## ****REPUBLIC OF KENYA****

**IN THE NATIONAL ENVIRONMENTAL TRIBUNAL**

**AT NAIROBI**

**TRIBUNAL APPEAL NO. NET ………OF 2020**

**SAVE MUHUDU FORUM.................................................................1ST APPELLANT**

**DR. SAISI SAISI ............................................................................2ND APPELLANT**

**-VERSUS-**

**NATIONAL ENVIRONMENTAL MANAGEMENT AUTHORITY................................................................................1ST RESPONDENT**

**MULMUL WAS LIMITED ………………..........................................2ND RESPONDENT**

**NOTICE OF PRELIMINARY OBJECTION**

TAKE NOTICE that at the hearing of this notice of appeal the 2nd Respondent shall contend that this Honourable tribunal lacks the jurisdiction to entertain the suit and shall be objecting to the competence of the suit.

TAKE FURTHER NOTICE that the grounds upon which the preliminary objection is brought are:

1. The appeal has been filed outside the 60-day period
2. The Appellants have not sought leave of the tribunal to file the appeal outside the stipulated sixty-day period
3. The appeal is frivolous and a palpable abuse of court process.

DATED at NAIROBI this \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2020

CM ADVOCATES LLP

ADVOCATES FOR THE APPELLANT

(Cyrus Maina, Practice No.LSK/……./………)

DRAWN & FILED BY:

TO BE SERVED UPON: