



Candy Kenya Ltd & 7 others (All suing as members of the Confectionary Division of Kenya Association of Manufacturers) v Attorney General & 2 others; Kenya Revenue Authority (Interested Party) (Constitutional Petition 231 of 2018) [2023] KEHC 18302 (KLR) (Constitutional and Human Rights) (30 May 2023) (Order)

Neutral citation: [2023] KEHC 18302 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
CONSTITUTIONAL AND HUMAN RIGHTS
CONSTITUTIONAL PETITION 231 OF 2018**

AC MRIMA, J

MAY 30, 2023

BETWEEN

**CANDY KENYA LTD 1ST PETITIONER
KENAFRIC INDUSTRIES LTD 2ND PETITIONER
KENYA SWEETS LTD 3RD PETITIONER
PATCO INDUSTRIES LTD 4TH PETITIONER
MZURI SWEETS LTD 5TH PETITIONER
VEERAL SHAH SUPER SWEETS LTD 6TH PETITIONER
ROK INDUSTRIES LTD 7TH PETITIONER
SWEETS 'R' US LTD 8TH PETITIONER
ALL SUING AS MEMBERS OF THE CONFECTIONARY DIVISION OF KENYA
ASSOCIATION OF MANUFACTURERS**

AND

**ATTORNEY GENERAL 1ST RESPONDENT
CABINET SECRETARY NATIONAL TREASURY 2ND RESPONDENT
NATIONAL ASSEMBLY 3RD RESPONDENT**

AND

KENYA REVENUE AUTHORITY INTERESTED PARTY



ORDER

Background:

1. This matter is scheduled for judgment.
2. The Petition challenges the constitutionality of Section 31 of the Finance Bill, 2018 on *inter alia* failure to undertake public participation.
3. I have gone through both the physical file as well as the electronic file in the Court Tracking System (CTS) and did not find the 3rd Respondent's Replying Affidavit allegedly sworn by one Michael Sialai on 27th July, 2018.
4. Given the centrality of the issue of public participation in the Petition, it is of paramount importance that this Court looks at the said Replying Affidavit.
5. As a result, the following orders hereby issue: -
 - a. The 3rd Respondent herein, The National Assembly, shall forward a copy of the Replying Affidavit allegedly sworn by one Michael Sialai on 27th July, 2018 together with the annexures thereto to the Hon. Deputy Registrar. The 3rd Respondent shall, as well, upload another set thereof unto the Court Tracking System (CTS).
 - b. This matter shall be placed before the Presiding Judge for further proceedings.

Orders accordingly.

DELIVERED, DATED AND SIGNED AT KITALE THIS 30TH DAY OF MAY, 2023.

A. C. MRIMA

JUDGE

