

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

**JUDICIAL REVIEW APPLICATION NO. E071 OF 2026**

**ALMIRALL EAST AFRICA LIMITED.....APPLICANT**  
**PUBLIC PROCUREMENT ADMINISTRATIVE**  
**REVIEW BOARD..... RESPONDENT**

**AND**

**THE ACCOUNTING OFFICER,**  
**KENYA POWER & LIGHTING**  
**COMPANY PLC.....1<sup>ST</sup> INTERESTED PARTY**  
**KENYA POWER & LIGHTING**  
**COMPANY PLC.....2<sup>ND</sup> INTERESTED PARTY**

**RULING**

1. The chamber summons dated 13/3/2026 is supported by the statutory statement, verifying affidavit and annextures. I am satisfied that the application is urgent. I hereby certify the application as urgent for consideration exparte, in the first instance, owing to the timelines for hearing and determination of the proceedings herein, arising from the Public Procurement proceedings and which time starts running from today for 45 days inclusive of weekends and public holidays.

2. On the prayers for leave to apply, I have perused the grounds in the statutory statement and on the face of it, the application is not outrightly incompetent, frivolous or hopeless. The application raises arguable issues which require a hearing interpartes to determine whether the applicant's complaint is genuine, wherein its request for review in Application Number 19 of 2026 was dismissed by the Review Board. The applicant claims that the dismissal of its request for review was an abdication of statutory duty and that the same was tainted with illegalities and procedural unfairness, lack of integrity and devoid of transparency.
3. Therefore, without going into the merits of the intended motion at this leave stage, I am satisfied that a prima facie arguable case is established for in-depth inquiry at the substantive stage.
4. I hereby grant leave to the applicant to file Judicial Review proceedings as sought in the chamber summons dated 13/3/2026.
5. The main motion to be filed in these same proceedings, without, annexures and served by close of business today as all the

applicant needs to do is to file a Notice of Motion only and the court will rely on all the documents filed in support of the chamber summons. The applicant is reminded to pay full and correct court fees.

6. Upon such service, the Respondent and Interested Parties file and serve their responses by close of business on 16/3/2026.
7. The applicant will then file, if need be, a further affidavit, together with written submissions by close of business on 19/3/2026.
8. Thereafter, the Respondent and Interested Parties shall file if need be, further affidavits together with written submissions by close of business on 23/3/2026.
9. Pending the filing, hearing and determination of the main motion, I hereby grant stay of any further proceedings or actions in connection with the Tender for the Provision of Roads/Pavement opening/ cutting, ducting and reinstatement services tender No. KP1/9A.2/OT/003/NM/25-26 including proceeding with evaluation, award, signing of contract or any other action in respect of the subject tender.

10. **This matter shall be mentioned before the duty Judge on 1/4/2026** for purposes of giving directions on whether there will be need to highlight the submissions, and if not, to fix a judgment date which judgment date shall be on not later than 24/4/2026.

11. I so direct.

**Dated, Signed & Delivered virtually at Nairobi this 13<sup>th</sup> Day of March, 2026**

**R.E. ABURILI  
JUDGE**