

REPUBLIC OF KENYA
IN THE HIGH COURT OF KENYA AT NAIROBI
MILIMANI LAW COURTS
JUDICIAL REVIEW DIVISION

JUDICIAL REVIEW MISC. APPLICATION NO. E035 OF 2026

CHINA ROAD AND BRIDGE CORPORATION.....APPLICANT

VERSUS

**PUBLIC PROCUREMENT
ADMINISTRATIVE REVIEW BOARD.....RESPONDENT**

AND

**THE MANAGING DIRECTOR
KENYA RAILWAYS CORPORATION.....1ST INTERESTED PARTY**

KENYA RAILWAYS CORPORATION.....2ND INTERESTED PARTY

**CHINA CIVIL ENGINEERING CONSTRUCTION
CORPORATION.....3RD INTERESTED PARTY**

CRCEG-COVEC CONSORTIUM.....3RD INTERESTED PARTY

RULING

1. I have considered the chamber summons dated 9/3/2026 filed under certificate of urgency. I have also heard the applicant's Counsel, Mr. Kimani Kiragu, *ex parte*.
2. The applicant seeks leave of court to apply for Judicial Review orders of prohibition, to prohibit the Respondent from hearing and determining or otherwise proceeding with PPARB Application No. 31/2026 and that leave if granted do operate as a stay of further proceedings.
3. In the aforesaid application pending hearing and determination of these proceedings substantively, the applicant seeks to challenge the second

request for review which in its view, borders on contempt proceedings. It challenges the Respondents' jurisdiction.

4. Having considered the application, I am satisfied that the applicant has a prima facie arguable case in challenging jurisdiction of the Respondents to hear a second request for review before it hears and makes a decision on the request. An arguable case is not necessarily one that must succeed, but one which ought to be argued fully before the court; one that is not frivolous or hopeless on the face of it.
5. I grant leave to the applicant to apply for Judicial Review orders of prohibition as sought in prayer 2 of the application dated 9/3/2026. The main motion to be filed and served within 21 days of today. As these proceedings are initiated in a Miscellaneous file, the main motion be filed in a substantive Judicial Review file.
6. I further order that the leave so granted shall operate as stay of any proceedings before the Respondents in PPARB Application for Review No. 31/2026.
7. This file is closed.

Dated, Signed & Delivered virtually at Nairobi this 11th Day of March, 2026

**R.E. ABURILI
JUDGE**

ORIGINAL