



**Republic v Public Procurement Administrative Review Board; Accounting Officer,
Kenya Power & Lighting Company PLC & another (Interested Parties); Jamari
Enterprises Ltd (Ex parte Applicant) (Judicial Review Application E406 of 2025)
[2025] KEHC 18341 (KLR) (Judicial Review) (15 December 2025) (Ruling)**

Neutral citation: [2025] KEHC 18341 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E406 OF 2025
RE ABURILI, J
DECEMBER 15, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW
BOARD RESPONDENT**

AND

**THE ACCOUNTING OFFICER, KENYA POWER & LIGHTING COMPANY
PLC INTERESTED PARTY
KENYA POWER & LIGHTING COMPANY PLC INTERESTED PARTY**

AND

JAMARI ENTERPRISES LTD EX PARTE APPLICANT

RULING

1. I have perused the chamber summons dated 15th September 2025 seeking leave of this court to apply for Judicial Review orders of Certiorari, Mandamus and Prohibition, challenging the decision of the Respondents rendered on 3/12/2025 in Request for Review Application No. 107 of 2025 before the PPARB.
2. The application also seeks for stay of any further procurement proceedings in respect of tender for provision of Roads/pavement/opening/cutting/Ducting and Reinstatement services Tender No. KP1/9A.2/OT/003/NM/25-26, pending the hearing and determination of the substantive motion.



3. I certify the application as urgent in view of the timelines set by the statute, under the PPADA at section 175 for hearing and determining these proceedings.
4. On leave to apply, I observe that the right to be heard and to access justice are constitutionally guaranteed rights under Articles 48 and 50(1) of *the Constitution* respectively. The applicant is a candidate in the subject tender and is aggrieved by certain clauses in the tender documents which he alleges offends the law and *the Constitution*. He also alleges that during the pendency of the Review Proceedings, time stood still yet the Review Board did not take into account that time and directed the procuring entity to proceed with the rendering process within the set timelines that ignored that time stopped running the moment a request for review was filed.
5. Those are arguable issues for consideration in the main motion, on their merits. In the premises, I am satisfied that an arguable case has been made by the applicant.
6. I grant leave to the applicant to apply for Judicial Review Orders sought in prayers 2,3 & 4 of the chamber summons dated 15/12/2025. The substantive motion in these time bound proceedings to be filed and served by close of business 16/12/2025.
7. Upon such service, the Respondent and the Interested Parties have 3 days to file and serve their responses to the substantive motion.
8. Thereafter, the applicant will have 5 days within which to file and serve a further affidavit if need be together with brief written submissions highlighting the main issues in the decision of the Review Board, that the applicant was aggrieved by.
9. The Respondent and the Interested parties shall also have 5 days of the date of service within which to file and serve their supplementary affidavits if need arises, together with brief written submissions focusing on the main issues before the court.
10. In view of the short timeline provided by Section 175(3) of the PPADA for determination of these proceedings, and in order not to render these proceedings nugatory should the applicant be successful, I grant stay of further proceedings or actions in connection with the subject tender, as sought in prayer 5 of the chamber summons dated 15/12/2025 pending the hearing and determination of the substantive motion. Costs in the cause.
11. In view of the statutory timelines provided for the hearing and determination of these proceedings, parties are reminded that the provisions of Order 50 Rule 4 of the Civil Procedure Rules on when time does not run will not apply to these proceedings and therefore compliance of the timelines given by this court in this Ruling is mandatory.
12. Mention on 31/12/2025 to fix a judgment date.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 15TH DAY OF DECEMBER, 2025

R.E. ABURILI

JUDGE

