

REPUBLIC OF KENYA

IN THE HIGH COURT OF KENYA AT NAIROBI

MILIMANI CONSTITUTIONAL AND HUMAN RIGHTS DIVISION

CONSTITUTIONAL PETITION NO. E423 OF 2025

**IN THE MATTER OF: THE ENFORCEMENT OF THE BILL OF RIGHTS UNDER ARTICLE
40 AND ARTICLE 258 OF THE 2010 CONSTITUTION OF THE REPUBLIC OF KENYA**

AND

**IN THE MATTER OF: THE CONTRAVENTION OF ARTICLE 40, 46 AND 50 OF THE
2010 CONSTITUTION OF THE REPUBLIC OF KENYA**

AND

**IN THE MATTER OF: THE INTENDED SUSPENSION AND/OR SUSPENSION OF THE
DREAMHUB TECHNOLOGIES LIMITED SERVICES AND SAFARICOM LIMITED
PAYBILL NUMBER 590555 AND THE SHORT CODE 29123 PURSUAMT TO BETTING
CONTROL AND LICENSING BOARD'S LETTER REF: BCLB 15/1 VOL. 1(68) DATED 4TH
JULY 2025**

BETWEEN

DREAMHUB TECHNOLOGY LIMITED.....1ST PETITIONER

VERSUS

BETTING CONTROL AND LICENSING BOARD.....1ST RESPONDENT

SAFARICOM PLC LIMITED.....2ND RESPONDENT

RULING

(On Petitioner's Notice of Motion dated 6th July 2025)

Introduction

1. This Ruling concerns the Notice of Motion dated 7th July 2025, by which the Petitioner seeks conservatory orders pending the hearing and determination of both the application and the substantive Petition. The application principally seeks to restrain the implementation of the 1st Respondent's directive dated 4th July 2025 requiring the suspension of the Petitioner's Pay Bill Number 590555 and Short Code 29123, and to compel or preserve the renewal and continuity of the Petitioner's betting and gaming licences.
2. The Petitioner contends that the impugned directive was issued without notice, hearing, or lawful authority, and that its implementation would have the immediate effect of paralysing its operations, freezing its funds, and occasioning irreparable loss. It maintains that unless the status quo is preserved through conservatory relief, the substratum of the Petition will be destroyed and the constitutional questions raised rendered nugatory.
3. The 1st Respondent opposes the application, asserting that the directive was lawfully issued in the exercise of its statutory mandate to regulate betting and gaming activities, and that the Petitioner has failed to satisfy the settled principles governing the grant of conservatory orders. It further contends that the application is premature and that public interest considerations militate against the grant of the orders sought.

4. The 2nd Respondent similarly resists the application, maintaining that it has neither implemented nor taken steps to implement the impugned directive and that no actionable wrongdoing has been demonstrated against it so as to warrant conservatory relief.

5. The Court is thus called upon, at this interlocutory stage, to consider whether the Petitioner has satisfied the well-established threshold for the grant of conservatory orders, having regard to the exceptional nature of such relief, the competing public and private interests, and the imperative to preserve the substratum of the dispute pending its final determination. On 7th July 2025, the Court, in Chambers, accordingly granted interim conservatory orders in favour of the Petitioner, pending the inter partes hearing of the Notice of Motion dated 6th July 2025, staying the 1st Respondent's directive of 4th July 2025 to the 2nd Respondent to suspend the Petitioner's Paybill Number 590555 and Short Code 29123, restraining the Respondents from interfering with the Petitioner's use and access to the said payment channels, and restoring the status quo ante by permitting the Petitioner to continue operating under its Bookmaker Licence No. BK0000730 and Public Gaming Licence No. PG0000491, with all Respondents enjoined from impeding the Petitioner's ordinary licensed operations pending the determination of the application.

The Petitioner's/Applicant's case

6. The Petitioner's case, as discerned from the Notice of Motion, the supporting and supplementary affidavits, and the written submissions on record, is that

it is a duly incorporated entity lawfully engaged in the business of betting and gaming pursuant to valid Bookmakers and Public Gaming Licences numbers BK0000730 and PG 0000491 issued by the 1st Respondent. In furtherance of its licensed operations, it applied for and was procedurally issued with Pay Bill Number 590555 and Short Code 29123 by the 2nd Respondent, Safaricom PLC Limited, which facilities constitute the backbone of its financial transactions. The gravamen of its complaint is that by a letter dated 4th July, 2025, the 1st Respondent, absent prior notice, hearing, reasons or discernible statutory authority, directed the 2nd Respondent to suspend the said pay bill and short code. According to the Petitioner, that directive, if implemented, would have the immediate and inevitable effect of paralysing its business operations and freezing funds held therein, thereby crippling its enterprise.

7. The Petitioner further avers that it duly lodged an application for renewal of its licences on 18th June, 2025, in full compliance with all statutory and regulatory requirements, but that the 1st Respondent has deliberately failed, refused and/or neglected to consider and determine the same. It contends that this inaction, when viewed alongside the impugned directive of 4th July, 2025, evinces a calculated design to ground its operations without lawful cause. It maintains that at all material times it has operated strictly within the law, has not breached any licensing conditions, and was issued with a valid tax compliance certificate on 27th June, 2025, thereby dispelling any suggestion of regulatory or fiscal impropriety that could justify the drastic measures taken against it.

8. It is further deponed that although the Petitioner initially traded under the names “tapabet” and “tapacasino,” it formally sought and obtained approval from the 1st Respondent and other relevant authorities to adopt the trade name “Sportybet,” having secured authorization from the registered proprietor of the trademark. Notwithstanding such approval, the 1st Respondent subsequently purported to withdraw its letter of no objection and demanded that the Petitioner revert to its former trade names, even though the Petitioner had formally ceased using them. While the 1st Respondent later withdrew the said withdrawal and affirmed that the Petitioner was trading lawfully as “Sportybet,” it has conspicuously failed to rescind the directive to the 2nd Respondent suspending the pay bill and short code.

9. The Petition is thus anchored on the contention that the impugned actions of the 1st Respondent are ultra vires, actuated by bad faith, and in patent violation of the Petitioner’s constitutional rights, including the right to property under Article 40, the right to fair hearing under Article 50, and the protection of its economic interests under Article 46 of the Constitution. The Petitioner asserts a legitimate expectation that, absent lawful cause and without being afforded an opportunity to be heard, no adverse administrative action would be taken to disrupt its licensed operations, and that its renewal application would be considered expeditiously and in accordance with due process. It contends that unless conservatory relief is granted, the suspension of its pay bill and short code, coupled with the continued failure to renew its licences, will occasion substantial and

irreparable loss, precipitate the collapse of its business, and render the Petition nugatory.

10. In urging the Court to affirm the interim conservatory orders issued on 7th July, 2025, the Petitioner submits that it has satisfied the settled threshold for the grant of such relief. It relies on ***Muslims for Human Rights (MUHURI) & 4 others v Inspector General of Police & 2 others [2014] KEHC 955 (KLR)***, wherein it was held that an applicant must demonstrate an arguable case, show that the petition would be rendered nugatory or that the damage would be irreversible absent the orders, and that public interest would favour the grant. It further invokes ***Centre for Rights Education and Awareness (CREAW) & another v Speaker of the National Assembly & 2 others [2017] eKLR*** and ***Centre for Rights Education and Awareness (CREAW) & 7 Others v Attorney General [2011] eKLR*** for the proposition that a party need only establish a prima facie case with a likelihood of success and a real danger of prejudice to warrant conservatory relief.

11. On what constitutes a prima facie case, the Petitioner relies on ***Mrao Ltd Versus First American Bank of Kenya Ltd (2003) EKLR*** and ***David Ndi & others v Attorney General & others [2021] KEHC 12605 (KLR)***, submitting that its Petition raises weighty and arguable constitutional issues concerning unlawful administrative action, violation of property rights, denial of fair hearing, and unlawful interference with its right to conduct business. It argues that the 1st Respondent has neither cited nor exhibited any statutory provision or licence condition requiring prior authorization before obtaining a pay bill and short code, nor any legal mandate empowering it to compel their

suspension, rendering the impugned directive manifestly ultra vires. The Petitioner further relies on *Law Society of Kenya & another v Mutayi & 4 others* [2025] KEHC 2777 (KLR) and *Fleur Investments Limited v Commissioner of Domestic Taxes & another* [2018] eKLR to contend that the enforcement of fundamental rights and freedoms lies squarely within the province of the High Court and is not barred by the doctrine of exhaustion.

12. As to whether the Petition would be rendered nugatory absent the orders sought, the Petitioner places reliance on *Isaiah Luyara Odando & another v Kenya Revenue Authority & 6 others; Nairobi Branch Law Society of Kenya (Interested party)* [2022] eKLR and *Martin Nyaga Wambora versus the Speaker, County Assembly of Embu & 5 Others* [2014] eKLR, submitting that suspension of its pay bill and short code would paralyse its operations, freeze its funds, irreparably damage its goodwill, and effectively collapse its enterprise before the constitutional questions are determined. Such harm, it contends, is incapable of adequate compensation in damages and would irredeemably destroy the substratum of the Petition.

13. On public interest and the balance of convenience, the Petitioner invokes *Republic v Betting Control and Licensing Board; Safaricom Limited & 3 others (Interested Parties) Ex parte Milestone Games Limited* [2020] KEHC 1188 (KLR) to argue that, the impugned directive not having been implemented, it is amenable to stay. It further relies on *Amir Suleiman vs Amboseli Resort Limited* [2004] eKLR and *Ali Mohamed Sunkar vs. John Chege* [2021] eKLR for the principle that a court, when confronted with competing risks of injustice, ought to adopt the course that carries the lower

risk, namely preservation of the status quo. Additionally, it cites ***Law Society of Kenya v Officer of the Attorney General & another; Judicial Service Commission (Interested Party) [2020] eKLR*** to submit that public interest is invariably served by preventing threatened violations of the Constitution.

14. In the premises, the Petitioner maintains that it has demonstrated a prima facie case with a likelihood of success, established that absent conservatory relief the Petition will be rendered nugatory through the collapse of its business and the irreversible violation of its constitutional rights, and shown that public interest and the balance of convenience militate in favour of preserving the status quo. It therefore prays for the following orders:

a. Spent

b. Pending the hearing and determination of this application, a conservatory order be and is hereby issued staying and or suspending the 1st Respondent's directive to the 2nd Respondent as communicated vide letter Ref: BCLB 15/1 VOL. dated 4th July, 2025 directing the 2nd Respondent to suspend the Petitioner's Pay Bill Number 590555 and use of short code 29123. In particular, and for the avoidance of doubt, the 2nd Respondent be and is hereby restrained from implementing the 1^a Respondent's directive and or in any manner suspending or interfering with the Petitioner's operations, use and access to the Pay Bill number 590555 and short code 29123.

c. Pending the hearing and determination of this application inter partes, a conservatory order be and is hereby issues compelling the 1st Respondent to renew and or extend the Petitioner's licence as applied for vide letter dated 18th June, 2025 and or further restraining it from in any manner

interfering with the Petitioner's business operations including issuing of directives to 3rd parties, agencies and or entities to the prejudice of the Petitioner.

- d. In the alternative to prayer (c) above, a conservatory order be and is hereby issued allowing the Petitioner to continue trading in the manner set out in the 1st Respondent's licence numbers BK0000730 and PG 0000491 dated 1st August, 2024 and 7th February, 2025 respectively without any interference from the Respondents pending the hearing and determination of this application.*
- e. Pending the hearing and determination of this Petition, a conservatory order be and is hereby issued staying and or suspending the 1st Respondent's directive to the 2nd Respondent as communicated vide letter Ref: BCLB 15/1 VOL. dated 4th July, 2025 directing the 2nd Respondent to suspend the Petitioner's Pay Bill Number 590555 and use of short code 29123. In particular, and for the avoidance of doubt, the 2nd Respondent be and is hereby restrained from implementing the 1st Respondent's directive and or in any manner suspending or interfering with the Petitioner's use and access to the Pay Bill number 590555 and short code 29123.*
- f. Pending the hearing and determination of this Petition a conservatory order be and is hereby issued compelling the 1st Respondent to renew the Petitioner's licence as applied for vide letter dated 18th June, 2025 and or restraining the 1st Respondent from in any manner interfering with the Petitioner's business operations including issuing of directives to 3rd parties, agencies and or entities to the prejudice of the Petitioner.*

g. In the alternative to prayer (f) above, a conservatory order be and is hereby issued allowing the Petitioner to continue trading in the manner set out in the Respondent's licence numbers BK0000730 and PG 0000491 dated 1st August, 2024 and 7th February, 2025 respectively without any interference from the Respondents pending the hearing and determination of the petition herein.

h. The costs of this application he provided for

The 1st Respondent's Case

15. The 1st Respondent's case, as discerned from the Replying Affidavit sworn by its Director, Peter K. Mbugua, together with the Grounds of Opposition on record, is that its actions were lawful, intra vires, and undertaken strictly pursuant to, and in faithful discharge of, its statutory mandate under the Betting, Lotteries and Gaming Act, Cap 131.
16. The 1st Respondent avers that it is a statutory body established under the Act with the mandate, inter alia, to license, regulate, supervise and control betting and gaming activities within the Republic, including the imposition and enforcement of conditions attached to licences issued thereunder. It confirms that the Petitioner is duly licensed under Bookmaker Licence No. BK 0000730 and Public Gaming Licence No. PG 0000491.
17. According to the 1st Respondent, the Petitioner's approved operating channels, as per its extant licence, comprised paybill numbers 5555528 and 3040231, with short code 29191. It contends that the Petitioner, without

prior written authorisation or approval from the Board, introduced additional paybill numbers, namely 590555 and 4146619, together with short code 29123, in contravention of the standard operating conditions governing its licence. This unilateral alteration of its payment architecture, it asserts, constituted a clear instance of regulatory non-compliance and justified the Board's intervention in exercise of its supervisory powers.

18. It was in those circumstances that the 1st Respondent issued the directive dated 4th July 2025 to the 2nd Respondent requiring the suspension of the impugned paybill numbers and short code. The 1st Respondent further avers that it withdrew its earlier letter of no objection to the change of trading name from "Tapabet/Tapacasino" to "Sportybet" upon forming the view that the trading name was associated with the registered owner of the newly introduced paybills. It maintains that each of these actions was undertaken in furtherance of its statutory duty to regulate the betting and gaming sector, safeguard consumers, and uphold the public interest.

19. The 1st Respondent contends that the constitutional rights invoked by the Petitioner, including the right to property under Article 40 and consumer rights under Article 46 of the Constitution, are not absolute and are amenable to limitation under Article 24 where such limitation is reasonable, justifiable, and demonstrably in the public interest. It asserts that its impugned actions were anchored in Sections 4 and 7 of the Betting, Lotteries and Gaming Act and were directed at ensuring compliance within a highly regulated sector with significant social and economic implications.

20. Additionally, the 1st Respondent submits that the Petition falls short of the precision threshold enunciated in ***Anarita Karimi Njeru v Republic (1976-1980) KLR 1272***, in that it fails to plead with specificity the alleged constitutional violations. It further contends that the Petitioner has prematurely invoked this Court's constitutional jurisdiction without exhausting the available statutory and administrative remedies, including those provided under Section 62 of the Betting, Lotteries and Gaming Act and Section 4(4) of the Fair Administrative Action Act.

21. The 1st Respondent also argues that the Application does not satisfy the settled principles governing the grant of conservatory orders, particularly as articulated in ***Gatirau Peter Munya v Dickson Mwenda Kithinji & 2 Others [2014] eKLR***, bearing in mind the public law character of such relief and the centrality of public interest considerations. It urges the Court to exercise judicial restraint in deference to the doctrine of separation of powers and to refrain from substituting its own assessment for that of a statutory regulator acting within the bounds of its lawful mandate.

22. In the premises, the 1st Respondent maintains that the Petition and the Notice of Motion are premature, misconceived, and devoid of merit, and prays that the same be dismissed with costs, thereby enabling it to continue discharging its statutory obligations in accordance with the law.

2nd Respondent's case

23. The 2nd Respondent's case, as distilled from the Replying Affidavit sworn by its Senior Legal Counsel, Daniel Mwenja Ndaba, together with the written submissions filed in opposition to the Notice of Motion, is that it has been improperly enjoined in these proceedings and that no actionable wrongdoing whether actual, imminent, or threatened has been established against it.
24. The 2nd Respondent avers that it is a duly licensed payment service provider operating within the statutory framework of the Kenya Information and Communications Act, Cap 411A. It contends that the issuance, allocation, and administration of Paybill numbers and short codes are regulated under the National Payment System Act and the National Payment System Regulations, 2014, and fall within the supervisory and regulatory oversight of the Central Bank of Kenya. In that regard, it maintains that it is directly accountable to the Central Bank of Kenya in respect of its mobile money operations, including the management of Paybill numbers and short codes.
25. It is the 2nd Respondent's position that the statutory mandate of the 1st Respondent, as circumscribed under the Betting, Lotteries and Gaming Act, Cap 131, is confined to the licensing and regulation of betting and gaming enterprises and does not extend to the governance, control, or administration of mobile payment systems. Accordingly, any directive issued by the 1st Respondent purporting to require the 2nd Respondent to suspend the Petitioner's Paybill Number 590555 and Short Code 29123 is ultra vires its enabling statute, unlawful, and devoid of legal effect. In support of this contention, the 2nd Respondent invokes the principle of legality as articulated in ***Republic v Kenya Revenue Authority; Proto Energy Limited (Ex***

parte) [2022] KEHC 5 (KLR) and *Daniel Ingida Aluvaala & another v Council of Legal Education & another* [2017] KEHC 2775 (KLR), to the effect that public bodies may only exercise such powers as are expressly conferred upon them by law.

26. The 2nd Respondent further contends that the Paybill number and short code in question were extended to the Petitioner pursuant to a private commercial contract to which the 1st Respondent is neither a party nor privy. In the absence of any contractual nexus or express statutory authority, the 1st Respondent cannot lawfully compel the 2nd Respondent to suspend or otherwise interfere with those payment channels. Any such interference, it is argued, would amount to an unwarranted intrusion into private contractual rights and commercial arrangements.
27. Crucially, the 2nd Respondent avers that it has neither implemented nor taken any steps toward implementing the impugned directive dated 4th July 2025, nor has it exhibited any intention or preparedness to do so. It maintains that the mere receipt of correspondence from the 1st Respondent does not, without more, constitute an actionable wrong or a violation of constitutional rights. The Petitioner, it contends, has neither pleaded nor demonstrated any overt act, omission, or threatened conduct on the part of the 2nd Respondent capable of sustaining a constitutional claim.
28. The 2nd Respondent asserts that the Petition discloses no reasonable cause of action against it and that its joinder in these proceedings is misconceived,

unwarranted, and legally untenable. It accordingly prays that the Petition and the Notice of Motion, insofar as they relate to it, be dismissed with costs.

Analysis and Determination

29. Having carefully considered the pleadings, evidence, and submissions, the Court is of the view that the following sole issue arises for determination:

Whether the Petitioner has met the threshold for grant of a conservatory order pending the hearing of the petition.

30. The Court is called upon to consider whether the Petitioner has established the threshold for the grant of conservatory orders pending the hearing and determination of the Petition. The authority to grant interim relief in constitutional proceedings derives from Article 23(3)(c) of the Constitution, which empowers the High Court to grant such orders as it considers necessary to preserve the subject matter of the dispute and to safeguard fundamental rights and freedoms pending final adjudication. Conservatory orders, also referred to as interlocutory or interim injunctions in the broader sense, are exceptional remedies intended to prevent prejudice or irreparable loss, and their grant is discretionary, to be exercised judiciously and sparingly. As emphasized in ***Muslims for Human Rights (MUHURI) & 4 Others v Inspector General of Police & 2 Others [2014] KEHC 955***, such orders are appropriate where there is a need to prevent injustice or the rendering of the principal relief nugatory.

31. The legal test for the grant of a conservatory order is well-established in Kenyan law and has been reiterated in numerous decisions, including ***Centre for Rights Education and Awareness (CREAW) & Another v Attorney General [2011] eKLR***, ***Gatirau Peter Munya v Dickson Mwenda Kithinji & 2 Others [2014] eKLR***, and ***Board of Management of Uhuru Secondary School v City Director of Education [2015] eKLR***. The Court, in exercising its discretion, must consider three interrelated elements: first, whether the applicant has demonstrated a prima facie case with a likelihood of success; second, whether the applicant will suffer irreparable harm in the absence of the order and third, where the public interest and balance of convenience lie.
32. A prima facie case has been defined as one in which the applicant demonstrates, on the face of the pleadings and evidence, that there is a legitimate and arguable claim warranting judicial consideration. In civil and constitutional matters, the standard is arguability rather than proof beyond a reasonable doubt. In ***Mrao Ltd v First American Bank of Kenya Ltd [2003] eKLR***, the Court of Appeal described a prima facie case as one where “a right appears to have been infringed by the opposite party so as to call for explanation or rebuttal.” Similarly, in ***David Ndi & Others v Attorney General & Others [2021] KEHC 12605***, the Court emphasized that the applicant need only show that the claim is not frivolous or vexatious but raises substantial legal and factual questions.
33. In the present case, the Petitioner has clearly established a prima facie case.

The directive issued by the 1st Respondent on 4th July 2025, instructing the 2nd Respondent to suspend the Petitioner’s Paybill and short code, is alleged to

be ultra vires and procedurally unfair. Under Section 4(1)(b) of the Betting, Lotteries and Gaming Act, Cap 131, the Board is empowered to vary or suspend a licence for good cause, but only for a period not exceeding fourteen days, and must provide the licensee with an opportunity to show cause against any variation or cancellation.

34. Section 4(1)(b) of Cap. 131 authorizes suspension of a licence for good cause but not beyond 14 days and prohibits cancellation or variation without giving the licensee an opportunity to be heard.

4. Powers of the Board

(1) The Board shall have power—

(a) to issue licences and permits in accordance with this Act and any regulations made thereunder;

(b) during the subsistence of a licence or permit, to vary, or for good cause to suspend or cancel it; but the Board shall not suspend a licence or permit for more than fourteen days and shall not vary or cancel a licence or permit without giving the licensee or permit-holder opportunity to show cause against the variation or cancellation; and

(c) to inquire into complaints against licensees or permit-holders.

35. The Board's statutory mandate as per Section 4 of Cap. 131 does not explicitly extend to ordering third-party telecom operators to freeze a licensee's financial channels. The Petitioner supported in part by the 2nd Respondent's stance contends that this was beyond the Board's jurisdiction.

36. No notice, hearing, or reasons were provided to the Petitioner prior to the impugned directive, raising credible claims under Articles 47 and 50 of the Constitution. Furthermore, Article 40 of the Constitution protects property, and the Petitioner's Paybill and short code constitute an essential component of its business property. By interfering with these channels without due process, the 1st Respondent arguably violated constitutional protections. These facts demonstrate a genuine and arguable claim, satisfying the first limb of the test.
37. The second element concerns irreparable harm. A conservatory order is warranted where the applicant would suffer harm that cannot adequately be compensated by damages or would render the principal relief nugatory. The Court of Appeal in ***Martin Nyaga Wambora v Speaker of County Assembly of Embu & 5 Others [2014] eKLR*** emphasized that the threatened injury must be imminent, actual, and not speculative.
38. In this case, the suspension of the Paybill and short code would immediately prevent the Petitioner from transacting with its customers, effectively shutting down its business operations. The harm extends beyond financial loss to reputational damage, erosion of customer confidence, and the potential collapse of the business, which would render the Petition itself nugatory. The fact that the Paybill had already been suspended prior to the issuance of interim orders on 7th July 2025 demonstrates that the danger was immediate and ongoing, fulfilling the requirement of irreparable harm.

39. Finally, the Court must consider the public interest and the balance of convenience. While the 1st Respondent contends that the interim order could undermine regulatory compliance in the betting and gaming sector, the Court must weigh this against the broader public interest in upholding the rule of law, preventing arbitrary administrative action, and ensuring constitutional rights are respected. As observed in ***Gatirau Peter Munya (supra)***, the Court must consider constitutional values, the magnitude of competing interests, and the consequences of granting or withholding relief.
40. In this instance, maintaining the status quo does not prevent the Board from fulfilling its statutory mandate or taking lawful regulatory action, it merely halts an arguably unlawful suspension until the Court can adjudicate on its legality. Safaricom, as the 2nd Respondent, is neutral and there is no evidence that temporary continuation of the Paybill poses risk to other customers. Upholding the Petitioner's constitutional rights while ensuring that regulatory powers are exercised lawfully serves the public interest. The balance of convenience thus favors the Petitioner, as denial of interim relief would result in irreparable harm, whereas granting conservatory orders temporarily preserves the subject matter without prejudicing the Respondents' statutory functions.
41. In conclusion, applying the well-established test, the Court finds that the Petitioner has satisfied all requirements for the grant of conservatory orders. A prima facie case with a likelihood of success has been established, the Petitioner faces imminent and irreparable harm that cannot be adequately

remedied by damages, and the public interest and balance of convenience favor preservation of the status quo.

42. Accordingly, the Court affirms the interim conservatory orders issued on 7th July 2025, ensuring that the Petitioner may continue to operate under its Paybill Number 590555 and Short Code 29123 and its Bookmaker Licence No. BK0000730 and Public Gaming Licence No. PG0000491, pending the inter partes hearing and final determination of the Petition.

43. Given the foregoing, this court issues the following orders:

- a. In the circumstances, and for the foregoing reasons, it is the finding of this Court that the Petitioner/Applicant's Notice of Motion Application dated 06/07/2026 is merited.
- b. Consequently, Orders Numbers, 1, 2, and 3 of this Court's Court Order dated and issued on 07/07/2025 are confirmed and extended pending the hearing and determination of the Petition herein.

Orders accordingly.

**DATED, SIGNED AND DELIVERED VIRTUALLY ON THIS 11th DAY OF FEBRUARY
2026.**

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BAHATI MWAMUYE MBS

JUDGE

