



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

CASE NO: EC05/2020

JOHANNESBURG, 30 October 2020

BEFORE THE HONOURABLE Madam Justice Modiba

Proceedings heard virtually

In the **URGENT APPLICATION** by:

SPECIAL INVESTIGATING UNIT

APPLICANT

In the matter between:

SPECIAL INVESTIGATING UNIT

APPLICANT

and

SINAZO MGWANGWA

1ST RESPONDENT

M

THEOPHILUS TAWANDA TEMBO

2ND RESPONDENT

NANDIPHA TEMBO

3RD RESPONDENT

ALINANI TRADING (PTY) LTD

4TH RESPONDENT

FIRST NATIONAL BANK OF SOUTH AFRICA

5TH RESPONDENT

STANDARD BANK OF SOUTH AFRICA

6TH RESPONDENT

THE MEC FOR THE DEPARTMENT OF EDUCATION,
EASTERN CAPE

7TH RESPONDENT

ORDER

HAVING READ THE PAPERS and heard counsel for the Applicant, the following order is made:

1. the Applicant's non-compliance with the Tribunal's rules relating to

M

forms, time periods and service is condoned and that the matter is heard as an urgent application in terms of the Tribunal's rules;

2. a *rule nisi* be is hereby issued calling upon the Respondents to show cause, if any, on **26th November 2020** at **10h00** as to why an order in the following terms should not be confirmed:

2.1. That pending finalisation of an action to be instituted, within 20 days of the date of this order (including all appeals and petitions);

2.1.1. the Fifth Respondent is ordered to freeze the banking account held by it in the name of the Fourth Respondent under business account number 62789286658;

2.1.2. the Fifth Respondent is ordered to freeze the banking account held by it in the name of the Fourth Respondent under business account number 7486831913;

2.1.3. the Fifth Respondent is ordered to freeze the banking account held by it in the name of the Fourth Respondent under business account number 62868245062;

M

2.1.4. The Sixth Respondent is ordered to freeze the banking account held by it in the name of the Fourth Respondent under business account number 10108281718;

2.1.5. The Seventh Respondent is hereby interdicted and restrained from making any payments due to the First to Fourth Respondents arising from and or in connection with any goods and/or services and any contract for the supply and delivery Covid-19 PPE items purportedly awarded to the Fourth Respondent;

2.1.6. The Seventh Respondent is hereby ordered to take all reasonable steps to ensure that no payment due to the First to Fourth Respondents are made, arising from and/or in connection with any contract for the supply of any goods and/or services and/or any contract for the supply and/or delivery of Covid-19 PPE items awarded to the Fourth Respondent;

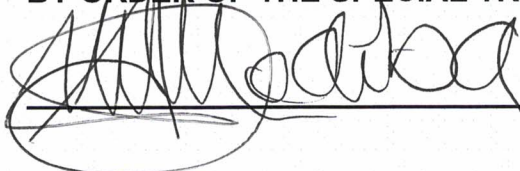
3. That the relief granted in paragraphs 2.1 to 2.1.6 above, shall operate with immediate effect until the return date;

4. That the costs of this application be reserved;

M

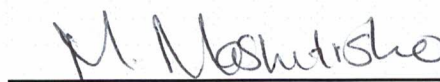
5. the Applicant, their legal representatives and personnel including the personnel of the Tribunal may only disclose the to the media and to third parties Applicants, their legal representatives and their personnel including the personnel of the Special Tribunal, may only disclose this order to the media, after it has been served on the Respondents and filed with the Registrar of the Special Tribunal.

BY ORDER OF THE SPECIAL TRIBUNAL




JUDGE L MODIBA

THE REGISTRAR OF THE SPECIAL TRIBUNAL



DATE: 30/10/2020

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	
SPECIAL TRIBUNAL	
CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDENE	
	2020-10-30
	C/A No: One
REGISTRAR	
Signature of	Issuing Officer
	M. Mashutsho
	Mpho

M