

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JR. MISC APPLICATION NO. E089 of 2025

BETWEEN

REPUBLIC.....
APPLICANT

AND

PUBLIC PROCUREMENT ADMINISTRATIVE
REVIEW BOARD
RESPONDENT

AND

THE PRINCIPAL SECRETARY
STATE DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT 1ST INTERESTED
PARTY
STATE DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT 2ND INTERESTED
PARTY
KEDDY ENTERPRISES LIMITED EX-PARTE
APPLICANT

JUDGMENT

1. The Applicant herein filed a Notice of Motion dated 16thAugust, 2025 under Order 53 Rule of the Civil

Procedure Rules, 2010; Article 47 of the Constitution of Kenya, 2010 seeking the following orders;

1) A Judicial review order in the nature of Certiorari does hereby issue quashing the Respondent's decision dated 7th August, 2025 in PPARB Application No. 58 of 2025; Keddy Enterprises Limited v The Principal Secretary, State Department of Housing and Urban Development & Anor.

2) A Judicial Review order in the nature of Mandamus does hereby issue, compelling the 1st Interested Party to issue an award of Tender No. MLPWHUD/HUD/AHP/411/2023-2024 for the Proposed Construction of the Machakos New City HRP Project (Phase 1) in Machakos Township Constituency in Machakos County (With Associated Soda/Amenities and Infrastructure) to the Applicant and thereafter conclude a contract in respect of the said tender.

3) The Applicant shall have the costs of the application.

2. The application is supported by a Statutory statement dated 14th August, 2025 and Verifying Affidavit of Evangline Kiende sworn on even date and a further supporting affidavit sworn on 2nd September, 2025.

3. The Applicant's grievance arises from its participation in a public procurement process initiated under Tender No. MLPWHUD/IHUD/ARP/411/2023-2024 for the proposed construction of the Machakos New City AHP Project (Phase 1), issued by the Interested Parties through an open national tender.
4. The Applicant argues that having complied with the requirements of the tender and having submitted the lowest evaluated bid it participated in the procurement process in good faith.
5. The applicant argues that during the tender opening and subsequent evaluations, the Applicant's bid was consistently recommended for award by the Evaluation Committee and the Head of Procurement at the 2nd Interested Party.
6. The Applicant is aggrieved because according to it, despite favourable recommendations and the extension of the initial tender validity period, the Interested Parties failed to conclude the procurement process within the stipulated timeframes.
7. Instead, they purported to terminate the tender on the alleged ground that none of the bids, including the Applicant's, were responsive — an allegation which the Board later found to be without merit in PPARB Application No. 58 of 2025.

- 8.** Upon further proceedings, it became evident that the 1st Interested Party, acting as the Accounting Officer, had expressed a preference for the award of the tender to another bidder, Padaa Limited, who had been disqualified during financial evaluation.
- 9.** The Board, through its decision dated 3rd June 2025, nullified the termination and directed the Interested Parties to conclude the procurement process within 30 days. It argues that however, the Interested Parties failed to comply, prompting the Applicant to move the Board once more via a Notice of Motion dated 17th July 2025, seeking, among other reliefs, the award of the tender to the Applicant based on the prior multiple recommendations of the Evaluation Committee.
- 10.** The Applicant argues that, in response to the Applicant's motion, the Interested Parties admitted non-compliance with the Board's orders and disclosed the appointment of a new Evaluation Committee. The Applicant contends that this new appointment was irregular and contrary to Section 46(4)(d) of the Public Procurement and Asset Disposal Act (PPADA), which prohibits the constitution of a new Evaluation Committee without the procedural disbandment of the existing one. The Interested Parties provided no evidence of such disbandment, and the previous committee was still available but had been reassigned.

- 11.** The Applicant argues that despite this, the Board, in its decision dated 7th August 2025, merely extended the tender validity period by a further 60 days to allow the newly constituted committee to conclude the process, without addressing the legality of its constitution.
- 12.** The Applicant further argues that the Board's decision is riddled with illegality and irrationality since it failed to address the issue of the irregular reconstitution of the Evaluation Committee and unjustifiably departed from its own precedents, including decisions in PPARB Application Nos. 24 and 41 of 2025, where the Board had, under similar circumstances, made express orders awarding tenders to deserving bidders in the face of persistent non-compliance by procuring entities.
- 13.** It argues that, the Board failed to provide reasons for declining key reliefs sought by the Applicant, particularly the prayer for award of the tender and the conclusion of the procurement contract.
- 14.** It is the Applicant's case that the conduct of the 1st Interested Party throughout the procurement process has been marked by repeated acts of obstruction, including ignoring favourable evaluations and manipulating the process through the irregular appointment of a more "friendly" Evaluation Committee.

15. The Board's failure to address these issues and its decision to remit the matter back to the Interested Parties, despite clear statutory powers under Section 173(c) of the PPADA to substitute its own decision for that of the Accounting Officer, has rendered the procurement process interminable and frustrates the Applicant's legitimate expectation to a fair and lawful process.
16. The applicant canvassed his application by way of written submissions dated 2nd September, 2025. The Applicant challenges the Board's decision dated 7th August 2025, asserting that it is riddled with illegality and irrationality. It relies in the case of ***Pastoli v Kabale District Local Government Council & Others [2008] 2 EA 300.***
17. The Applicant argues that the Board acted illegally by endorsing the constitution of a new Evaluation Committee in violation of Section 46(4)(d) of the Public Procurement and Asset Disposal Act, despite the previous committee not having been lawfully disbanded.
18. Citing ***Child Welfare Society of Kenya v Republic & 2 others Ex-parte Child in Family Focus Kenya [2017] KECA 175 (KLR)***, the applicant submits that decisions made outside the legal framework, as was the case here, must be quashed.
19. Further, relying on ***Sinopec International Petroleum Service Corporation v Public Procurement***

Administrative Review Board & 3 others (Civil Appeal E012 of 2024) [2024] KECA 184 (KLR) (23 February 2024) (Judgment), and ***Vickers Security Services Limited v Public Procurement Administrative Review Board & 3 others (Civil Appeal E143 & E150 of 2025 (Consolidated)) [2025] KECA 671 (KLR) (11 April 2025) (Judgment)***, the Applicant argues that the Board irrationally failed to exercise its statutory powers under Section 173(c) of the PPADA to bring the procurement process to a lawful conclusion, despite repeated violations and manipulation by the procuring entity's Accounting Officer, who had shown bias against the applicant.

20. The Applicant also cites the Board's inconsistency with its prior decisions in PPARB Application Nos. 24 and 41 of 2025 where it ordered the award of tenders to successful bidders to prevent further frustration.
21. Additionally, in invoking ***Jasbir Singh Rai & 3 others v Tarlochan Singh Rai Estate of & 4 others [2013] eKLR***, and ***Chief Executive Officer, the Public Service Superannuation Fund Board of Trustees v CPF Financial Services Limited & 2 others (Civil Appeal E510 of 2022) [2022] KECA 982 (KLR) (9 September 2022) (Judgment)***, the Applicant submits that courts should intervene to redress injustice and bring finality to prolonged tender disputes.

The Respondent's case;

- 22.** The Respondent, opposes the Application and argues that it is an appeal against its decision dated 7th August 2025 in Notice of Motion Application No. 58 of 2025, and therefore falls outside the jurisdiction of the Court under the guise of judicial review.
- 23.** It is the Respondent's case that its decision dated 7th August 2025, rendered in Notice of Motion Application No. 58 of 2025, was lawful, reasonable, procedurally fair, and within the confines of its mandate under the Public Procurement and Asset Disposal Act, 2015 ("the Act").
- 24.** It is averred that the procurement dispute arises from Tender No. MLPWHUD/HUD/AHP/411/2023-2024 for the Proposed Construction of the Machakos New City Affordable Housing Project (Phase 1).
- 25.** The Applicant had initially challenged the 1st Interested Party's handling of the said tender in Request for Review No. 44 of 2025, wherein the Board issued its decision on 29th April 2025, directing inter alia that all participating bidders be issued with a termination notice dated 26th March 2025 and that the tender validity period be extended for 120 days from 28th April 2025.

- 26.** Subsequently, the Applicant filed Request for Review No. 58 of 2025, challenging the legality of the termination and sought, inter alia, the award of the tender.
- 27.** Upon hearing the matter, the Board, in its decision dated 3rd June 2025, issued substantive directions, including the following:
- i. Quashing and setting aside the termination of the procurement proceedings (Order A and B);
 - ii. Nullification of post-termination due diligence conducted on the Applicant's tender (Order C);
 - iii. Direction to the 1st Interested Party to conclude the procurement process within 21 days, taking into account the Board's findings on evaluation, due diligence, and recommendations (Order D);
 - iv. Direction to furnish the PPRA Director-General with the Board's decision for oversight and supervisory purposes (Order E).
- 28.** The Applicant later moved the Board through Notice of Motion Application No. 58 of 2025 dated 17th July 2025, seeking enforcement of the 3rd June 2025 orders on the basis that the Interested Parties had failed to act within the 21-day period prescribed.
- 29.** The Respondent heard the application on 1st August 2025, by way of written submissions from all parties, and noted

three key issues for determination: (i) whether its orders had been complied with, (ii) whether to extend the tender validity, and (iii) the appropriate reliefs in the circumstances.

- 30.** Upon analyzing the parties' submissions, the Board acknowledged noncompliance with its earlier orders, but considered explanations tendered by the Interested Parties. These included the appointment of a new evaluation committee *inter alia*.
- 31.** It is its case that in exercise of its discretionary powers under Section 173 of the Act, which allows the Board to direct compliance or annul proceedings, the Board held that an extension of time was a just and equitable remedy.
- 32.** The Board referred to relevant precedents and underscored the importance of upholding its authority and maintaining the integrity of the procurement dispute resolution framework.
- 33.** It strongly maintains that in its decision dated 7th August 2025, the Board issued the following binding directions:

Order A: Extended the tender validity period for 60 days from 7th August 2025;

Order B: Granted the Respondents an additional 60 days to conclude the procurement process as per the earlier decision of 3rd June 2025;

Order C: Directed that each party bear its own costs.

34. The Respondent maintains that it acted in accordance with the law, the Constitution (particularly Article 227), the Act, and the 2020 Regulations. It further maintains that the Board considered the limitations of its jurisdiction and declined to entertain the Applicant's new cause of action concerning the allegedly irregular constitution of a new evaluation committee, noting that this was neither pleaded nor canvassed in the application, and therefore fell afoul of the doctrine of exhaustion and the requirement that parties be bound by their pleadings.
35. The Respondent further submits that its decisions were impartial, procedurally fair, and grounded in fact and law, and rejected allegations of bias or irrationality.
36. It is its case that the Applicant failed to establish any illegality, irrationality, procedural impropriety, or unreasonableness in the Board's conduct or reasoning.
37. The Respondent filed written submissions dated 1stSeptember, 2025.
38. The Respondent submits that the Applicant's application is fundamentally misconceived, as it seeks to invoke judicial review as an appellate mechanism contrary to established legal principles. Citing ***Republic v Public Procurement Administrative Review Board & another; Celmel***

Insurance Agency (Exparte Applicant) [2023] KEHC23662 (KLR) which cited ***Judicial Review Application No E052 of 2023 R Vs Public Procurement Review Board Ex-parte Arid lands Communications*** the Respondent underscores that judicial review is limited to examining the process and legality of a decision and does not extend to re-evaluating evidence or substituting the decision-maker's discretion with that of the Court.

39. It is contended that the Applicant's request for orders directing the award and execution of the contract, improperly invites the Court to assume a merits-based, appellate role.

40. Reliance is placed on the Supreme Court's judgment ***in Edwin Harold Dayan Dande & 3 Others v Inspector General, National Police Service & 5 Others (Petition 6 (E007), 4 (E005) & 8 (E010) of 2022 (Consolidated)) [2023] KESC 40 (KLR) (16 June 2023) (Judgment)***, where to highlight the distinction between judicial review under common law (via Order 53 of the Civil Procedure Rules) and constitutional petitions. The Court held that unless a party pleads a violation of constitutional rights and invokes a "dual approach" to judicial review, the Court is confined to assessing the lawfulness of the decision-making process only.

41. It is the Respondent's submission that in the instant case, the Applicant brought the suit purely under Order 53 without raising constitutional questions and thus, the scope of review is limited to the process not the substance of its decision.
42. Section 173 of the Public Procurement and Asset Disposal Act, 2015 grants it wide ranging powers upon completing a review, including annulling procurement steps, directing actions to be taken or redone, substituting decisions of the procuring entity, awarding costs, or terminating the procurement process altogether.
43. The Respondent cites ***Republic v Public Procurement Administrative Review Board & 2 Others exparte Pelt Security Services Ltd [2018] eKLR*** to affirm the scope of these discretionary powers. In rendering the impugned decision, the Respondent was merely enforcing its earlier orders of 3rd June 2025 and ensuring the integrity of the procurement process.
44. The Respondent also refers to the case of ***Pastoli v Kabale District Local Government Council & Others [2008] 2 EA 300***, which in turn cited ***Council of Civil Service Unions v Minister for the Civil Service [1985] AC 2*** which restated the classic grounds for judicial review illegality, irrationality where the court held:

“In order to succeed in an application for judicial review, the applicant has to show that the decision or act complained of is tainted with illegality, irrationality and procedural impropriety... Illegality is when the decision-making authority commits an error of law in the process of taking or making the act, the subject of the complaint. Acting without jurisdiction or ultra vires,

or contrary to the provisions of a law or its principles are instances of illegality... Irrationality is when there is such gross unreasonableness in the decision taken or act done, that no reasonable authority, addressing itself to the facts and the law before it, would have made such a decision. Such a decision is usually in defiance of logic and acceptable moral standards...

Procedural Impropriety is when there is a failure to act fairly on the part of the decision-making authority in the process of taking a decision. The unfairness may be in non-observance of the Rules of Natural Justice or to act with procedural fairness towards one to be affected by the decision. It may also involve failure to adhere and observe procedural rules expressly laid down in a statute or legislative Instrument by which such authority exercises jurisdiction to make a decision.”

45. The Respondent asserts that none of these grounds have been established by the Applicant.
46. The Respondent invokes Sections 107(1) and 109 of the Evidence Act to argue that the burden of proof lies with the Applicant, who has failed to demonstrate any factual or legal basis to impeach its decision.
47. It maintains that it exercised its statutory discretion in light of the submissions and evidence presented, particularly the Interested Parties' explanation for the delay, and fashioned a remedy that promoted compliance with the Act.
48. Regarding the Applicant's complaint about the reconstitution of the evaluation committee, the Respondent submits that this issue was never pleaded before the Board in Notice of Motion Application No. 58 of 2025 and is therefore not properly before this Court.
49. The Respondent relies on the principle that parties are bound by their pleadings, as articulated in ***Independent Electoral and Boundaries Commission & another v Mule & 3 others [2014] KECA 890 (KLR)*** thus entertaining this new grievance would violate the rules of natural justice and offend the doctrine of exhaustion, which was reaffirmed by the Supreme Court in ***United Millers Limited v The Kenya Bureau of Standards & 5 Others (Petition Application No. 4 of 2021)***.

50. The Respondent contends that the Applicant should have filed a fresh request for review before the Board under Section 167(1) of the Act rather than raising the issue for the first time in this judicial review.

51. It cites ***Republic v Public Procurement Administrative Review Board Exparte Meru University of Science & Technology; M/S Aaki Consultants Architects and Urban Designers (Interested Party) [2019] eKLR***, where the Court held thus:

“The role of the court in Judicial Review proceedings was well stated in Republic vs National Water Conservation & Pipeline Corporation & 11 Others [9] where it was held that once a Judicial Review court fails to sniff any illegality, irrationality or procedural impropriety, it should down its tools forthwith. Judicial intervention is posited on the idea that the objective is to ensure that the agency did remain within the area assigned to it by Parliament. If the agency was within its assigned area then it was prima facie performing the tasks entrusted to it by the legislature, hence not contravening the will of Parliament, then a court will not interfere with the decision.”

52. According to the Respondent, since its decision was based on the specific circumstances of the matter, was within its

jurisdiction under Section 173, and followed due process, the Court should not interfere.

53. On costs, the Respondent contends that the Application arises purely from the Applicant's dissatisfaction with a lawful exercise of discretion, and therefore costs should follow the event. However, if the Court is inclined to grant the application and set aside the impugned decision, the Respondent urges the Court pursuant to Section 175(7) of the Act not to award costs, as the statute expressly bars cost awards in such circumstances.
54. The Respondent prays that the Applicant's Notice of Motion be dismissed with costs, or alternatively, that the matter be remitted to the Board for reconsideration within twenty-one (21) days in line with Section 171 of the Act.

The 1st and 2nd Interested Parties' case;

55. The 1st and 2nd Interested Parties affirm that the procurement process for Tender No. MLPWHUD/HUD/AHP/411/2023-2024, for the proposed construction of Machakos New City AHP Project (Phase 1), was lawfully conducted under the provisions of the Public Procurement and Asset Disposal Act, 2015 (the Act).
56. According to them the tender was advertised on 27th June 2024 via open national competitive bidding, with the

deadline extended from 8th August to 24th September 2024 due to nine addenda.

- 57.** Upon closure, 14 bids were received, and a duly appointed Evaluation Committee conducted a three-stage evaluation process.
- 58.** The Applicant was initially recommended for award, and a professional opinion was issued in that regard.
- 59.** However, following re-evaluation prompted by concerns over documentation, it was discovered that certain information submitted by the Applicant specifically a line of credit from Equity Bank was inaccurate. This adverse due diligence finding led to the termination of the procurement proceedings under section 63(1)(f) of the Act, as the credibility of the bid was in question.
- 60.** The Applicant subsequently challenged the termination in Request for Review No. 58 of 2025, resulting in the Respondent's decision of 3rd June 2025.
- 61.** Upon application by the Applicant regarding alleged non-compliance with the said decision, the Board, after hearing all parties, rendered a subsequent decision on 7th August 2025, in which it extended the tender validity and allowed the Interested Parties an additional 60 days to conclude the procurement process. This was done pursuant to its powers under Section 173 of the Act.

62. The 1st and 2nd Interested Parties maintain that the Respondent acted lawfully, fairly, and within its jurisdiction, and there is no illegality, irrationality, or procedural impropriety warranting judicial review.
63. They contend that the Applicant is merely dissatisfied with the outcome and is improperly attempting to challenge the substance of the decision rather than the process, which is outside the remit of judicial review.
64. On the issue of reconstituting the Evaluation Committee, the Interested Parties deny any impropriety, noting that only one committee was in place at any given time, and the Accounting Officer acted within the scope of the law in line with Article 227 of the Constitution and the procurement regulations.
65. The Interested Parties reject allegations of bias or preference for any bidder as unfounded and malicious, urging the Court to find that the application lacks merit, was filed in bad faith, and should be dismissed with costs.

Analysis and Determination;

Upon considering the pleadings, the rival submissions and the cases as relied on by parties in advancing their cases, this court finds the following to be the issues for determination:

- 1) Whether or not the application has merit.

2) Who shall be the costs

Whether or not the application has merit.

- 66.** In order to succeed in the application, the applicant has to demonstrate on a balance of probability that the respondent acted illegally irregularly and with procedural impropriety.
- 67.** These principles were enunciated in the case of **Pastoli Vs Kabale District Local Government Council & Others, (2008) 2 EA 300**, that:

“In order to succeed in an application for Judicial Review, the applicant has to show that the decision or act complained of is tainted with illegality, irrationality and procedural impropriety: See Council of Civil Service Union v Minister for the Civil Service [1985] AC 2; and also, Francis Bahikirwe Muntu and others v Kyambogo University, High Court, Kampala, Miscellaneous Application Number 643 of 2005 (UR).

Illegality is when the decision-making authority commits an error of law in the process of taking the decision or making the act, the subject of the complaint. Acting without Jurisdiction or ultra vires, or contrary to the provisions of a law or its principles are instances of illegality....

Irrationality is when there is such gross unreasonableness in the decision taken or act done,

that no reasonable authority, addressing itself to the facts and the law before it, would have made such a decision. Such a decision is usually in defiance of logic and acceptable moral standards: Re an Application by Bukoba Gymkhana Club [1963] EA 478 at page 479 paragraph "E".

Procedural impropriety is when there is failure to act fairly on the part of the decision-making authority in the process of taking a decision. The unfairness may be in non-observance of the Rules of Natural Justice or to act with procedural fairness towards one to be affected by the decision. It may also involve failure to adhere and observe procedural rules expressly laid down in a statute or legislative Instrument by which such authority exercises jurisdiction to make a decision. (Al-Mehdawi v Secretary of State for the Home Department [1990] AC 876)."

- 68.** The court has taken an early caution that it is not embarking on a merit analysis. This court is also aware that it is not sitting on appeal. Those legal processes and engagements belong to a totally different forum.
- 69.** The court has noted that the Interested Parties admitted non-compliance with the Board's orders and disclosed the appointment of a new Evaluation Committee.

- 70.** The Applicant contends that this new appointment was irregular and contrary to Section 46(4)(d) of the Public Procurement and Asset Disposal Act (PPADA), which prohibits the constitution of a new Evaluation Committee without the procedural disbandment of the existing one.
- 71.** Section 46 subsection (1) of the Public procurement and as a disposal act 2015 provides the evaluation committee shall — (a) deal with the technical and financial aspects of a procurement as well as the negotiation of the process including evaluation of bids, proposals for prequalification, registration lists, Expression of Interest and any other roles assigned to it.
- (d) Section 46 subsection (1)(d) of the Public procurement and as a disposal act 2015 stipulates that an evaluation committee established under subsection 1 shall— complete the procurement process for which it was appointed and no new committee shall be appointed on the same issue unless the one handling the issue has been procedurally disbanded.
- 72.** The Interested Parties have not provided to the court any evidence to prove that the committee was disbanded. Such an omission goes against the principles of fairness, transparency and healthy competition which informs the substratum of public procurement. It is this court’s finding

that the Board's decision was in the circumstances laced with illegality.

- 73.** The failure to disband the committee does not accord with Article 227 of the constitution which is intended to guarantee all the bidders that the entire procurement process will be fair, competitive and transparent.
- 74.** The rationale behind, ensuring that the committee is disbanded before another one takes over is so as to guarantee the integrity of the procurement process. It is aimed at minimizing the disruption of the workflow.
- 75.** The failure to disband a sitting committee before another process commences will lead to a multiplicity of duties and outcomes. This will no doubt end up in the abuse of the taxpayer's money contrary to Article 227 of the Constitution.
- 76.** The appointment of a new committee without following the laid down procedure will no doubt open up the entire procurement procedure to manipulation or bias which will offend Article 227 of The Constitution.
- 77.** The procedure for disbandment of the committee must be one that accords with a fair administrative as guaranteed under Article 47 of The Constitution. The disbandment and the process must be well reasoned and justified.

- 78.** The disbandment of the evaluation committee must leave a footprint and a record that shows the justification and the reason behind the disbandment. The disbandment must be informed by transparency, so as to leave the bidders satisfied and assured that there was justification in the disbandment.
- 79.** The applicant like all the other bidders had a legitimate expectation that the board's proceedings would uphold protect promote and fulfil the rule of law and in particular Section 46(4)(d) of the Public Procurement and Asset Disposal Act.
- 80.** The Board's failure to address this fundamental issue eroded the Applicant's legitimate expectation to a fair and lawful process.
- 81.** The Applicant later moved the Board through Notice of Motion Application No. 58 of 2025 dated 17th July 2025, seeking enforcement of the 3rd June 2025 orders on the basis that the Interested Parties had failed to act within the 21-day period prescribed.
- 82.** Through its decision dated 7th August 2025, the Board issued the following binding directions:

Order A: Extended the tender validity period for 60 days from 7th August 2025;

Order B: Granted the Respondents an additional 60 days to conclude the procurement process as per the earlier decision of 3rd June 2025;

- 83.** It was the Respondent's case that in exercise of its discretionary powers under Section 173 of the Act, which allows the Board to direct compliance or annul proceedings, the Board held that an extension of time was a just and equitable remedy. This court finds that the board acted within its jurisdiction as provided for under Section 173 of the Act.
- 84.** Although Section 173 of the Public Procurement and Asset Disposal Act, 2015 grants the board powers upon completing a review, including annulling procurement steps, directing actions to be taken or redone, substituting decisions of the procuring entity, awarding costs, or terminating the procurement process altogether the board must not exceed this power.

Costs:

- 85.** This court in invoking Section 175(7) of the Act will not award costs.

Disposition:

- 86.** However, this court has already made a finding that the applicant demonstrated that the Board did not disband the

eveluation committee. In order to give redress to the applicant, the court hereby orders the review to be reheard.

87. The decision dated 7th August 2025 was in the circumstances, unlawful, unreasonable, procedurally flawed and contrary to the Public Procurement and Asset Disposal Act, 2015 (“the Act”).

Order;

- 1) *An order of Certiorari is hereby issue quashing the Respondent's decision dated 7th August2025 in PPARB Application No. 58 of 2025; Keddy Enterprises Limited v The Principal Secretary, State Department of Housing and Urban Development & Anor.*
- 2) The prayer for an order of Mandamus is declined.
- 3) The matter shall be remitted to the Board for reconsideration within fourteen (14) days.
- 4) No orders as to costs.

Dated, signed and delivered at Nairobi this 22th day of September 2025.

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J. CHIGITI (SC)
JUDGE

