



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT AT NAIROBI

ELC JR. CASE NO. E011 OF 2021

IN THE MATTER OF: ARTICLES OF 23(3) AND (f) & 47 OF THE CONSTITUTION OF KENYA, 2010

AND

IN THE MATTER OF: THE PUBLIC PROCUREMENT AND ASSET DISPOSAL ACT NO. 33 OF 2015

AND

IN THE MATTER OF: AGRICULTURE AND FOOD AUTHORITY ACT No. 13 of 2013

AND

IN THE MATTER OF: SECTION 7 OF THE FAIR ADMINISTRATIVE ACTIONS ACT No. 4 of 2015

AND

IN THE MATTER OF: UNLAWFUL AND UNPROCEDURAL DISPOSAL OF A PUBLIC ASSET (LR. NO. 209/10537

AND

IN THE MATTER OF: SECTIONS 8 AND 9 OF THE LAW REFORM ACT

AND

IN THE MATTER OF: AN APPLICATION FOR LEAVE TO APPLY FOR ORDERS OF JUDICIAL REVIEW IN THE NATURE OF CERTIORARI AND PROHIBITION

BETWEEN

SHAMCO AFRICA LIMITED.....APPLICANT

=VERSUS=

AGRICULTURE AND FOOD AUTHORITY.....RESPONDENT

HABCO AGENCIES LIMITED.....1ST INTERESTED PARTY

KIPEVU 3PL SUPPLY CHAIN LTD.....2ND INTERESTED PARTY

RULING

1. The ex-parte Applicant filed a chamber summons application dated 18.6.2021 seeking leave to institute Judicial Review proceedings to inter-alia quash the decision of the Respondent (Agriculture and Foods Authority) delivered on 17.2.2021.
2. The 1st and 2nd Interested parties filed a notice of preliminary objection dated 9.11.2021 seeking to strike out the chamber summons application.
3. The court gave directions on 11.11.2021 relating to the aforementioned application as well as the preliminary objection of which the court

was to deliver a ruling thereof on 2.2.2022.

4. I have keenly perused all the material presented before me. In particular, I find that the gist of the matter in the application relates to none compliance with the **Public Procurement and Asset Disposal Act (PPAD) Act**. In that regard, this court will put on hold the determination of the application and the preliminary objection. Instead, the court directs the parties to address this court on the question of jurisdiction.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 2ND DAY OF FEBRUARY, 2022 THROUGH MICROSOFT TEAMS.

LUCY N. MBUGUA

JUDGE

In the presence of:-

Charege for the Applicant

Mwangi for the Respondent

Court Assistant: Eddel Barasa