



REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

JUDICIAL REVIEW CASE NO. 84 OF 2020

BETWEEN

THE ACCOUNTING OFFICER,

KENYA NATIONAL HIGHWAYS AUTHORITY.....1ST APPLICANT

KENYA NATIONAL HIGHWAYS AUTHORITY.....2ND APPLICANT

VERSUS

PUBLIC PROCUREMENT ADMINISTRATIVE

REVIEW BOARD.....RESPONDENT

AND

ROADS AND CIVIL ENGINEERING

CONTRACTORS ASSOCIATION (RACECA).....1ST INTERESTED PARTY

FRONTIERS COUNTIES DEVELOPMENT

COUNCIL.....2ND INTERESTED PARTY

RULING NO 4

1. Judgment in this matter was to be delivered on 16th October 2020. The *ex parte* Applicant has however filed a Notice of Withdrawal dated 13th October 2020, seeking to withdraw the Notice of Motion dated 25th April 2019 for all purposes.

2. Upon perusal of the Court record, I note that the Respondent and Interested Parties advocate herein had filed pleadings and submissions in preparation for the judgment, and there is no consent filed or submissions made on the issue of costs by the said parties.

3. In the premises I hereby order as follows:

I. The Notice of Motion dated 25th April 2019 is hereby marked as withdrawn, and this case is accordingly closed.

II. Each party shall meet their respective costs of this suit.

III. The Deputy Registrar of the Judicial Review Division shall send a copy of this ruling to the *ex parte* Applicant, Respondents and Interested Parties by electronic mail by close of business on Thursday, 15th October 2020.

4. Orders accordingly.

DATED AND SIGNED AT NAIROBI THIS 15TH DAY OF OCTOBER 2020

P. NYAMWEYA

JUDGE