



**IN THE SPECIAL TRIBUNAL ESTABLISHED IN TERMS OF SECTION 2(1) OF THE
SPECIAL INVESTIGATING UNITS AND
SPECIAL TRIBUNALS ACT 74 OF 1996
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: GP06/2022

In the matter between:

SPECIAL INVESTIGATING UNIT

First Applicant

TRANSNET SOC LTD

Second Applicant

and

DYNAMIC POWER ENGINEERING (PTY) LTD
with registration no. 2018/231813/07, **previously**
SUPERFECTA TRADING 209 (PTY) LTD with
registration no. 2018/231813/07, **converted from**
SUPERFECTA TRADING 209 CC with registration
no. 2002/024381/23

First Respondent

BBDM BROS ADVERTISING AGENCY (PTY) LTD

Second Respondent

ZAKHELE EZEKIEL 'THABO' LEBELO

Third Respondent

ZAKHELE EZEKIEL LEBELO N.O.

In his representative capacity as a Trustee of the
Thabo Lebelo Family Trust

Fourth Respondent

ALETTA MOKGORO MABITSI N.O.

In her representative capacity as a Trustee of the
Thabo Lebelo Family Trust

Fifth Respondent

PHATHUTSHEDZO BRIGHTON MASHAMBA

Sixth Respondent

MATLHODI PHILLICIA MASHAMBA

Seventh Respondent

**INDUSTRIAL DEVELOPMENT CORPORATION OF
SOUTH AFRICA LIMITED**

Eighth Respondent

TRANSNET RETIREMENT FUND

Ninth Respondent

AVIWE NDYAMARA N.O.

Tenth Respondent

OFFICE OF THE DEEDS REGISTRAR, PRETORIA

Eleventh Respondent

STANDARD BANK OF SOUTH AFRICA LIMITED

Twelfth Respondent

ORDER

HAVING heard counsel and considered the agreements reached between the Applicants and the First and Third to Seventh Respondents, respectively:

IT IS ORDERED THAT:

1. The decision of the Transnet Property Acquisition Council and Transnet, made on 18 January 2016, to award the tender for the installation of two generators for the Carlton Centre Precinct (tender no. TPCCT/JHB/730) to the first respondent (then named "Superfecta Trading 209") at its revised bid price and the resulting contract (and any and all addenda thereto) are declared inconsistent with the Constitution of the Republic of South Africa, 1996 ("**the Constitution**") unlawful and invalid *ab initio*, and are reviewed and set aside.
2. The decision of the Group Executive: Transnet Property and Transnet, made on 22 October 2017, to appoint the first respondent, then named Superfecta Trading 209, as

the maintenance contractor for electrical and mechanical services at Transnet's Carlton Centre precinct and the resulting contract (and any and all addenda thereto) are declared inconsistent with the Constitution, unlawful and invalid *ab initio*, and are reviewed and set aside.

3. The settlement agreement concluded between the Applicants and the First Respondent, annexed and marked as "**Annexure A**", is made an order of the Special Tribunal.
4. The settlement agreement concluded between the Applicants and the Third to Fifth Respondents, annexed and marked as "**Annexure B**" is made an order of the Special Tribunal.
5. The settlement agreement concluded between the Applicants and the Sixth and Seventh Respondents, annexed and marked as "**Annexure C**" is made an order of the Special Tribunal.
6. Each Party shall comply with the terms of the settlement agreement(s) in paragraphs 3 to 5 to which they are a party, within the timeframes stipulated therein, in so far as those terms relate to them.
7. The decision of Transnet's Group Chief Executive and Transnet, made on 2 February 2015, to approve the 15-year lease of the Carlton Skylink Building to the Second Respondent and the lease agreement concluded by the Group Executive: Transnet Property with the Second Respondent on 2 February 2015 (including any and all addenda thereto) ("**the Carlton Skylink Building Lease**") are declared inconsistent with the Constitution, unlawful and invalid *ab initio*, and are reviewed and set aside.
8. The decision of the Group Executive: Transnet Property and Transnet, made on 12 June 2015, to amend the terms of the Carlton Skylink Building Lease and the amended lease

agreement concluded with the Second Respondent on the same day (including any and all addenda thereto), and the approval of tenant installation allowances pursuant thereto, are declared inconsistent with the Constitution, unlawful and invalid *ab initio*, and are reviewed and set aside.

9. In the event that any of the relevant respondents do not co-operate with the conveyancers, the Deputy Sheriff shall do all things necessary to give effect to such property transfers.

10. The Applicants may approach the Special Tribunal for further relief against the Second Respondent, at a later stage, on duly supplemented papers if necessary.

11. There is no order as to costs.



BY ORDER OF THE SPECIAL TRIBUNAL

Handwritten signature of Judge M. Victor.

JUDGE M. VICTOR
PRESIDENT OF THE SPECIAL TRIBUNAL

To:

Applicants' attorney: Ms s Machado, Bowmans Glifillan

Attorney for third to seventh respondents: Mr C Ramabulana, Ramabulana Attorneys.

Attorneys for the first respondent: Mr Z Majavu, Majavu INC