

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
JUDICIAL REVIEW DIVISION
JUDICIAL REVIEW APPLICATION NO. E001 OF 2026
UTMOST INSURANCE BROKERS LIMITED..... APPLICANT
VERSUS
PUBLIC PROCUREMENT ADMINISTRATIVE
REVIEW BOARD.....1ST RESPONDENT
AND
COUNTY GOVERNMENT OF NYERI.....1ST INTERESTED PARTY
GOLDFIELD INSURANCE BROKERS
LIMITED.... 2ND INTERESTED PARTY
RULING ON LEAVE TO APPLY

1. I have perused the two-chamber summons, both dated 31st January, 2026. In the first chamber summons, the applicant seeks leave of this court to be heard during the recess. The second chamber summons seeks leave of this court to apply for judicial review remedies arising from the decision of the Public Procurement Administrative Review Board rendered on 22nd December, 2025 in PPARB Case No. 111 of 2025 in respect of Tender No. CGN/CS/INS/01/2025 for provision of comprehensive medical insurance cover for Executive and staff of the County Government of Nyeri.
2. I am satisfied that the matter is urgent and I therefore certify it as urgent and grant leave to the applicant to be heard during the recess.

3. On the chamber summons for leave to apply for judicial review orders challenging the decision of the Public Procurement Administrative Review Board, rendered on 22nd December, 2025, I have read the grounds as contained in the statutory statement and the detailed verifying affidavit and the annexures thereto including the tender documents for the subject tender and the communication between the procuring entity's Tender Evaluation Committee and the bidders.
4. In my humble view, and without delving deep into the merits of the intended application, I find that the intended application is not frivolous or hopeless.
5. I am satisfied that at this stage, the applicant has demonstrated an arguable case for in depth consideration at the substantive stage.
6. Accordingly, I grant leave to the applicant to institute Judicial Review Proceedings challenging the decision of the PPARB made on 22nd December, 2025 in respect of Request for Review Case No. 111/20205 arising from Tender No. CGN/CS/INS/01/2025 for provision of comprehensive medical insurance cover for Executive and staff of the County Government of Nyeri.
7. These being time bound proceedings, the provisions of Order 50 of the Civil Procedure Rules on when time does not run will not apply.
8. Accordingly, the applicant is hereby ordered to file the substantive notice of motion (without the accompanying documents or affidavit which have

already been filed in the chamber summons dated 31st December, 2025) by close of business today 2nd January, 2026.

9. The said Notice of Motion to be served upon the respondent and both the interested parties by close of business on 3rd January, 2026.

10. Upon such service, the Respondent and Interested Parties have 2 days to file and serve their responses to the application.

11. Thereafter, the Applicant shall have leave of 3 days to file and serve a further affidavit if need be together with brief written submissions.

12. The respondents and interested parties shall then have leave of 3 days within which to file and serve their supplementary affidavits if need be together with brief written submissions.

13. The matter shall be mentioned on 13th January 2026 virtually to fix a judgment date.

14. The leave herein granted shall operate as stay of implementation of the decision rendered by the Respondent on 22nd December, 2025. This will preserve the subject matter of these proceedings and avoid a situation where the applicant is rendered a pious explorer in the judicial process should it be successful in the impending proceedings, or the intended proceedings being rendered nugatory in the event that they are successful.

In any event, no prejudice will be occasioned to any of the parties as these proceedings shall be determined within 45 days as stipulated in section 175 (3) of the PPAD Act.

15.As earlier stated, these being time bound proceedings, compliance with the directions given by this Court on the timelines is not discretionary.

16.I so order.

Dated, Signed and Delivered at Nairobi this 2nd Day of January, 2026

**R.E. ABURILI
JUDGE**

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