



**Veronica Ngina Kanja t/a M/S Ventone Enterprises v Public Procurement
Administrative Review Board & another; Cathan Logistics Limited (Interested Party)
(Civil Appeal E513 of 2021) [2021] KECA 86 (KLR) (18 October 2021) (Order)**

Neutral citation: [2021] KECA 86 (KLR)

**REPUBLIC OF KENYA
IN THE COURT OF APPEAL AT NAIROBI
CIVIL APPEAL E513 OF 2021
HM OKWENGU, KI LAIBUTA & F SICHALE, JJA
OCTOBER 18, 2021**

BETWEEN

VERONICA NGINA KANJA T/A M/S VENTONE ENTERPRISES APPELLANT

AND

**PUBLIC PROCUREMENT ADMINISTRATIVE REVIEW BOARD 1ST
RESPONDENT**

**ACCOUNTING OFFICER ,STATE DEPARTMENT FOR LIVESTOCK,
MINISTRY OF AGRICULTURE, LIVESTOCK, FISHERIES & CO-
OPERATIVES 2ND RESPONDENT**

AND

CATHAN LOGISTICS LIMITED INTERESTED PARTY

*(Being an appeal from the Ruling of the High Court of Kenya at Nairobi (Jairus Ngaah, J.)
delivered on 27th August 2021 in Milimani High Court Judicial Review Case No E091 of 2021)*

ORDER

1. This appeal came for hearing this morning on a virtual platform. Mr. Wilfred Lusi represented the appellant while Mr. Maina Wanjohi represented the respondents. Learned counsel for the appellant addressed the Court by highlighting his written submissions and case digest dated 7th October 2021 while, in response, learned counsel for the respondents made oral submissions.
2. Having heard learned counsel for the appellant and learned counsel for the respondents, and having considered the statutory timelines prescribed under section 175(4) and the effect thereof stipulated in



subsection (5) of the *Public Procurement and Assets Disposal Act*, 2015 over and concerning hearing and determination of appeals by the Court under this section, we take note of the fact that –

- a. this Court is mandated under section 175(4) to render its judgment within 45 days from the date of appeal; and
 - b. accordingly, this Court’s judgment becomes due for delivery in compliance with that section so as to avoid the effect of subsection (5), which would necessarily follow on 22nd October 2021.
3. In the circumstances, and with the consent of the parties, the Court hereby renders its judgment in summary as pronounced below:
- a. the appellant’s appeal be and is hereby dismissed with costs to the respondents;
 - b. the Ruling and Order of the High Court of Kenya at Nairobi (Jairus Ngaah, J.) delivered on 27th August 2021 in Milimani High Court Judicial Review Case No. E091 of 2021 be and is hereby upheld;
 - c. the Court reserves its reasons for the judgment pursuant to Rule 32(5) of the *Court of Appeal Rules*; and
 - d. the Court shall deliver its reasons on 21st January 2022.

Orders accordingly.

MADE AT NAIROBI THIS 18TH DAY OF OCTOBER 2021.

HANNAH OKWENGU

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JUDGE OF APPEAL

F. SICHALE

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JUDGE OF APPEAL

DR. K. I. LAIBUTA

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JUDGE OF APPEAL

