



Ayara v Kenya Power & Lighting Company Limited (Cause E1025 of 2024) [2025] KEELRC 2764 (KLR) (9 October 2025) (Ruling)

Neutral citation: [2025] KEELRC 2764 (KLR)

**REPUBLIC OF KENYA
IN THE EMPLOYMENT AND LABOUR RELATIONS COURT AT NAIROBI
CAUSE E1025 OF 2024
S RADIDO, J
OCTOBER 9, 2025**

BETWEEN

ZILPA AUMA AYARA CLAIMANT

AND

KENYA POWER & LIGHTING COMPANY LIMITED RESPONDENT

RULING

1. The hearing of the Cause commenced on 24 June 2025. In the course of the testimony of Zilpa Auma Ayara (the Claimant), Kenya Power & Lighting Co Ltd (the Respondent) objected to the production and admission of emails in the Claimant's bundle.
2. The Respondent argued that the emails did not meet the legal threshold for admissibility as set out in sections 106A and 106B of the *Evidence Act*.
3. The Respondent also objected to the production and admissibility of a salary structure and organogram because they were not on the Respondent's letterhead or bear any distinguishing mark associating them with the Respondent.
4. The Claimant opposed the objections and asserted that a Certificate of Electronic Evidence was not a requirement for the production and admissibility of an email.
5. The Claimant pointed out that the Respondent had also filed copies of emails and had not filed any Certificate of Electronic Evidence.
6. The Claimant further argued that the authenticity of the documents was not an issue.
7. The Court has considered the documents, objections and submissions.
8. Emails comprise electronic records. The admissibility of such records must comply with the conditions outlined in section 106B of the *Evidence Act*.



9. Section 106B(4) of the *Evidence Act* makes it imperative to place before the Court a Certificate to ascertain that the requisite conditions have been met.
10. The Claimant did not place such a Certificate before the Court, rendering the emails inadmissible.
11. The Respondent also objected to the production and admissibility of a salary structure and organogram.
12. The documents do not bear any official mark of the Respondent. They do not have any signatures. The documents are therefore of doubtful pedigree and cannot be allowed into evidence.

Orders

13. The Objections raised by the Respondent are upheld.

DELIVERED VIRTUALLY, DATED AND SIGNED IN KARATINA ON THIS 9TH DAY OF OCTOBER 2025.

RADIDO STEPHEN, MCIARB

JUDGE

Appearances

For Claimant Oscar & Associates Advocates

For Respondent Lynn Owano, Advocate

Court Assistant Wangu

