



Magnate Ventures Limited v Public Procurement Administrative Review Board & 3 others; Smart Meter Technology Limited & 4 others (Interested Parties) (Judicial Review Miscellaneous Application E144 of 2025) [2025] KEHC 15961 (KLR) (Judicial Review) (7 November 2025) (Ruling)

Neutral citation: [2025] KEHC 15961 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW MISCELLANEOUS APPLICATION E144 OF 2025
RE ABURILI, J
NOVEMBER 7, 2025**

BETWEEN

MAGNATE VENTURES LIMITED APPLICANT

AND

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD 1ST
RESPONDENT**

**THE CHIEF EXECUTIVE OFFICER/MANAGING DIRECTOR, KENYA
POWER & LIGHTING COMPANY PLC 2ND RESPONDENT**

KENYA POWER & LIGHTING COMPANY PLC 3RD RESPONDENT

**CHINT METERS & ELECTRIC KENYA COMPANY LIMITED 4TH
RESPONDENT**

AND

SMART METER TECHNOLOGY LIMITED INTERESTED PARTY

INHEMETER AFRICA COMPANY LIMITED INTERESTED PARTY

HEXING TECHNOLOGY COMPANY LIMITED INTERESTED PARTY

HOUSE OF PROCUREMENT LIMITED INTERESTED PARTY

ABCOS INDUSTRIAL LIMITED INTERESTED PARTY



RULING

1. The Originating Motion dated 6th November, 2025 is brought under certificate of urgency. However, the decision of the 1st respondent which is sought to be impugned was rendered on 23rd October, 2025 and the applicant had 14 days within which to file judicial review proceedings. The applicant filed into this Court the Originating Motion on 6th November, 2025 at 18.26.31.03 hours, which was after the Court's working hours. It also filed the Originating Motion as a miscellaneous application yet this is a substantive matter seeking substantive reliefs as envisaged under the *Fair Administrative Action Act* and Rules.
2. I wish I could tell the reasons for the applicant choosing to approach the court on the 14th day, and claim that the matter is urgent. No such reasons are disclosed and therefore the question is whether such an application can be certified as urgent. The answer is NO. Why, because judicial review proceedings are by their very nature expected to be heard and determined expeditiously to accord with the spirit and letter of Article 47 of *the Constitution*. Besides, Public Procurement matters are governed by the *Public Procurement and Asset Disposal Act* and Rules. Section 175 (3) of the Act is clear that such proceedings must be heard and determined within 45 days of the date of the filing into court, challenging the decision of the Review Board.
3. It follows that the Court is tied to determining the matter within a statutory timeline, whether the parties file on the first day or the last day and therefore the question of urgency does not arise.
4. However, where parties apply for stay, knowing very well that the question of whether to grant stay of implementation of the impugned decision is discretionary, then the parties cannot expect to be granted stay where they approach the court on the last day of the filing of the application, claiming that the matter is urgent and that unless stay is granted, then, the proceedings shall be rendered nugatory, etcetera etcetera.
5. For the above reasons, I decline to certify this application as urgent.
6. I then proceed to consider whether the stay sought is merited or not,
7. The application dated 6th November, 2025 seeks Judicial Review orders of prohibition, certiorari and prohibition, challenging the 1st 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).
8. I have read the application and the accompanying documents and supporting affidavit sworn by Stanley Kinyanjui on 6/11/2025.
9. The applicant also seeks for an interim relief of prohibition prohibiting the 1st,2nd and Respondents from implementing the impugned decision of the 1st Respondent rendered on 23/10/2025.
10. On the prayer for interim relief as sought in prayer 5 of the Originating Motion, as stated earlier, the applicant has come to court at the last minute with no explanation for the delay, although just in time and had to be reminded to pay correct and full court fees for the Originating Motion before the Court could deal with the matter.
11. I observe that this matter is similar to HCJR No. E347 of 2015 filed by a different bidder in the same procurement process and that on 6th November, 2025, this Court did consider a similar application under certificate of urgency and gave directions, including issuance of a stay order to preserve the



status quo in respect of Public Procurement Request for Review Application No.85/2025 Regarding Tender No. KPI/9A.3/RT/14/24-25 for supply of single-phase smart meters (Local Manufactures and Assemblers).

12. It is for that reason that it would be superfluous for this court to issue another order of stay in this matter since the implementation of the same decision of the 1st Respondent is already stayed by this Court in HCJR E347 of 2025.
13. Accordingly, the stay order granted in HCJR E347 of 2025 shall apply to this matter and I proceed to issue similar directions as follows, to facilitate expeditious disposal of this matter in line with the requirements of the *Public Procurement and Asset Disposal Act* and as far as the timelines for such disposal are concerned.
14. I direct the applicant to serve the Originating Motion upon the Respondents and Interested Parties forthwith and by close of today 7th November, 2025, upon this ruling being uploaded to the Case Tracking System and the applicant's counsel being notified of the same by way of email.
15. 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.
16. 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.
17. As these proceedings are strictly time bound, the matter shall be mentioned on 26/11/2025 together with HCJR E347 of 2025 to fix a judgment date. The timelines given are cast in stone in view of the timelines for disposal of these proceedings.
18. I so order.

DATED, SIGNED & DELIVERED IN CHAMBERS AT NAIROBI THIS 7TH DAY OF NOVEMBER, 2025

R.E. ABURILI
JUDGE

