

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION
MISC. APPL. NO. 62 OF 2012

BETWEEN

REPUBLIC.....APPLICANT

AND

KENYA SUGAR BOARD RESPONDENT

AND

KAPLONY LIMITED *EX-PARTE* APPLICANT

RULING

In view of the concession by the Kenya Sugar Board that it is ready and willing to consider the *ex-parte* applicant's application for the Sugar Project Registration and licence for a sugar mill, no purpose will be served by proceeding with this matter and the order that commends itself to the court is as follows;

- a. An order of mandamus be and is hereby issued directing the Kenya Sugar Board to compel it to consider, evaluate and make a determination or decision in respect of the *ex-parte* applicant's application dated 26th August 2011 for Sugar Project Registration and licence for a Sugar Mill at its next scheduled Board Meeting.
- b. The Kenya Sugar Board shall pay half the costs of the application.

DELIVERED and **DATED** at **NAIROBI** this 9th day of September 2013.

D.S. MAJANJA

JUDGE

Mr Muchoki instructed by Ahmednasir Abdikadir and Company Advocates for the *ex-parte* applicant.

Mr Ngugi instructed by Mohammed and Kinyanjui Advocates for the respondent.