



**Eaa Company Limited v Nzai & 2 others (Judicial Review Application E080 of 2025) [2025] KEHC 4172 (KLR) (Judicial Review) (2 April 2025) (Ruling)**

Neutral citation: [2025] KEHC 4172 (KLR)

**REPUBLIC OF KENYA  
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)  
JUDICIAL REVIEW  
JUDICIAL REVIEW APPLICATION E080 OF 2025**

**RE ABURILI, J**

**APRIL 2, 2025**

**BETWEEN**

**EAA COMPANY LIMITED ..... APPLICANT**

**AND**

**CHARLES NZAI ..... 1<sup>ST</sup> RESPONDENT**

**PUBLIC PROCUREMENT REGULATORY AUTHORITY .... 2<sup>ND</sup> RESPONDENT**

**PUBLIC PROCUREMENT REGULATORY BOARD ..... 3<sup>RD</sup> RESPONDENT**

**RULING**

1. I have considered the application for leave to apply for Judicial Review orders of certiorari & Prohibition, dated 26/3/2025, as filed under certificate of urgency.
2. I do not certify it as urgent, noting that the decision sought to be challenged was made on 18/3/2025 and the applicant waited until the 14<sup>th</sup> day, which was the last day, to file the application.
3. However, as the proceedings being challenged are under the *Public Procurement and Asset Disposal Act* and are time bound, I shall proceed to consider the application on its merits, ex parte, under Order 53 of the *Civil Procedure Rules*.
4. In the application for leave to apply, the applicant claims that the decision by the Respondents to debar the applicant was made oblivious of the fact that when the applicant was debarred initially, it got a stay of implementation of the debarment and that it therefore bid during the stay period.
5. The merits of those allegations will be tested during the merit hearing of the substantive motion if filed.
6. Accordingly, I grant the leave sought to apply as per prayers 2(a) and (b) of the Notice of Motion, (though this should have been a chamber summons) dated 26/3/2025.



7. I further order that the leave so granted shall operate as stay of implementation of the decision to debar the applicant made on 18/3/2025 in Debarment Application No. 9/2024.
8. The substantive motion to be filed and served within 2 days of this order being uploaded on the CTS and a notification via email send to the applicant's Counsel upon which the Respondents shall file and serve their responses to the Notice of Motion within 5 days of the date of service.
9. The Applicant shall then have 3 days of date of service to file and serve a further affidavit, if need be together with brief written submissions to canvass the application.
10. The Respondents too, shall have 3 days of the date of service to file and serve (if need be) a supplementary affidavit together with brief written submissions.
11. The matter shall be mentioned for purposes of fixing a judgment date on 28/4/2025 in the substantive motion to be filed in a separate file by close of business on 4/4/2025.
12. This file is closed.

**DATED, SIGNED AND DELIVERED AT NAIROBI THIS 2ND DAY OF APRIL, 2025**

**R.E. ABURILI**

**JUDGE**

