

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT SIAYA

CONSTITUTIONAL PETITION NO. 11 OF 2021

(ORIGINATING FROM KAKAMEGA CONST. PET. 12/2021)

PROF. DR. MONI WEKESA.....PETITIONER/APPLICANT

VERSUS

KENYA POWER & LIGHTING CO. LTD.....1ST RESPONDENT

ENERGY & PETROLEUM REGULATORY AUTHORITY.....2ND RESPONDENT

RULING

1. I have considered the application for leave to be heard during the recess. I am satisfied that the matter is urgent and deserves to be considered during the recess. I certify it as urgent and grant the applicant/petitioner leave to be heard during the recess.

2. On the prayer for an interim mandatory conservatory order, I have considered the application, prayers sought therein and in the petition and the highlights by Ms. Wekesa Advocate for the Petitioner/applicant and I am satisfied that at this stage, a **prima facie** case is established for an *ex parte* order to issue, pending *inter partes* hearing.

3. I therefore make the following orders:

(1) That pending the interpartes consideration of the Applicant/Petitioner's application dated 21/12/2021, the 1st Respondent Kenya Power and Lighting Co. Limited be and is hereby ordered to restore power supply for consumption by the Applicant/Petitioner Prof. Dr. Dr. Moni Wekesa at his rural home on Account No. 36444685 on Plot No. 883 Muhuni in Navakholo within Kakamega County, forthwith upon service of this order upon the Kenya Power and Lighting Co. Limited at Kakamega Offices who are proximate to the applicant's home.

(2) That the Applicant/Petitioner to serve the Respondents with this order and the application and petition for inter partes directions on 6th January 2022.

4. I so order.

DATED, SIGNED AND DELIVERED AT SIAYA THIS 31ST DAY OF DECEMBER, 2021

R.E. ABURILI

JUDGE