



REPUBLIC OF KENYA



**Auto Terminal Japan Limited v Nzai & 2 others (Application E054 of 2025)
[2025] KEHC 3151 (KLR) (Judicial Review) (4 March 2025) (Ruling)**

Neutral citation: [2025] KEHC 3151 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
APPLICATION E054 OF 2025
RE ABURILI, J
MARCH 4, 2025**

BETWEEN

AUTO TERMINAL JAPAN LIMITED APPLICANT

AND

CHARLES NZAI 1ST RESPONDENT

PUBLIC PROCUREMENT REGULATORY BOARD 2ND RESPONDENT

THE ATTORNEY GENERAL 3RD RESPONDENT

RULING

1. The chamber summons dated 20th February 2025 was filed in court on 3/3/2025 under certificate of urgency. The decision sought to be challenged was rendered on 18/2/2025.
2. The applicant did not have to wait until the end of the 14th day as provided for under Section 42 of the *Public Procurement and Asset Disposal Act*, to file the application which is dated 20/2/2025, under certificate of urgency. I find no urgency involved.
3. I decline to certify the application as urgent. I nonetheless grant the applicant leave to apply for Judicial Review orders challenging the said debarment decision.
4. The substantive Notice of Motion to be filed and served upon the Respondents within 5 days of today upon which the Respondents have 7 days of the date of service to file and serve replying affidavits. The matter shall be mentioned on 17/3/2025 to confirm the filing of the main motion.
5. On whether the leave granted should operate as stay of implementation of the impugned decision, as earlier stated, the decision under challenge was made on 18/2/2025 and the application for leave appears to have been prepared and signed just two days later.



6. There is no reason why the applicant procrastinated filing the application until the 14th day approached.
7. Rules 13 & 14 of the Fair Administrative Action Rules, 2024 clearly stipulate that where the applicant seeks that the Judicial Review application be heard urgently and interim or interlocutory orders be granted, then such application shall be made as soon as the event giving rise to such application arises.
8. The decision being challenged is an administrative decision and hence the Fair Administrative Action and Rules apply.
9. I decline to grant any ex parte interim stay as the application has not been made as soon as the event giving rise to the application arose.
10. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 4TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

2| JR NO. E054 OF 2025 RULING

