

Zillah W. Moka

Senior Associate | ALN Kenya | Anjarwalla & Khanna

Physical Address:
ALN House, Eldama Ravine Close, Off Eldama Ravine Road, Westlands, Nairobi, Kenya

Postal Address:
P O Box 200-00606, Sarit Centre, Nairobi, Kenya

Telephone:
+254 41 223 0262/3

Email Address:
zillah.moka@aln.africa

Background

Zillah is a Senior Associate at ALN Kenya | Anjarwalla & Khanna and a member of the dispute resolution team. She has nearly 10 years of experience in dispute resolution and has been with the firm for over 7 years.

Zillah specialises in representing local, regional and multinational clients in complex and high value commercial litigation, international arbitration, employment litigation, construction disputes, land matters and tax disputes.

She has significant experience in domestic, regional, cross border and international disputes before different courts, tribunals and other dispute resolution forums such as mediation, adjudication and local and international arbitration and has assisted several clients in recognition and enforcement of local and international arbitral awards in Kenya.

She is also a certified mediator with MTI East Africa and was involved in the first court annexed mediation when the court annexed mediation programme commenced in Mombasa Law Courts in the year 2018.

She is also committed to pro-bono work and has been keen on taking up pro-bono matters since she joined the firm. In 2022, she was awarded by ALN Kenya as a Pro-Bono Champion for being one of the lawyers who is assisting in bridging the gap in access to justice and promoting fairness and equity in the legal system.

In 2022, she was appointed Vice Chairperson of the Associates Weekend Committee in the firm, where she played a pivotal role organising and coordinating a team-building event geared towards strengthening relationships among associates, encouraging inclusion, and cultivating a collaborative culture.

She also serves as a Trainee Champion, a role focused on mentoring and supporting trainees and interns. As a trainee champion in the dispute resolution team, she acts as a point of contact to provide guidance and help trainees navigate their journey and assist the team in providing positive and productive work experience.

She is also part of the team from ALN Kenya that assists Strathmore University Law School Moot Team in preparing for and participating in Moot Competitions, including the Willem C. Vis Moot Court, so as to equip the law school students on various aspects and rules of international arbitration and commercial law.

Professional Memberships

- Law Society of Kenya
- Mediation Training Institute East Africa
- Sports and Recreation Committee, Mombasa Law Society 2018 – 2020
- IT/Tech Committee, Mombasa Law Society 2024 -2026

Professional Qualifications

2016: Admitted as an Advocate of the High Court of Kenya

2014: Postgraduate Diploma in Law, Kenya School of Law

2013: Bachelor of Laws (LL.B, Second Class Honours (Upper Division)) Moi University

Career Summary

April 2023 – Date: Senior Associate, Anjarwalla & Khanna Advocates

Jan 2021 – March 2023: Principal Associate, Anjarwalla & Khanna Advocates

Jul 2018 – Dec 2020: Associate, Anjarwalla & Khanna Advocates

Jun 2016 – Jun 2018: Associate, Hamilton Harrison & Mathews

Jan 2016 – Apr 2016: Associate, Miller & Company Advocates

Oct 2015 – Dec 2015: Trainee Lawyer, Miller & Company Advocates

Top Matters

- • Acting for a financial institution in the Middle East region seeking recognition and enforcement of an ICSID award in Kenya, Uganda and the United Arab Emirates (UAE) against state entities who were ordered to pay the financial institution compensation of over USD 1 Billion. Pioneering groundbreaking enforcement proceedings of ICSID awards in Kenya and the UAE – jurisdictions lacking established legal procedures for recognition of such awards – and setting critical judicial precedents.
  • Acting for Vodafone PLC (UK) in a constitutional petition filed in the Constitutional and Human Rights Division of the High Court of Kenya filed by Goodweek Inter-Services Limited against Vodafone PLC (UK) and three other respondents, that is, Safaricom PLC, Vodafone Kenya Limited, and Mobitelea Ventures Limited. Although the dealership contract between Goodweek Inter-Services Limited and Safaricom PLC, a major and dominant telecommunications provider in Kenya, contains an arbitration clause mandating dispute resolution through arbitration, Goodweek Inter-Services Limited is claiming that Safaricom PLC and the other respondents, who were joined in the matter due to their shareholding and commercial relationships with Safaricom PLC, have imposed non-negotiable dealership contracts on dealers containing unfair terms and unrealistic sales targets which infringe on the dealers' constitutional rights therefore the matter ought to be determined by the High Court.
  • Acting for IIX, the portfolio manager of a series of gender-lens blended financial products known as the Women's Livelihood Bonds (WLBs) whose proceeds are used to support financial enterprises across South-East Asia and Africa focused on women's economic resilience and advancing climate action, in a constitutional petition filed before the High Court of Kenya by one of its borrowers, Lenana Innovative Solutions Limited (Lenana), who have defaulted in repayment of loan facilities totaling to USD 17 Million (exclusive of interests). Although the loan facilities agreement and security agreements contain arbitration clauses, Lenana, in an attempt to circumvent the arbitration process in Singapore, is claiming that all the agreements between the parties are void due to various alleged constitutional rights violations therefore the matter ought to be determined by the High Court of Kenya.

- • Acting for Vodafone PLC (UK) and related entities and successfully challenging a public interest suit filed in the Anti-Corruption and Economic Crimes Division of the High Court of Kenya by shareholders and users of the Mpesa, a mobile phone-based money transfer service and micro-financing service launched in 2007 by Vodafone PLC (UK) and Safaricom PLC.
  • Acting for SBM Bank in connection with a suit filed by a former shareholder of Fidelity Commercial Bank (FCB) (purportedly on behalf of the other shareholders) over the acquisition of their shares by SBM, the parent entity of SBM Bank (Kenya) Limited (previously Fidelity Commercial Bank) and a subsidiary of SBM Holdings Limited, where the Share Purchase Agreement contains a mandatory arbitration clause.
  • Acting for Boston Athletics Association on behalf of International Association of Athletics Federations in recognition and enforcement proceedings of an arbitration award issued by the Court of Arbitration for Sport (CAS Award) in Switzerland, against a Kenyan two-time winner of the Boston Marathon were the marathoner was sanctioned with a four-year period of ineligibility and was ordered to return any titles, medals, prize monies and appearance monies that she had received as a result of her participation in the races due to committing a doping offence.
  • Assisting in preparing pleadings in an international arbitration on behalf of Catalyst Principal Partners in relation to a landmark cross-border post-acquisition dispute at the London Court International Court.
  • Acting for Balton CP, a UK-based multinational in the technology and agricultural industry, with operations in several African countries, in connection with various civil suits before the Labour & Employment Court and the High Court in relation to claims of unfair termination of employment, fraud, conflict of interest, breach of fiduciary duties, breach of contract, economic loss and defamation.
  • Successfully challenging the prosecution of a suit brought against one of Balton's subsidiaries, Amiran Communication Limited, and obtaining orders to refer the matter to arbitration.
  • Acting for Amiran Communication Limited, a subsidiary of Balton CP Limited, in a construction dispute with the employer, Upperhill Chambers Limited, and the main contractor, China Wu Yi Company Limited, where Upperhill Chambers Limited is claiming the sum of approximately USD 500,000 as liquidated damages for prolonged delays, lost income and the cost of remedial works on the construction while Amiran is denying all allegations of breach of contract and is seeking compensation for the sum of approximately USD 800,000 where some of the agreements between the parties contain different arbitration clauses.
  • Acting for DHL, a global leader in the logistics industry specializing in international shipping, courier services, and transportation, on behalf of its SSA regional services office in connection with two separate claims filed by its two former directors and top management in Kenya against DHL involving fraudulent changes over four years of various provisions of three separate DHL's Employees Handbooks relating to various benefits, including the retirement scheme, long service award scheme, motor vehicle benefits, and DHL's Compensation Policies by introducing provisions on 13th-month cheque payment without following due process and getting approvals at the Regional and Group level leading to termination of their employment with DHL and removal from the board of directors of DHL Kenya and DHL- SSA Regional Services. Successfully defending interim applications for reinstatement filed by the affected employees, helping to maintain the integrity of DHL's actions against fraud.
  • Acting for Bolt Operations OÜ (Bolt), a leading international ride-hailing operator, in connection with a constitutional petition relating to the enactment and implementation of the National Transport and Safety Authority (Transport Network Companies, Owners, Drivers, and Passengers) Regulations, 2022 (the Regulations). Bolt is challenging the constitutionality of the Regulations on the basis that they did not undergo the proper procedure for law-making provided in the constitution, and the negative effect of the Regulations on the devolved functions of county governments, competition, profitability of ride-hailing operators and driver choice.
  • Successfully challenging an appeal against Unga Limited, one of the largest millers in East Africa, in connection with Unga Limited's Value Added Tax (VAT) refund claim of over USD 1.89 Million for the period June 2012 to April 2013 lodged by the Kenya Revenue Authority.
  • Acting for Farouk Ravate, a Mauritius real estate investor, in connection with various suits before the tribunals, High Court and Court of Appeal against Spire Bank and individual claiming to be the true owners over Ravasam Development Company Limited and its assets in relation to claims over outstanding loans and fraudulent dealings of the fraudsters claiming ownership of Ravasam Development Limited and its assets.

- • Acting for Geyser International, a member of the Global Tea Group, in a claim against Kenya Railways Corporation, the National Land Commission and China Road & Bridge Corporation Kenya for trespass to land and successfully obtaining an ex parte interim injunction against encroachment of a client's property in relation to the Standard Gauge Railway, a Vision 2030 Project.
- Acting for Planned Parenthood Federation of America (PPFA), in connection with various employment disputes in relation to their local and international employees.
- Acting for and successfully defending Maersk in connection with an injunction application brought by a clearing and forwarding agent to prevent the shipping line from exercising its right of lien over the containers as a result of outstanding demurrage charges.
- Acting for a local building, construction and engineering company in connection with an application seeking a mandatory injunction compelling the company to remit trade union dues for 547 employees.
- Acting for a financial institution in connection with several matters surrounding the recovery over KES 700 million advanced to a real estate and construction company.
- Acting and successfully defending a corporation charged with mandate of extending the pace of electrification in the rural areas in Kenya in connection with a dispute arising from construction of in electricity line and installation of transformers