



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW MISC. APPLICATION NO. 103 OF 2020

IN THE MATTER OF AN APPLICATION BY FOR CONTEMPT OF COURT

BETWEEN

TRIDENT INSURANCE COMPANY LIMITED.....APPLICANT

VERSUS

ACCOUNTING OFFICER, COUNTY

ASSEMBLY OF NYAMIRA.....1<sup>ST</sup> RESPONDENT

THE AG. CLERK, COUNTY

ASSEMBLY OF NYAMIRA.....2<sup>ND</sup> RESPONDENT

RULING

1. The application before the Court for consideration is the Applicant's Chamber Summons dated 30<sup>th</sup> April 2020, seeking leave to apply orders of committal to prison and payment of a fine against the Acting Clerk of the County Assembly of Nyamira, pursuant to section 176 of the Public Procurement and Assets Disposal Act. The Applicant alleges that the said Acting Clerk has disobeyed the orders of the Public Procurement Administrative Review Board, issued on 11<sup>th</sup> December 2019 in PPARB application 134 of 2019. The application is supported by a verifying affidavit sworn on 30<sup>th</sup> April 2020 by Emily Ndirangu, the Applicant's General Manager.

2. It is notable that the Applicant is not seeking any judicial review orders in exercise of this Court's supervisory jurisdiction, or orders consequent to judicial review orders already granted by this Court. Its application is seeking orders for committal for contempt of court at the first instance, and arises out of a civil dispute between the parties. In addition, this Court's jurisdiction is circumscribed and limited under section 175 of the Public Procurement and Assets Disposal Act of 2015 to the review of the decisions of the Public Procurement Administrative Review Board, which is not the case in the Applicant's application.

3. In the premises, I direct and order that this suit be and is hereby transferred to the Civil Division of the High Court at Nairobi for further hearing and determination. The Applicant's Chamber Summons dated 30<sup>th</sup> April 2020 shall accordingly be placed before the **Duty Judge** at the **Civil Division of the High Court at Nairobi** on **26<sup>th</sup> May 2020** for directions.

4. The Deputy Registrar of this Court shall send a copy of this ruling by electronic mail to the Applicant, and to the Deputy Registrar of the Civil Division of the High Court at Nairobi, by close of business on 20<sup>th</sup> May 2020.

5. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 18<sup>TH</sup> DAY OF MAY 2020

P. NYAMWEYA

JUDGE