



EDITION 122

Supreme Court throws out Omtatah's appeal on Finance Act

By CH Reporter

The supreme court has dismissed an appeal by Senator Okiya Omtatah challenging Court of Appeals decision to lift orders that had barred implementation of the Finance Act 2023.

The apex court threw out the appeal by Omtatah ruling that it was filed out of time.



The Supreme Court of Kenya

The seven judges led by Chief Justice Martha Koome also ruled that the motion by Omtatah did not fall within the Court's appellate jurisdiction under Article 163(4).

The court also said that they were equally not convinced that the decision of the Court Appeal had occasioned grave injustice to warrant invocation of their inherent jurisdiction.

"Besides, the intended appeals before the Court of appeal have since been filed and are to be disposed within 60 days of the impugned ruling," the court said.

The court further noted that the hearing of the amended petition before the High Court is scheduled to commence this September, 2023.

"In the circumstances, we find that the issues in dispute would be properly ventilated in the appeals before the Court of Appeal as well as in the amended petition before the High Court," the court ruled.

Omtatah and three others moved to the supreme court to challenge the decision court of appeal that lifted orders which had suspended the implementation of the Finance Act 2023.

However, the state through Treasury Cs Njuguna Ndungu had opposed the application arguing that suspending the Act will lead to loss of Sh 500 Million daily.

The case is still pending before the high court where a three-judge bench is expected to hear the petition by Omtatah on the validity of the Finance Act.