



REPUBLIC OF KENYA

IN THE ENVIRONMENT AND LAND COURT

AT NAIROBI

MISCELLANEOUS APPLICATION NO. 1 OF 2021

REPUBLIC.....APPLICANT

VERSUS

MATRA GETLINK LIMITED.....1ST RESPONDENT

ALLAGATE LIMITED.....2ND RESPONDENT

BUSINESS PREMISES RENT TRIBUNAL.....3RD RESPONDENT

UCHUMI SUPERMARKETS LIMITED.....EX-PARTE

RULING

1. This is an *ex-parte* application for leave to bring judicial review proceedings. The *ex-parte* applicant has confirmed that the Tribunal is currently seized of an application relating to the same issues as what is contained in the *ex-parte* application. The Tribunal is yet to render itself on the issues.

2. In the circumstances, the application for leave is premature. I decline to grant leave before the Tribunal renders itself on the issues. The *ex-parte* applicant will be at liberty to bring a fresh application for leave

once the Tribunal renders itself on the issue(s).

3. The application dated 26/4/2021 is declined with no order as to costs.

4. The File shall be marked closed.

DATED, SIGNED AND DELIVERED AT NAIROBI ON THIS 10TH DAY OF MAY 2021.

B M EBOSO

JUDGE

In the Presence of: -

Mr Mungai for the Ex-parte Applicant

Mr Rotich holding brief for Mr. Naragwi for the 1st Respondent

Mr. Njuguna holding brief for Mr Rimui for the 2nd Respondent

Court Assistant: June Nafula