

Application No. 2 of 2023 Pontrilas Investments Limited v The Attorney General of Kenya & Another

Coming up for Hearing: 10th November 2023.

Application filed: on 17th February 2023

Rules: Rule 87(1) of The East African Court of Justice Rules of Procedure 2019.

Subject matter: Application for Stay

This Application arises out of *Appeal no 2 of 2023 Pontrilas Investment Ltd v The Attorney General of Kenya & Another*, which is an Appeal against a First Instance Division Ruling dated 2nd December 2022 in *Application no 6 of 2022 The Central Bank of Kenya v Pontrilas Investment & Another arising from Reference no 8 of 2017 Pontrilas Investments Limited v The Central Bank of Kenya & Another*, currently pending before the First Instance Division of the Court. In the said decision the First Instance Division ruling on an issue of jurisdiction, decreed that it had no personal jurisdiction as against one of the Respondents (Central Bank of Kenya) and that the main Reference should proceed to hearing and determination against the only remaining party (The Attorney General of Kenya).

The Applicant aggrieved by the said decision, proceeded to file *Appeal no 2 of 2023 Pontrilas Investment Limited v The Central Bank of Kenya & The Attorney General of Kenya* currently pending before the Appellate Division.

The Appellant's main ground for the application is the issue of judicial economy and duplicity of proceedings. He contends that, since the First Instance Division made an order to proceed with the hearing against only one party to the Reference and in the case where the two Division hear and determine the Reference and the Appeal in the Appellate Division concurrently and the Appeal succeeds the unintended consequence may be duplicity of proceedings and conflicting decisions by the same Court.

To that end the Applicants are urging the Court to stay the pending proceedings in the First Instance Division pending hearing and determination of the Appeal currently in the Appellate Division.

The Respondent on his part opposes the Appeal but has not filed any documents to substantiate his objection.

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