

**REPUBLIC OF KENYA**  
**IN THE HIGH COURT OF KENYA AT NAIROBI**  
**JUDICIAL REVIEW DIVISION**  
**JUDICIAL REVIEW APPLICATION NO E347 OF 2025**

HEXING TECHNOLOGY COMPANY LIMITED.....APPLICANT

**VERSUS**

PUBLIC PROCUREMENT ADMINISTRATIVE  
REVEIW BOARD..... 1<sup>ST</sup> RESPONDENT

THE CHIEF EXECUTIVE OFFICER/MANAGING DIRECTOR,  
KENYA POWER & LIGHTING COMPANY PLC.....2<sup>ND</sup> RESPONDENT

KENYA POWER & LIGHTING COMPANY PLC.....3<sup>RD</sup> RESPONDENT

**VERSUS**

CHINT METERS & ELECTRIC KENYA  
COMPANY LIMITED.....1<sup>ST</sup> INTERESTED PARTY

EAST AFRICA METER COMPANY LTD.....2<sup>ND</sup> INTERESTED  
PARTY

INHEMETER AFRICA COMPANY LIMITED.....3<sup>RD</sup> INTERESTED PARTY

SMART METER TECHNOLOGY LIMITED.....4<sup>TH</sup> INTERESTED  
PARTY

ABCOS INDUSTRIAL LIMITED.....5<sup>TH</sup> INTERESTED  
PARTY

MAGNATE VENTURES LIMITED.....6<sup>TH</sup> INTERESTE PARTY

HOUSE OF PROCUREMENT LIMITED.....7<sup>TH</sup> INTERESTED PARTY

**RULING**

1. The Originating Motion dated 4/11/2025 seeks Judicial Review orders of prohibition, Declaration, certiorari and mandamus challenging the 1<sup>st</sup> Respondent’s decision made on 23/10/2025

in Public Procurement Request for Review Application No.85/2025 in respect of Tender No.KPI/9A.3/RT/14/24-25 for supply of single-phase smart meters (Local Manufactures and Assemblers). The application is brought under certificate of urgency dated 4/11/2025.

2. I have read the application and the accompanying documents and supporting affidavit sworn by Liang Gao on 4/11/2025. The applicant also seeks for an interim relief of prohibition prohibiting the 1<sup>st</sup> & 2<sup>nd</sup> Respondents from implementing the impugned decision of the 1<sup>st</sup> Respondent rendered on 23/10/2025. I find the application to be urgent. I certify it as urgent. The applicant is however warned that it did not have to approach the court at the eleventh hour.
3. On the prayer for interim relief as sought in prayer 2 of the Originating Motion, I am satisfied that unless a stay is granted at this stage, the impugned decision will take effect today thereby rendering these proceedings an academic exercise.
4. I therefore exercise discretion and grant prayer No.2 of the Originating Motion dated 4/11/2025 as sought. I further direct the applicant to file and serve the Originating Motion upon the Respondents and Interested Parties forthwith by close of business today.
5. Upon such service, the Respondents and Interested Parties have 5 days to file and serve their responses. The applicant will then

- have 5 days of the date of service to file and serve a further affidavit if need arises, together with brief written submissions.
6. Thereafter, the Respondents and Interested Parties shall have 5 days of date of service to file and serve their supplementary affidavit if need arises, together with their brief written submissions.
  7. As these proceedings are strictly time bound, the matter shall be mentioned on 26/11/2025 to fix a judgment date. The timelines given are cast in stone in view of the strict timelines for disposal of these proceedings.
  8. I so order.

**Dated, Signed & Delivered in chambers at Nairobi this 6<sup>th</sup> Day of November, 2025**

**R.E. ABURILI  
JUDGE**