



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

BEFORE THE HONOURABLE JUSTICE MAKHOBA

CASE NO: KN/05/2021

Order granted electronically *via* Microsoft Teams.

In the matter between:

SPECIAL INVESTIGATING UNIT

APPLICANT

and

VELAKABUSHE GENERAL TRADING 2 CC (PTY) LTD

FIRST RESPONDENT

MEC FOR THE DEPARTMENT OF SOCIAL DEVELOPMENT

SECOND RESPONDENT

KWAZULU NATAL

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on Case Lines by the Judge or his/her Secretary. The date of this Order is deemed to be the date that is submitted electronically to the parties.

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**DRAFT ORDER**

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It is ordered that:

1. The procurement decision of the Department to award the contract in respect of purchase order number A0749305 to Velakabusha General Trading 2 CC (Pty) Ltd with registration number 2011/013557/23, be and is hereby reviewed and set aside.
2. Velakabusha General Trading 2 CC (Pty) Ltd with registration number 2011/013557/23 is hereby directed to pay the Special Investigating Unit an amount of R 135 000. 00 inclusive of VAT, in six (6) equal instalments of R 22 961. 60 per month (inclusive of interest) with the first instalment having commenced on 1 January 2022 until the total amount of R135 000.00 inclusive of VAT is fully paid to the Special Investigating Unit.
3. The Second Respondent shall be liable for payment of interest on the aforesaid amount at the rate of 7 % per annum from 1 January 2022 until the total amount is paid.
4. The payment referred to in prayer 2 above is to be made directly into the Trust Account of the Special Investigating Unit:-

Bank: First National Bank Branch

"X"

Code: Gauteng Branch: 210544

Account No: 62003348499

Reference: NDL809NSD3

5. The First Respondent is directed to pay the Applicant's taxed or agreed party and party costs on the High Court Scale, such costs to include; the costs of briefing counsel, consultations with counsel, opinions, advice and drafting of application papers.

6. In the event that costs are not agreed:-

6.1 the Applicant shall serve a Notice of Taxation on the First Respondent; and

6.2 the Applicant shall allow the First Respondent to make payment within 7 (seven) days of being served with the taxed costs.



For the Applicant:

Ms S Zondi, State Attorney Pretoria

Counsel: Adv R . Athmaram