



**Burn Manufacturing USA LLC v Kenya Revenue Authority (Constitutional Petition E042 of 2024) [2025] KEHC 4698 (KLR) (7 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4698 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT KIAMBU  
CONSTITUTIONAL PETITION E042 OF 2024**

**DO CHEPKWONY, J**

**APRIL 7, 2025**

**IN THE MATTER OF: ALLEGED CONTRAVENTION OF FUNDAMENTAL RIGHTS  
THE RIGHT TO PROPERTY UNDE THE CONSTITUTION OF KENYA, 2010.**

**AND**

**IN THE MATTER OF: RULES 4, 10, 11, 13 AND 20 OF THE CONSTITUTION  
OF KENYA (SUPERVISORY JURISDICTION AND PROTECTION OF  
FUNDAMENTAL RIGHTS AND FREEDOMS OF THE INDIVIDUAL)  
HIGH COURT PRACTICE AND PROCEDURE RULES 2013.**

**AND**

**IN THE MATTER OF: SECTION 4 OF THE FAIR ADMINISTRATIVE ACTIONS ACT, 2015.**

**AND**

**IN THE MATTER OF: THE INTERPRETATION OF EAST AFRICA  
COMMUNITY CUSTOMS MANAGEMENT ACT (EACCMA) 2004.**

**BETWEEN**

**BURN MANUFACTURING USA LLC ..... PETITIONER**

**AND**

**KENYA REVENUE AUTHORITY ..... RESPONDENT**

**RULING**

1. On 15<sup>th</sup> November, 2024, an issue on legal representation for the Petitioner in this Petition arose and the court issued directions, among them that the Petitioner regularizes the same.
2. The Firm of M/S Mungai Kivuti & Company Advocates then filed a Chamber Summons application dated 5<sup>th</sup> February, (erroneously indicated as 2024) wherein he is seeking leave to cease acting for the Petitioner which he has indicated has been served upon the Petitioner. And before this application can



be considered for determination by this Court, on record is a Notice of Withdrawal of Suit dated 28<sup>th</sup> February, 2025 filed by the Petitioner. By this, the application by counsel, Mr. Kivuti as well as all other pending applications in this matter have essentially been overtaken by events.

3. It is worth-noting that the Respondent through its counsel filed a Notice of Appointment of Advocates, Notice of Preliminary Objection dated 4<sup>th</sup> November, 2024, a Replying Affidavit sworn by Tabitha Shikanda and a Notice of Motion application. Over and above this, the Respondent's counsel has always attended court for whatever proceedings since 13<sup>th</sup> November, 2024 to date.
4. All in all, following the filing of the Notice of Withdrawal of Suit by the Petitioner, to which there has been no objection, renders this suit marked as withdrawn with costs to the Respondent.

It is so ordered.

**RULING DATED AND SIGNED AT KIAMBU THIS 7<sup>th</sup> DAY OF ...APRIL.... , 2025.**

**D. O. CHEPKWONY**

**JUDGE**

In the presence of:

Mr. E. Isutsa counsel for Respondent

No appearance for and by Petitioner

Court Assistant - Martin

