



**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA**

**AT NAIROBI**

**CIVIL DIVISION**

**HIGH COURT CIVIL CASE NO. 159 OF 2017**

**FRANCIS MUGARAMAI KAMAU**

**JAMES NGUGI KIREI**

**AMOS MWANGI NGURU**

(Suing as chairman, Treasurer and

Secretary of Cornerstone Faith Assembly).....**PLAINTIFF/APPLICANT**

**VERSUS**

**NAIROBI CITY WATER &**

**SEWERAGE COMPANY LIMITED.....DEFENDANT/RESPONDENT**

**RULING**

1. The application dated 11<sup>th</sup> May 2018, seeks orders that the Defendant/Respondent by itself, its servants or agents or anyone acting on its behalf be ordered to send to the Plaintiff/Applicant only the monthly undisputed water bills for payment on time pending the hearing and determination of the main suit herein.
2. The Applicant, described as a Society registered under the Societies Act, avers that it runs a school and a health facility on LR No. Dagoretti/Riruta/5450 where it has sunk and operates a borehole. That the Applicant applied for a single business permit from the Respondent for the business of sale of water to the public. A dispute has arisen over the water Bills amounting to Ksh. 2,000,000/= issued by the Respondent, hence threats of disconnection which have led to the filing of this suit herein.
3. The application is opposed. It is stated in the replying affidavit that the Respondent generates bills in a standard format which reflects both the balance and the current bill. The Respondent's contention is that the Applicant has on several occasions denied the Respondent's agents access to the premises to read the meter, thereby hampering the generation of the bills.
4. I have considered the application, the response to the same and the submissions made by counsel for the respective parties.
5. It is clear from the Respondent's side that they generate bills in a standard format. It would therefore not be reasonable to have the Applicant's bills generated in a different fashion. The Bill exhibited herein by the Respondent clearly reflects the balance brought forward and the current balance. The Applicant who pays the bills therefore ought to know with certainty what its current bill is.
6. With the foregoing, I find no merits in the application and dismiss the same with costs.

**Dated, signed and delivered in Nairobi this 7<sup>th</sup> day of March, 2019**

**B. THURANIRA JADEN**

**JUDGE**