

**NIGERIAN INVESTMENT PROMOTION COMMISSION  
COURT CASES FOR JANUARY TO DECEMBER 2020**

| S/ N | Date Commenced | Parties                                  | Cause of Action  | Brief Fact   | Relief Sought  | Status   |
|------|----------------|--|--|--|--|--|
| 1    | 14-May-20      | Hon. Ali Sani vs. NIPC & 2 Ors.          | Alleged refusal to donate to the Governing Council, the powers delegated to the Executive Secretary by the Minister of Industry, Trade and Investment to execute and administer the Pioneer Status Incentive (PSI) | <p>1. The Plaintiff seeks that the powers to approve, decline and extend PSI delegated by the Honourable Minister of Industry, Trade and Investment to the Executive Secretary should be donated to the Governing Council.</p> <p>2. The Plaintiff also seeks that the Commission should refund all its Internally Generated Revenue (IGR), appropriated for and spent in 2018, 2019 and 2020 and desist from further spending its IGR.</p> <p>3. The Plaintiff seeks an Interlocutory Injunction restraining the Commission from spending its IGR appropriated and spent in 2018 and 2019.</p> <p>4. The Plaintiff seeks an Interlocutory Injunction restraining the Commission from spending its 2020 IGR approved and appropriated for expenditure.</p> | An Order allowing the Appeal and setting aside the Ruling/Judgement of the Federal High Court in favour of NIPC  | Ongoing at the Court of Appeal.  |
| 2    | 18-Dec-19      | Hon. Ali Sani vs. NIPC & 2 Ors.          | Alleged refusal to donate to the Governing Council the powers delegated to the Executive Secretary by the Minister of Industry, Trade and Investment to execute and administer the Pioneer Status Incentive (PSI)  | <p>1. The Plaintiff seeks that the powers to approve, decline and extend PSI delegated by the Honourable Minister of Industry, Trade and Investment to the Executive Secretary should be donated to the Governing Council.</p> <p>2. The Plaintiff also seeks that the Commission should refund all its Internally Generated Revenue (IGR), appropriated for and spent in 2018, 2019 and 2020 and desist from further spending its IGR.</p> <p>3. The Plaintiff had obtained an Interim Exparte Order restraining the Commission from expending its IGR appropriated and spent in 2018 and 2019 and the IGR approved for 2020.</p>   | <p>1. An Interlocutory Order restraining the Commission from spending its IGR appropriated and spent in 2018 and 2019.</p> <p>2. An Interlocutory Injunction restraining the Commission from spending its 2020 IGR approved and appropriated for expenditure.</p> <p>3. An Order restraining NIPC Management from further approving, issuing, cancelling and renewing the PSI without the approval of the Governing Council;</p> <p>4. An Order cancelling all Pioneer Certificates issued from March 2018 to December 2019;</p> <p>5. An Order directing NIPC to henceforth remit all IGR into the Consolidated Revenue Fund (CRF);</p> <p>6. An Order directing NIPC to refund to the Federation Account all monies that have been appropriated and spent from the Commission's IGR from 2018, 2019 and 2020; and</p> <p>7. An Order restraining NIPC from further approving and appropriating funds from the IGR.</p> | <p>1. On 13 May 2020, the Federal High Court, Abuja:</p> <p>i. Vacated the Interim Order and refused to grant the Interlocutory Order on the grounds that the Plaintiff, Hon. Ali Sani had no legal right to file the Suit as the Court cannot grant a relief to restrain an executive body from exercising its statutory powers.</p> <p>ii. Struck out the Substantive Suit in favour of NIPC on grounds that it was statute barred having been filed more than a year after the accrual of the cause of action in line with the Public Officers Protection Act and as such, the Court lacked jurisdiction to entertain the Suit.</p> <p>2. The Plaintiff/Appellant, Hon Ali Sani filed the Appeal in "1" above on 14 May 2020.</p> |
| 3    | 15-Mar-19      | Auta Maisamari v. ES NIPC & 13 Ors.      | Alleged breach of FOI Act  | <p>1. The matter borders on request for information as regards the Foreign Leave Allowance approved by the Governing Council for the ES of NIPC (despite attaching same to the Processes).</p> <p>2. The legality of GC's approval of a Foreign Leave Allowance for the ES which had been paid to successive ES's since its approval on 17 August 2005.</p>  | Refund of the Foreign Leave Allowance drawn by the ES in 2017 & 2018 and an Application for ES to step aside pending the determination of the Suit.  | Ongoing at the Federal High Court Abuja  |
| 4    | 5-Mar-18       | Pemo Farms vs. NCS, CBN, FIRS, MoF& NIPC | <p>1. Alleged wrongful custody of seized goods.</p> <p>2. No Cause of Action against NIPC.</p>   | NSC imposed import duties on imported agricultural equipment by Pemo Farms contrary to 0% import duties by FG  | Release of seized equipment by NCS and award of exemplary damages against NCS  | Adjourned pending Out of Court Settlement at the Federal High Court Lagos State  |
| 5    | 16-Dec-15      | Midwestern Oil & Gas vs. NIPC & FIRS.    | Alleged abridgement of the tenure of Pioneer Status from 5 to 3 years.   | The initial grant of 5 straight years pioneer status term to the companies was later abridged to 3 years   | A declaratory order that the action of NIPC & FIRS is unfair, though consistent with the provisions of Industrial Development (Income Tax Relief) Act.   | Ongoing at the Federal High Court  |
| 6    | 19-Dec-12      | Hassan Oguche & 2 Ors. vs. NIPC          | Purported wrongful disengagement from service  | A claim by 3 non-staff members (Hassan Oguche, Charles Orafu and Blessing Oholi) that they were unlawfully disengaged from the Commission.   | An Order setting aside the Judgement of the Lower Court in favour of NIPC and extension of time to seek leave to appeal the Judgement.   | Yet to commence at the Court of Appeal   |