



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

PETITION NO. 24 OF 2021

CONSOLIDATED WITH

PET.NO.E 491 & PET.NO. E 403 OF 2021

IN THE MATTER OF ALLEGED CONTRAVENTION

OF RIGHTS OR FUNDAMENAL FREEDOMS UNDER

ARTICLES 2(1) &(4), 3, 10, 10(1) & (2), 20(1), 22(2), 23, 27

(1), 28, 35, 47(1), 48, 73(2), 259(1) OF THE CONSTITUTION OF KENYA

BETWEEN

THE COMMISSIONER GENERAL,

KENYA REVENUE AUTHORITY.....APPLICANT/ RESPONDENT

-VERSUS-

PUBS ENTERTAINMENT & RESTAURANT

ASSOCAITION OF KENYA.....1ST RESPONDENT /PETITIONER

MWAURA KABATA.....2ND RESPONDENT

KENYA HUMAN RIGHTS

COMMISSION.....3RD RESPONDENT/ PETITIONER

NATIONAL ASSEMBLY.....4TH RESPONDENT

CABINET SECRETARY,

NATIONAL TREASURY & PLANNING.....5TH RESPONDENT

THE ATTORNEY GENERAL.....6TH RESPONDENT

THE CABINET SECRETARY FOR ENERGY.....7TH RESPONDENT

THE ENERGY AND PETROLEUM

REGULATORY AUTHORITY.....8TH RESPONDENT

AND

THE KENYA ASSOCIATION OF MANUFACTURERS.....INTERESTED PARTY

DIRECTIONS OF THE COURT

28.1.2022

Coram: Before Hon. H. I. Ong'udi – Judge

Court Assistant – Mohamed (virtually)

1. I have been able to peruse the lead file Pet. No.E.024 of 2021.

2. The pending matters are:

- (i) The petitions in all the 3 files
- (ii) Notice of Motion dated 12th November, 2021.
- (iii) Notice of Motion dated 21st December, 2021(**withdrawn**)
- (iv) Notice of Motion dated 7th January, 2022
- (v) Notice of Motion dated 10th January, 2022
- (vi) Notice of Motion dated 19th January, 2022

3. Directions have been given by this court on filing of responses and submissions before. A perusal of the file confirms that most of the parties are yet to comply with the directions despite the outcry that time is running out.

4. - The application dated 12th November, 2021 by the 1st petitioner has only been responded to by the 2nd respondent.

- The application dated 21st December 2021 by the 2nd respondent has only been responded to by the 2nd respondent. It is however noted that this application was withdrawn on 10th January, 2022.

- The application dated 7th January, 2022 seeks to have the 2nd respondent cited for contempt of court orders. Prayer Nos. 6 and 7 in the said application seek orders against all the respondents. I have not seen any response filed in respect of this application.

- The rest of the applications have yet to be responded to.

5. All the applications dated 21st December, 2021; 7th January, 2022' 10th January, 2022 refer to the orders by Hon. Justice Makau which were issued on 19th November, 2021 and extended on 15th December, 2021 after some explanation on the import of the same.

6. ALL these applications have to be dealt with in one way or another. The genesis of the applications is the order by the Hon. Judge as stated above. That being the case, then the best placed judge to handle them is Justice Makau. Having observed that a number of them have yet to be responded to I hereby issue the following directions.

(i) ALL parties who have not responded to and yet wish to respond to the cited applications should do so within the next 5 days.

(ii) Responses to the Petitions to be filed and served within 7 days.

(iii) Parties to file and exchange written submissions to both the applications and petitions within 14 days. The petitioners to have the first 7 days upon service of the responses.

(iv) The applicants and petitioners are granted leave to file supplementary affidavits to the applications and petitions if need be. The same to be filed alongside their submissions.

(v) Any party not wishing to respond to any of the applications and/or petitions to state so clearly in writing vide a document to be filed in court and served on the other parties.

(vi) The orders of 19.11.2021 and extended on 21.12.2021 to remain in force.

(vii) Mention on 21st February, 2022 before Justice Makau for further directions.

DELIVERED VIRTUALLY, SIGNED AND DATED THIS 28TH DAY OF JANUARY, 2022 IN OPEN COURT AT MILIMANI, NAIROBI.

HEDWIG ONG'UDI

Judge of the High Court