



Gasline Solutions Limited v Chev Energies Limited (Miscellaneous Civil Application E042 of 2026) [2026] KEHC 6077 (KLR) (7 May 2026) (Ruling)

Neutral citation: [2026] KEHC 6077 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT KITALE
MISCELLANEOUS CIVIL APPLICATION E042 OF 2026**

**RK LIMO, J
MAY 7, 2026**

BETWEEN

GASLINE SOLUTIONS LIMITED APPLICANT

AND

CHEV ENERGIES LIMITED RESPONDENT

RULING

1. The applicant herein, Gasline Solutions Limited, has moved this court vide a Notice of Motion dated 16/3/2026 basically for adoption of the award/determination made by Energy & Petroleum Regulatory Authority (EPRA) Tribunal dated 2/2/2026 in Dispute No.EPRA/PEACP/CP/4/65921123/25 as the judgment of this court.
2. The basis of the application is fairly simple. The applicant contends that a dispute regarding a claim on unauthorized possession and illegal rebranding of LPG cylinders between the applicant and respondent was heard and determined by Energy & Petroleum Regulatory Authority on 2/2/2026 acting within its quasi-judicial mandate under the Energy Act, 2019.
3. The applicant contends that Energy & Petroleum Regulatory Authority made the decision in its favour and ruled that it was entitled to a refund of cylinder deposits for “646 Power Gas” cylinders worth Kshs.989,700/-.
4. That the determination by Energy & Petroleum Regulatory Authority was final and binding and that a 30 day period for appeal lapsed without the respondent preferring any appeal.
5. The applicant through its director Joseph Kazungu Mwangi has sworn a supporting affidavit sworn on 16/3/2026 where he has majorly exhibited documents in support of the relief sought herein.



6. The applicant through learned counsel Mr Wanyama submits that though the respondent has moved the Tribunal for extension of time to appeal, nothing stops the applicant from moving ahead for adoption since the 2 processes in its view can run concurrently.
7. Counsel further submits that the stay of execution granted by the Tribunal is distinct from stay of proceedings and therefore in his view this court can move and adopt the decision of the Tribunal since there is no stay of proceedings.
8. The respondent has on the other hand opposed this application. The respondent through learned counsel Mr Makhanu contends that though the respondent was unable to prefer appeal within the prescribed period of 30 days and that Section 24(2) of the Energy Act gives the Tribunal discretion to extend time.
9. He submits that the respondent invoked the said provisions and applied for stay of execution pending determination of their application for extension of time.
10. He argues that if this court adopts the award, the same will be a judgment of this court thereby depriving the Tribunal with powers to grant stay or any other relief since the Tribunal is subservient to this court.
11. The respondent reasons that the applicant suffers no prejudice if he awaits the outcome of the application for extension of time.
12. This court has considered the application placed before me and the response made.
13. The proceedings before this court are merely adoption proceedings. The substantive case was placed before the Energy & Petroleum Regulatory Authority Tribunal established under Section 25 of Energy Act and it rendered itself. That issue is uncontested.
14. The respondent has urged this court not to adopt the decision of the Tribunal to give it time to ventilate its application before the Tribunal but it says that the relief sought in the Tribunal is for extension of time to appeal and stay of execution. There is no application pending for stay of proceedings which I find significant because unless the proceedings from the Tribunal are stayed, then there is nothing to stop process of adoption of the award by this court.
15. The respondent has not applied for stay of proceedings either in this court or the Tribunal. I agree with the applicant that stay of proceedings is quite distinct from stay of execution. The respondent cannot ask this court to treat the stay of execution as a stay of proceedings. That is not tenable. I am also not persuaded that the adoption of the determination will oust the jurisdiction of the Tribunal to entertain the application for extension of time or the appeal itself under Section 42 of the Energy Act. In any event if the Tribunal was to allow the appeal, then the respondent has liberty to apply for review of the adoption in this court under Section 37(4) of the Energy Act. The applicant in my view ought to have moved fast to forestall the situation it finds itself in by applying for stay of proceedings rather than stay of execution.

In the premises, this court finds merit in the application dated 16/3/2026. The same is allowed in terms of prayer 2 with costs and that marks this matter as spent. File closed.

DELIVERED, DATED AND SIGNED AT KITALE THIS 7TH DAY OF MAY , 2026.

HON JUSTICE R.K. LIMO

KITALE HIGH COURT

Ruling delivered in open court



In the presence of

Wanyama for the Applicant

Makhanu for the respondent

Duke/Chemosop- Court assistants

