

**REPUBLIC OF KENYA**

**IN THE HIGH COURT OF KENYA AT NAIROBI**

**JUDICIAL REVIEW DIVISION**

**MISCELLANEOUS APPLICATION NO. E026 OF 2026**

**THE ACCOUNTING OFFICER, KENYA ELECTRICITY  
GENERATING COMPANY PLC (KENGEN) .....1<sup>ST</sup> APPLICANT**

**KENYA ELECTRICITY GENERATING  
COMPANY PLC (KENGEN).....2<sup>ND</sup>  
APPLICANT**

**VERSUS**

**THE PUBLIC PROCUREMENT ADMINISTRATIVE  
REVIEW BOARD.....1<sup>ST</sup> RESPONDENT**

**AND**

**SINTECNICA ENGINEERING S.R.L  
IN JOINT VENTURE WITH STEAM S.R.L.....1<sup>ST</sup> INTERESTED PARTY**

**ELC ELECTOCONSULT S.PA.....2<sup>ND</sup> INTERESTED PARTY**

**EUROPEAN INVESTMENT BANK (EIB).....3<sup>RD</sup> INTERESTED PARTY**

**RULING**

1. The Chambers Summons dated 26/2/2026 is certified urgent, in view of the timelines for consideration and determination of these public procurement proceedings under **Section 175 of the Public Procurement and Asset Disposal Act**.
2. I have considered the application dated 26/2/2026 and in my view, without delving into the substance thereof, it discloses an arguable case.
3. Leave is hereby granted to the applicants **KENGEN PLC Ltd** and its accounting officer to apply for Judicial Review order of certiorari to

remove into this court for purposes of quashing the Respondents' decision rendered on 18/2/2026 in Request for Review Application Number 18 of 2026 on Tender No. **KGN-BOD-016-2024**.

4. The leave so granted shall operate as stay of enforcement, implementation or execution of the Respondents' impugned decision of 18/2/2026 in request for review No. 18/2026 regarding **Tender No. KGN-BDD-016-2024** pending the hearing and determination of the substantive motion.
5. The substantive motion shall be filed and served by close of business today 27/2/2026.
6. Upon the filing and service of the substantive motion which shall be filed in a fresh Judicial Review and for avoidance of doubt, only the Notice of Motion to be filed, as the court will use the documents filed in support of this application for leave, to support the substantive motion.
7. Since these proceedings for leave are instituted via Miscellaneous file, the Respondents and Interested Party shall have 2 days to file and serve their responses, which shall be done by close of business on 3/3/2026.
8. Owing to the stringent timelines given under the law, the Applicant will have 3 days of date of service to file and serve further affidavit if need be together with written submissions.

9. The Respondents and Interested Parties shall then have 3 days of date of service to file and serve supplementary affidavits, if need be, together with written submissions.

10. Once all the parties have complied which should not be later than 11/3/2026, this court will give a judgment date in the substantive file.

11. I make no orders as to costs.

12. This file is closed.

**Dated, Signed & Delivered virtually at Nairobi this 27<sup>th</sup> Day of February, 2026**

**R.E. ABURILI  
JUDGE**