



Lakhan v Kenya Power & Lighting Company Limited (Tribunal Case E003 of 2023) [2023] KEET 54 (KLR) (Civ) (1 March 2023) (Directions)

Neutral citation: [2023] KEET 54 (KLR)

**REPUBLIC OF KENYA
IN THE ENERGY & PETROLEUM TRIBUNAL
CIVIL**

TRIBUNAL CASE E003 OF 2023

**KIOKO KILUKUMI, CHAIR, D.K MWIRIGI, VICE CHAIR,
B.H WASIOYA, F.S IBRAHIM & F. M KAVITA, MEMBERS**

MARCH 1, 2023

BETWEEN

SHAFIQ ABDUMALIK LAKHAN CLAIMANT

AND

KENYA POWER & LIGHTING COMPANY LIMITED RESPONDENT

DIRECTIONS

Directions

1. Pursuant to Rule 19 (1) of the Energy Tribunal Rules 2008, The Tribunal, in its own motion, issues the following directions.
2. The dispute in this instant matter relates to wayleaves. Sections 5 to 21 of the [*Energy \(Complaints and Dispute Resolution\) Regulations, 2012*](#) provide a clear procedure for handling of such disputes. The Plaintiff needs to exhaust the internal complaint handling mechanisms and thereafter file a dispute at the Energy and Petroleum Regulatory Authority (EPRA). If the Plaintiff is dissatisfied with the decision of EPRA, he/she can then appeal to the Tribunal.
3. The Plaintiff in this matter only filed the dispute at EPRA on January 18, 2023. Under Section 23 of the [*Energy Act, 2019*](#), EPRA has a maximum of 60 days after a dispute has been filed to make a determination on the same. The prescribed period for making such a determination has not expired and the Plaintiff has invoked the Jurisdiction of this Honourable Tribunal prematurely.
4. This Appeal is therefore dismissed.

DATED AND DELIVERED AT NAIROBI THIS 1ST DAY OF MARCH, 2023. IN THE PRESENCE OF:



.....

Mr. Kioko Kilukumi SC Chairperson

.....

Ms. Doris Kinya Mwirigi Vice Chairperson

.....

Eng. Buge Hatibu Wasioya Member

.....

Mr. Feisal Shariff Ibrahim Member

..... Eng. Fidelis Muli Kavita Member

SIGNED BY: KIOKO KILUKUMI

