



**IN THE SPECIAL TRIBUNAL
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: GP07/2020

JOHANNESBURG, 20 AUGUST 2020


BEFORE THE HONOURABLE MR JUSTICE MOTHLE

Proceedings heard virtually

In the **EX PARTE APPLICATION** by:

SPECIAL INVESTIGATING UNIT

In the matter between:

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	
SPECIAL TRIBUNAL CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDENE	
	signature of 2020-08-20 Name: APPLICANT
C/A No: One	
REGISTRAR	

SPECIAL INVESTIGATING UNIT

APPLICANT

and

LEDLA STRUCTURAL DEVELOPMENT (PTY) LTD FIRST RESPONDENT

K MANUFACTURING AND SUPPLY (PTY) LTD SECOND RESPONDENT

MEDIWASTE PACKAGING (PTY) LTD THIRD RESPONDENT

ATTURO TYERS (PTY) LTD FOURTH RESPONDENT

BLSM SERVICES (PTY) LTD	FIFTH RESPONDENT
VIVID SIGHTS PROJECTS (PTY) LTD	SIXTH RESPONDENT
PNE GRAPHICS CC	SEVENTH RESPONDENT
MAELA DISTRIBUTORS AND PROJECTS CC	EIGHTH RESPONDENT
ATLAND CHEMICALS CC	NINTH RESPONDENT
PHM HOLDINGS (PTY) LTD	TENTH RESPONDENT
NUTRI K (PTY) LTD	ELEVENTH RESPONDENT
LLOYD MTHOBEKI	TWELFTH RESPONDENT
RHULANI MBOWENI LEHONG	THIRTEENTH RESPONDENT
KGODISHO NORMAN LEHONG	FOURTEENTH RESPONDENT
HELLMANN WORLDWIDE LOGISTICS (PTY) LTD	FIFTEENTH RESPONDENT
DOUBLE CLICK BTC (PTY) LTD	SIXTEENTH RESPONDENT
SKYLINE CONTRACTORS (PTY) LTD	SEVENTEENTH RESPONDENT
HOME VISION PROJECTS (PTY) LTD	EIGHTEENTH RESPONDENT
XC LOGIC (PTY) LTD	NINETEENTH RESPONDENT
RONEN BARASHI	TWENTIETH RESPONDENT
YUCHANG XIAO	TWENTY-FIRST RESPONDENT
MPHO MAFENYANE	TWENTY-SECOND RESPONDENT
XINGYU PLASTIC RECYCLING (PTY) LTD	TWENTY-THIRD RESPONDENT
MORTZ MARKETING ENTERPRISE CC	TWENTY-FOURTH RESPONDENT
INJEMO ENGINEERING AND PLASTIC PRODUCTS (PTY) LTD	TWENTY-FIFTH RESPONDENT
BUHLE WASTE (PTY) LTD	TWENTY-SIXTH RESPONDENT
API PROPERTY GROUP (PTY) LTD	TWENTY-SEVENTH RESPONDENT
SASOL SOUTH AFRICA LIMITED	TWENTY-EIGHTH RESPONDENT
MUTASA TOOL AND DIE ENGINEERING (PTY) LTD	TWENTY-NINTH RESPONDENT

EMPIRU (PTY) LTD	THIRTIETH RESPONDENT
BOXLEE (PTY) LTD	THIRTY-FIRST RESPONDENT
YONGLIAN LIN	THIRTY-SECOND RESPONDENT
MAPITI AARON MOLOPA	THIRTY-THIRD RESPONDENT
JONATHAN MAAKE	THIRD-FOURTH RESPONDENT
JAMAC TECHNOLOGICAL CC	THIRTY-FIFTH RESPONDENT
MANIKENSIS INVESTMENTS 6 (PTY) LTD	THIRTY-SIXTH RESPONDENT
ANGELIC JULIANA GROENEWALD	THIRTY-SEVENTH RESPONDENT
MICHEAL GERAD ROFAIL	THIRTY-EIGHTH RESPONDENT
PATRICK JOHN KALIL	THIRTY-NINTH RESPONDENT
ROYAL BHACA (PTY) LTD	FORTIETH RESPONDENT
MEC: GAUTENG DEPARTMENT OF HEALTH	FORTY-FIRST RESPONDENT
KABELO MANTSU LEHLOENYA	FORTY-SECOND RESPONDENT
GOVERNMENT EMPLOYEES' PENSION FUND	FORTY-THIRD RESPONDENT
GOVERNMENT PENSIONS ADMINISTRATION AGENCY	FORTY-FOURTH RESPONDENT

ORDER

Having read the notice of motion, affidavits and annexures, and having heard counsel for the applicant

IT IS HEREBY ORDERED:

- 1 The normal forms, time periods and service, as provided for in the Special Tribunal Rules, are dispensed with to the extent necessary, and the matter is permitted to be dealt with on an *ex parte* basis and as one of urgency as contemplated by Rule 12 of the Special Tribunal Rules.
- 2 The First to Thirty-Ninth Respondents are prohibited from dealing in any manner with the property listed in Schedule "A" attached to this order.
- 3 The implementation of the contract for the supply and delivery of various Covid 19 Personal Protection Equipment (PPE) Items purportedly awarded by the Gauteng Department of Health to the First Respondent on 6 April 2020 is suspended and the First to Forty-Second Respondents are interdicted from giving effect thereto.
- 4 The Forty-Third and Forty-Fourth Respondents are interdicted from releasing to the Forty-Second Respondent or any other party any money which represents pension and retirement benefits due to the Forty-Second Respondent, pending the outcome of an action, to be instituted within fifteen days of this order, by the Applicant against the Forty-Second Respondent, for recovery of financial losses and damages suffered by the Forty-First Respondent and/or the Gauteng Provincial Department of Health as a result of illegality, misconduct and acts of dishonesty perpetrated by the Forty-Second Respondent while she was employed by that Department.
- 5 The Forty-First Respondent is interdicted from making further payments to the First Respondent or any other person arising from or in connection with the contract for the supply and delivery of various Covid 19 PPE Items purportedly awarded to the

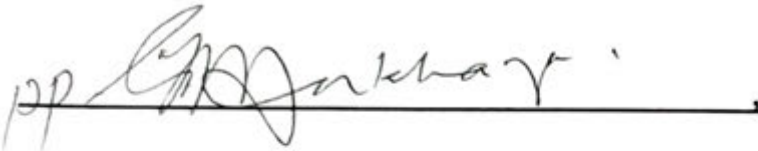
First Respondent, and the Forty-First respondent is ordered to take all necessary and reasonable steps to ensure that no such payments are made to the First respondent through the actions of any official, agent or service provider employed by the Gauteng Department of Health.

- 6 The orders specified above in paragraphs 2 to 5 shall operate as interim orders pending the return date referred to in paragraph 7.
- 7 A *Rule Nisi* is issued in terms of which the Respondents are called upon, on **6 October 2020 at 10h00** or as soon thereafter as counsel may be heard (*"the return date"*), to show cause why:
 - 7.1. the property listed in Annexure A should not be declared forfeit to the State, and be handed over to the Applicant;
 - 7.2. the interim orders in terms of paragraphs 2 to 5 above should not be confirmed;
 - 7.3. the interim order in terms of paragraph 5 above should not be confirmed, to operate until the outcome of the action referred to in that paragraph.
 - 7.4. the purported award by the Gauteng Department of Health on 6 April 2020 to the First Respondent for the supply of Various Covid PPE items should not be reviewed and set aside as unlawful and invalid;

- 7.5. such of the Respondents as may oppose the confirmation of the interim orders specified in paragraphs 2 to 6 above should not be ordered to pay the costs of this application, jointly and severally, the one paying the other to be absolved, to pay the costs relating to both Part A and Part B of the Notice of Motion, on the scale as between attorney and client;
- 8 Any of the Respondents may make an application to anticipate the return date specified in paragraph 7 above, by delivering notice thereof at least 24 hours prior to the hearing, to the Registrar, the Applicant and all other Respondents.
- 9 Should any of the Respondents intend to oppose the confirmation of the *rule nisi* above, they are required:
- (a) to deliver a notice of opposition within **five days** from the date on which this order is served on them;
 - (b) to appoint, in that notice of opposition, an address at which they will receive service of notices and other documents and processes in this application; and
 - (c) to deliver an answering affidavit(s), if any, within **fifteen days** of the delivery of their notice of opposition.

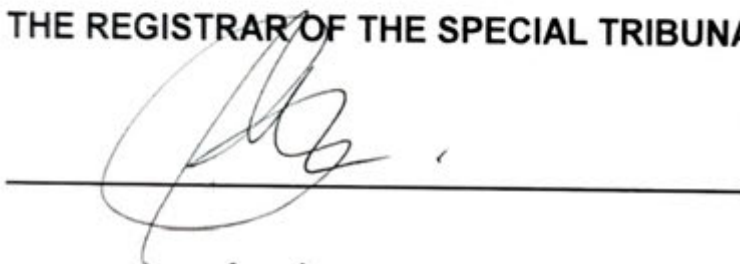
10 The costs in respect of the relief sought in Part A of the notice of motion are reserved for determination at the hearing of Part B.

BY ORDER OF THE SPECIAL TRIBUNAL



JUDGE BILLY MOTHLE

THE REGISTRAR OF THE SPECIAL TRIBUNAL



DATE: 20/8/20