



Peesam Limited v Public Procurement Regulatory Board & another; Kenya Airports Authority (Interested Party); Kenya Professional Cleaners Association (Proposed Interested Party) (Judicial Review E197 of 2024) [2025] KEHC 8362 (KLR) (Judicial Review) (12 June 2025) (Ruling)

Neutral citation: [2025] KEHC 8362 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW E197 OF 2024
JM CHIGITI, J
JUNE 12, 2025**

BETWEEN

PEESAM LIMITED APPLICANT

AND

PUBLIC PROCUREMENT REGULATORY BOARD 1ST RESPONDENT

CHARLES NZAI 2ND RESPONDENT

AND

KENYA AIRPORTS AUTHORITY INTERESTED PARTY

AND

KENYA PROFESSIONAL CLEANERS ASSOCIATION PROPOSED INTERESTED PARTY

RULING

1. What is before this court for determination is the Proposed Interested Party’s Notice of Motion dated 10th February, 2025 brought Under Articles 40, 60 and 64 of *the Constitution* of Kenya, 2010, Order 1 Rule 10(2) and Order 51 of the Civil Procedure Rules, 2010, Section JA of the *Civil Procedure Act*, and all other enabling provisions of the law. It seeks the following orders:

1. That this Honourable Court be pleased to enjoin Kenya Professional Cleaners Association as a second interested party in this suit.
2. That this court grants the applicant leave to file their responses and submissions and participate in the hearing



3. That the costs of this application be provided for.
4. That any other order this Honourable Court may deem just and expedient in the circumstances be granted.
2. The application is supported by a Supporting Affidavit by Christopher Macharia Kamau sworn on 10th February, 2025.
3. The Applicant/Proposed Interested Party is an association of professional cleaners in the Republic of Kenya.
4. Peesam Limited the ex-parte applicant in the instant suit, is a member of the proposed Interested Party.
5. It is deposed that the proposed interested party has an identifiable stake, legal interest or duty in the proceedings in the instant suit even if not be directly involved in the litigation and given that it is an umbrella body of professional cleaners and would not want to see illegalities meted upon its members by statutory and/or state agent.
6. It is contended that the proceedings in the instant suit concern allegations of violations of statute and alleged unlawful/ ultra vires action by the 1st Respondent, of debarring the Applicant without granting it an opportunity to be heard.
7. Further the applicant contends that the proceedings also touch on alleged falsification of payroll for employees by the ex parte Applicant an issue they want to follow on.
8. The applicant/interested party is also interested on following the issue of how the 2nd Respondent came in custody of documents and/ or information that was confidential without being part of the procurement process.
9. The applicant further deposes that they would want to know whether other interests outside of the bidding/tendering process were involved to unfairly debar the Applicant so that it cannot bid for future tenders floated by the Interested Party.
10. According to them it is in the interest of justice and equity that the Proposed Interested Party be enjoined in this matter as an Interested Party to protect its rights and that of its members.
11. The applicant filed undated written submissions in support of their application.
12. It is their submission that *Civil Procedure Act* does not expressly define an ‘Interested Party’, however, Order 41 Rule 5 of the Civil Procedure Rules 2010, makes reference to the term ‘interested party’ as hereunder:

“The court either on its own motion or on application by any interested party, remove a receiver appointed pursuant to this order on such terms as it thinks fit”

13. Further Rule 2 of *the Constitution* of Kenya (Protection of Rights and Fundamental Freedoms) Practice and Procedure Rules, 2013 describes an ‘Interested Party’ as follows:

“[A] person or entity that has an identifiable stake or legal interest or duty in the proceedings before the court but is not a party to the proceedings or may not be directly Involved in the litigation”.

14. They place reliance in the cases of *Erdemann Property Limited v Co-operative Bank (K) Limited*; *Lake Basin Development Authority (Intended Interested Party) (Civil Case E271of 2022) [2024] KEHC*



10187 (KLR) (Commercial & Admiralty) (11 July 2024) (Ruling) and Erdemann Property Limited v Co-operative Bank (K) Limited; Lake Basin Development Authority (Intended Interested Party) (Civil Case E271of 2022) [2024] KEHC 10187 (KLR) (Commercial & Admiralty) (11 July 2024) (Ruling).

15. The interested party submits that the factors which the Court ought to consider when presented with a prayer seeking joinder as an Interested Party were enumerated by the Court in Republic v Kwale County Lands Registrar & another; Abshir & 2 others (supra) as follows:
 - a. Whether the joinder/non-joinder will assist the court in the effective and effectual determination of all questions arising in the suit.
 - b. Whether the party sought to be joined or removed has any identifiable stake, legal interest or duty in the proceedings.
 - c. Whether the joinder/non-joinder is likely to prejudice the said party.
16. On costs it is submitted that the instant Applicant ought to abide the outcome of the Petition main suit.
17. It is posited that common questions of fact or law have arisen between the existing and the intended parties which justify the joinder of the Proposed Interested Party as set out in the latter's Application dated 10th February, 2025.
18. The application was unopposed.

Analysis and Determination:

19. In determining the application this court is guided by the case of Trusted Society of Human Rights Alliance v Mumo Matemu & 5 Others [2015] eKLR which outlined the criteria for determining whether a party qualifies as an interested party as follows: -

“Consequently, an interested party is one who has a stake in the proceedings, though he or she was not party to the cause ab initio. He or she is one who will be affected by the decision of the Court when it is made, either way. Such a person feels that his or her interest will not be well articulated unless he himself or she herself appears in the proceedings, and champions his or her cause.”
20. The court is satisfied that Applicant is an association of professional cleaners in the Republic of Kenya.
21. Given further that Peesam Limited the ex-parte applicant in the instant suit, is a member of the proposed Interested Party, this court is satisfied that the applicant has an identifiable stake in the suit.
22. The court is further satisfied that the joinder/non-joinder will assist the court in the effective and effectual determination of all questions arising in the suit.
23. The applicant has made out a case for the grant of the orders sought.

Order

1. The Kenya Professional Cleaners Association is admitted into this suit as the second interested party.
2. All the parties shall serve the second interested party with their pleadings within 7 days.
3. Leave is granted to 2nd the interested party to file their responses within 7 days thereafter.
4. Costs in the cause.



5. Mention on 28th July 2025 for the 2nd interested party.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 12TH DAY OF JUNE, 2025.

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J. CHIGITI (SC)

JUDGE

