



Technobrain (Kenya) Limited v County Executive Committee Member Finance & Economic Affairs, Nairobi City County & another (Judicial Review Application E393 of 2025) [2025] KEHC 18306 (KLR) (Judicial Review) (9 December 2025) (Ruling)

Neutral citation: [2025] KEHC 18306 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION E393 OF 2025
RE ABURILI, J
DECEMBER 9, 2025**

BETWEEN

TECHNOBRAIN (KENYA) LIMITED APPLICANT

AND

**COUNTY EXECUTIVE COMMITTEE MEMBER FINANCE & ECONOMIC
AFFAIRS, NAIROBI CITY COUNTY 1ST RESPONDENT**

COUNTY GOVERNMENT OF NAIROBI 2ND RESPONDENT

RULING

1. The chamber summons dated 9th December, 2025 is filed under certificate of urgency. It seeks leave of Court to apply for judicial review orders of mandamus to compel the respondents herein to settle balance outstanding of decree and certificate of order against the government in the sum of Kshs 168,516,186 plus accruing interest as per the certificate of order against the government dated pursuant to a consent entered into between the parties hereto on 7th June, 2023 in Nairobi HCCOM E584 OF 2021.
2. I have considered the application and find no urgency involved. I decline to certify it as urgent.
3. On the prayer for leave to apply, I note that the applicant has a certificate of order against the government and it did issue and serve several demand notices upon the respondents for settlement of the balance of the amount due on the consent.
4. Upon receiving no response, it obtained a certificate of order against the government dated 30th October, 2025 and served upon the respondents.
5. There is no evidence of payment of the outstanding consent sum.



6. Execution against the Government is barred by Section 25 of the [Government Proceedings Act](#). The applicant has no other remedy apart from mandamus to compel the accounting officer to settle the certificate of order against the government.
7. However, there is no evidence that the 1st respondent is the accounting officer of the 2nd respondent County Government. It will therefore be difficult for the applicant to enforce a decree of mandamus upon the 1st respondent even if this court was to grant leave to apply for mandamus, in view of the provisions of section 21 of the [Government proceedings Act](#) as read with section 148 of the [Public Finance Management Act](#), which latter section provides as follows:
 - “ 148. Designation of accounting officers for county government entities by the County Executive Committee Member for finance
 - (1) A County Executive Committee member for finance shall, except as otherwise provided by law, in writing designate accounting officers to be responsible for managing the finances of the county government entities as is specified in the designation.
 - (2) Except as otherwise stated in other legislation, the person responsible for the administration of a county government entity, shall be the accounting officer responsible for managing the finances of that entity.
 - (3) A County Executive Committee member for finance shall ensure that each county government entity has an accounting officer in accordance with Article 226 of [the Constitution](#).
 - (4) The Clerk to the county assembly shall be the accounting officer of the county assembly.
 - (5) A county government may, in order to promote efficient use of the county resources, adopt, subject to approval by the county assembly, a centralised county financial management service”.
8. On the other hand, section 21 of the [Government Proceedings Act](#) provides for the procedure for enforcement of decrees against the government, which procedure includes service of the certificate of order against the government upon the County Attorney in the case of county governments and requiring the accounting officer of the relevant sector or government Department or Ministry to settle the certificate of order against the government.
9. Mandamus issues to compel performance of a public duty. The CECM Finance is only mandated to designate accounting officers for a county government entity. In this case, as there is no evidence that the CECM Finance has declined to designate an accounting officer responsible for settling the consent amount as was reduced into the certificate of order against the government, and as the proceedings are not seeking to compel the CECM Finance to designate an accounting officer but to settle the outstanding amount as per the consent of 7/6/2023 and the certificate of order against the government dated 30th October, 2025, I find that the leave sought, if granted, shall be directed at a person who is not statutorily mandated to settle decree on behalf of the 2nd respondent.
10. It is the duty of the applicant to identify and enjoin to mandamus proceedings, the accounting officer responsible for settlement of a specific decree depending on the sector wherein the debt was incurred leading to the legal proceedings herein.



11. In the premises, the chamber summons dated 9th December, 2025 is found to be fatally defective for misjoinder and nonjoinder of a relevant accounting officer who is mandated by statute to settle the terms of the consent dated 7/6/2023.
12. The chamber summons dated 9th December, 2025 is hereby struck out with no orders as to costs. The applicant is at liberty to file a fresh chamber summons enjoining the proper accounting officer of the 2nd respondent.
13. This file is closed.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 9TH DAY OF DECEMBER, 2025

R.E. ABURILI

JUDGE

