



Republic v Director General Kenya National Highways Authority; SBI International Holdings (Kenya) (Ex parte); Kenya Revenue Authority (Interested Party) (Judicial Review Application E034 of 2022) [2025] KEHC 15935 (KLR) (Judicial Review) (3 November 2025) (Ruling)

Neutral citation: [2025] KEHC 15935 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E034 OF 2022
RE ABURILI, J
NOVEMBER 3, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

**DIRECTOR GENERAL KENYA NATIONAL HIGHWAYS
AUTHORITY RESPONDENT**

AND

SBI INTERNATIONAL HOLDINGS (KENYA) EX PARTE

AND

KENYA REVENUE AUTHORITY INTERESTED PARTY

RULING

1. On 7/10/2025, this court granted the Respondent 7 days to file and serve a supplementary affidavit upon which the applicant would have 7 days to file written submissions after which the Respondent would file written submissions within 7 days.
2. Today, the Respondent’s Counsel submits that they have not complied with directions of 7/10/2025 because the Director General was out of office and that this morning they called and notified the Applicant’s Counsel of the same.
3. From 7/10/2025, it is nearly one month. Nothing prevented the Respondent’s Counsel from notifying the Applicant’s Counsel early enough of the alleged absence from office of the Director General.



4. Additionally, no evidence has been placed before this court to show that the Director General was out of office and if so, on what mission. Court directions are to be adhered to by parties and their advocates for expeditious resolution of disputes.
5. It is these kinds of delays that give the Judiciary a bad name of delaying cases. No one ever stops to ask the reasons for the delays before castigating the Judiciary.
6. The Respondent was already accorded the opportunity to file a replying affidavit and they did file that affidavit. If the matters to be covered in the supplementary affidavit are the mode of payment of the decretal sum, there are consent orders on record for settlement of the decree and therefore the view of this court is that the delay in filing supplementary affidavit and the submissions is a deliberate attempt to continue delaying to settle decrees, to the prejudice of the Applicants.
7. Delay denies justice and the court refuses to be part of that delay. I reject the request to grant more time to the Respondent who has had all the time to settle the decree, this not being the first application for contempt, and I set the ruling date of the application dated 13/6/2025 for 25/11/2025. Proceedings to apply to the series files.
 1. JR NO. E035/2022
 2. JR NO. E036/2022
 3. JR NO. E038/2022
 4. JR NO. E037/2022

DATED, SIGNED & DELIVERED VIRTUALLY AT NAIROBI THIS 3RD DAY OF NOVEMBER, 2025

R.E. ABURILI
JUDGE

