2726830/2727622

PERMANENT SECRETARY, MAJI HOUSE, NGONG ROAD P.O. BOX 49720-00100, NAIROBI.

OUR REF. No.: MWI/ORGA/1/19 VOL. IV/(5)

DATE:

25<sup>TH</sup> NOVEMBER, 2009

Mr. Michael Waweru, Commissioner General, Kenya Revenue Authority, P.O. Box 48240-00100, NAIROBI

Dear

### REPLACEMENT OF 2 No. PASSENGER LIFTS AT MINISTRY OF WATER AND IRRIGATION HEADQUARTERS (MAJI HOUSE), NAIROBI

### **REFUND OF VAT OF KSHS 1,322,620.50**

Reference is made to this office letter ref. No. MWI/ORGA/1/19 VOL. III/(2) of 29<sup>th</sup> May, 2007 (copy attached) requesting for a refund of the above specified money which had been paid to your Domestic Taxes Department. Receipt of the amount was acknowledged vide letter ref. No. DTD/LTO/COMP & DEBT of 14<sup>th</sup> April, 2007.

As explained in our letter under reference, the amount had been deducted from advance payments made to the Contractor M/S Mits Electrical Co. Ltd, P.O. Box 76187, Nairobi to enable her pay the manufacturer to commence manufacturing of lifts in Thailand. This was done in accordance with your regulations (deductions from the source and remittance to your account) without knowing that payment was to be made to Customs and Excise Department.

On presentation of the Domestic Taxes Department payment documents to the Commissioner of Customs and Excise, Mombasa Branch, for the purpose of clearing the lifts, he declined to honour the payments purportedly because the two departments have different functions and financial transactions. He advised the Ministry to pay afresh before the lifts are released and claim Kshs 1,322,620.50 from Domestic Taxes Department. The Ministry paid again as advised.

The purpose of this letter therefore is to request your office to assist the Ministry get the refund because Domestic Taxes Department have not responded to our request. The department has been contacted over telephone but always say that they will check their records and respond. Attached please find the relevant documents on the issue for your ease of reference.

Please take the necessary action accordingly.

Yours

ENG. DAVID N. STOWER, CBS, OGW, PERMANENT SECRETARY

<u>CC</u>

Mr. S. M. Gatumbu, Controller & Auditor General, P.O. Box 30084-00100, NAIROBI.

Mr. Patrick G. Gichohi, Clerk to National Assembly, P.O. Box 41842-00100, NAIROBI. OUR REF. No.: MWI/ORGA/1/19 VOL. IV/(5)

**DATE:**  $5^{\text{TH}}$  NOVEMBER, 2009

Annex 1057 (11)

Mr. Michael Waweru, Commissioner General, Kenya Revenue Authority, P.O. Box 48240-00100. NAIROBI

Dear

## REPLACEMENT OF 2 No. PASSENGER LIFTS AT MINISTRY OF WATER AND IRRIGATION HEADQUARTERS (MAJI HOUSE), NAIROBI

#### **REFUND OF VAT OF KSHS 1,322,620.50**

Reference is made to this office letter ref. No. MWI/ORGA/1/19 VOL. III/(2) of 29<sup>th</sup> May, 2007 (copy attached) requesting for refund of the above specified money which had been paid to your Domestic Taxes Department. Receipt of the amount was acknowledged vide letter ref. No. DTD/LTO/COMP & DEBT of 4<sup>th</sup> April, 2007.

As explained in our letter under reference, the amount had been deducted from advance payments made to the contractor M/S Mits Electrical Co. Ltd, P.O. Box 76187, Nairobi to enable her pay the manufacturer to commence manufacturing process of lifts in Thailand. This was done in accordance with your regulations (deduction from the source and remittance to your account) without knowing that this was supposed to be paid to Customs and Exercise Department.

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Attached please find relevant documents on the issue for your ease of reference.

Please take the necessary action accordingly.

#### Yours

## ENG. DAVID N. STOWER, CBS, OGW, PERMANENT SECRETARY

<u>CC</u>

Controller & Auditor General, P.O. Box 30084-00100, NAIROBI.

Clerk to National Assembly, P.O. Box 41842-00100, NAIROBI.



### MINISTRY OF WATER AND IRRIGATION

Telegrams: "WATER", Nairobi Telephone: Nairobi 2716103

Fax: 2727622

PERMANENT SECRETARY MAJI HOUSE NGONG ROAD

P.O. BOX 49720-00100,

NAIROBI.

OUR REF:

MWI/ORGA/1/19 VOL. II/(126)

DATE:

21<sup>ST</sup> MARCH, 2007

COMMISSIVER OF VAT,

NAIROBI

REPLACEMENT OF 2 NO. PASSENGER LIFTS AT MAJE HOUSE

W.P. ITEM NO. D20 NB 301 - JOB NO. 1730J

CONTRCT SUM: KSHS 10,482,460.00

#### CLEARANCE OF LIFTS AT MOMBASA PORT - VAT

The above equipment are at Mombasa Port, awaiting clearance.

When we made an advance payment of Kshs 7,132,590.00, for importation of the lifts, we paid the contractor Kshs 6,148,784.50 and VAT of Kshs 983,805.50 to your department (ref copies of cheque No. 00611804 17<sup>th</sup> January, 2005 and Withholding VAT Cetrificate No. 496495 attached).

According to the assessment by your Mombasa office, the total sum for customs & Exercise is Kshs 1,549,946.20 of which VAT is Kshs 1,322,620.79. Encloses please find a cheque No. 009448 of Kshs 338,815.00 to meet the VAT difference..

We kindly request you to communicate with your Mombasa office that you have so far received a total of Kslss 1,322,620.79 towards VAT.

The Contractor, M/S Mits Electrical Co. Ltd will pay other taxes and duties.

ENG. MAHBOUB M. MAALIM, C.B.S PERMANENT SECRETARY.

Er.cl.

## <u>CC</u>

Permanent Secretary,
Ministry of Roads and Public Works,
P.O. Box 30260,
NAIRGBI.

Managing Director,
Mits Electrical Co. Ltd,
P.O. Box 76187,
NAIROBI.

NAME OF SUPPLIER. .... I certify that the tax indicated above has been paid over to the Commissioner of I will my the way of I will my th ADDRESS. .... WITHHOLDING AGENT NO.! TAX DEDUCTED KSHS 983, 805.10 R all NO. 006119 yours +3192 PAYMENT PERIOD. ... WITHHOLDING VAT CERTIFICATE Kenya Revenue Authority VALUE ADDED TAX DEPARTMENT PAYMENT REFERENCE NO NOW 2/ WAS/1/17 Certificate No. Admistry of Water and trigation PAYER'S STAMP

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Account Number 20

"INISTRY OF WATER AND IRRIGATION --

Authorised Signatory



Customs Services Department

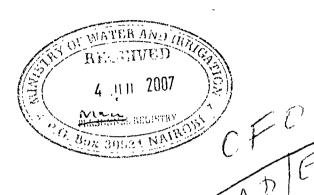


HQ/IMP/6

20<sup>th</sup> June 2007

The Permanent Secretary Ministry of Water and Irrigation P.O. Box 49720 - 00100 NAIROBI

Dear Sir,



PAYMENT FOR 2 PASSANGER LIFTS AGAINST ENTRY NO. -2007 MSA 611355 VIDE CHEQUE NO. 009973 OF 15-06-07.

We acknowledge receipt of the above cheque for payment of taxes due on the 2 passenger lifts imported by yourselves through MITS Electrical Co. Ltd. of Kshs. 1,534,700/-

Please arrange to clear the goods from the port once the entry is passed.

Yourş faithfully,

J. O. OLELA

FOR: COMMISSIONER OF CUSTOMS SERVICES



#### LARGE TAXPAYERS OFFICE Ito@kra.go.ke

4<sup>th</sup> April, 2007

## DTD/LTO/COMP & DEBT

The Permanent Secretary, Ministry of Water & Irrigation, P.O. Box 49720 – 00100 NAIROBI.

## **PAYMENT OF KSHS.1,322,620.50**

Your letter of  $21^{\rm st}$  March, 2007 ref. MWI/ORGA/1/19/VOL.II/(126) on the above captioned refers.

We confirm having received Kshs.983,805.50 on  $24^{TH}$  January, 2005 and Kshs.338,815.00 on  $23^{rd}$  March, 2007 which totals to Kshs.1,322,620.50/=.

date pust

Ndegwa J.G Deputy Commissioner Large Taxpayers Office

Permanent Secretary,
Ministry of Roads and Public Works,
P.O. Box 30260,
NAIROBI.

Managing Director,
Mits Electrical Co. Ltd.,
P.O. Box 76187,
NAIROBI.

OUR REF: MWI/ORGA/1/19 VOL. III/(2) DATE: 29<sup>TH</sup> MAY, 2007

COMMISSIONER OF VAT, DOMESTIC TAXES DEPARTMENT, KENYA REVENUE AUTHORITY, P.O. BOX 30742-00100, NAIROBI.

#### REPLACEMENT OF 2 NO. PASSENGER LIFTS AT MAJI HOUSE

### DELAY IN CLEARING OF LIFTS AT MOMBASA PORT - VAT PAYMENT

This office letter ref NO. MWI/ORGA/1/19 VOL. II/(29) of 21<sup>st</sup> March, 2007 (copy attached) addressed to you regarding the above issue refers. Despite the VAT payment of Ksh 1,322,620.50 made to your office and acknowledged vide your letter ref. NO. DTD/LTO/COMP & DEBT of 4<sup>th</sup> April, 2007 (copy attached), the lifts have to date not been cleared.

According to the office of the Commissioner of Customs and Excise Department, Mombasa branch, his department does not recognize payment made to you because the two departments deal with different transactions. He advised that we pay afresh directly to his Mombasa Branch before lifts are cleared and released.

We can then lounge a refund claim from your department.

The purpose of this letter therefore is to request you as a matter of urgency to refund the Ministry, Kshs 1,322,620.50 to pay Customs & Excise Department, Mombasa to clear and release the lifts and hence avoid accumulation of demmurhage and other charges including deterioration of the equipment.

ENG. Mahibuun ii maanin, C.B.S

# ENG. MAHBOUB M. MAALIM, C.B.S, O.G.W PERMANENT SECRETARY

CC

Permanent Secretary, Ministry of Finance/ Treasury, P.O. BOX 30007, NAIROBI

## REPUBLIC OF KENYA

PAYMENT VOUCHER

(VOTED PROVISION)

Payees Name and Address: COMMISSIONER OF CUSTOM SERV					LPC	)/LSO	Invoice	AMOUNT		
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REPUBLIC OF KINYA

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IMPORTS/EXPORTS/TRANSIT/WAREHOUSING DECLARATION

FORM 0.63 (tr 37, 50, 56, 64,79 A, 79 E, 79 H, 81, 96, 95 A, 97, 127A, 223, 233, 237, 240A 244,252) SIZE A4 (WHITE)

Page 1 of ...1.....

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#### KENYA REVENUE AUTHORITY, QUSTOMS & EXCISE DEPARTMENT 4. Fronter Office: FOR OFFICIAL USE 2 Clearance Office 3. Regine 1.Expoter/Condignor KLD DECLARATION HD. Code C4 Code MSA MITSUBISHI CORPORATION 2007NISA 611355 artitantest No. 2-7-3 CHIYODA-KU TOKYO 2007MSA11983 @ DATE 15/02/2007 8. Voy.FightVehicle reg.hb./Vess. 7. AV/BBL 140. 6. Date Arrival Dep. HKM079 LCHMBA070000005 25/01/2007 12 Country of Condignment 11. Total Pastages 10. Total Items FILLIO. 9.linpater/Com/gnee TH 35 1 P051118109S MITS ELECTRICAL COMPANY 14. Port of Destination 13. Account holder No. Prepayment Account No. LIMITED KLD 30100 17. Bond Security No. 16 Pand amount 15. Guarantee No. NAIROBI N/A 21. Valuation methodining 20. Declarant Platerences 19, CWC/1d Dest. 18.Dedarart:Agent ACV 3677 SG P051121526F SKY LINE GLOBAL SERVICES LTD 23. Country of Dectination 22 Bark Branch Ref. NAIROBI 29. Estimated Ferlod in 27. Terms of Delibery | 38. Terms of Payment 25. Nationally of Transport 26. Race of Discharge Loading 24. Islande of Transport Warehouse/Trandt 200 CNT /Laem Chabang SG Sea 32a Total Customs Value 32 BO NUMBER 31. Warehouse Code/Name/Address 30. Location of Goods 8185071.864 Port RO : TBD No Description Sa. Total Gross Weight 35. Sedibles. 34. Mai Countries of Transiti 33. Valide Owner Driver 13394 d bet welcht (KG) em no a Shipping Maris & Nos /Container No. c. Commodity Clode b CEC 842810 00 C400 PCIU4498550 1X40FT 01 Custome Value g Exchange h Implee Value t. Currency e. Goods Description 8185071.864 Pat.=69.798 113183 USD 2 sets of mitsubishi nexway-aw elevators n Quarthy In S.I.T.C. i. Country of Origin k Unit of Quartity TH UN . Freceding Document Pets. g Other Costs n Ingurance o. Freight 0 585 244292.3 w. Number of Packages Agreement Code u Liberbe Value Duantly Deducted. v. Type of Package t. License Value/Guantity a Ucerce Number 35 2005 N0512051760 FEVENLE INFORMATION a. Attached Doduments to. Pare los, value of Duty/Tax/Due on Dury! Tax Due aa Duty/Tax Bare LETTY THE Number Nurba Code Code Type 1309611 8185071.864 VAT Value 320 ee. Total Duty Tax due this tern 1309611 41. Other Charges 37. SULLAPPY TOTALS Amount Code 225089 38. This Page 710 0

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