

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case No: 21-11645

In the matter between:

TRANSNET SOC LTD

First Applicant

SPECIAL INVESTIGATING UNIT

Second Applicant

and

**CRRC E-LOCO SUPPLY (PTY) LTD
(FORMERLY CSR E-LOCO SUPPLY (PTY) LTD)**

First Respondent

**BOMBARDIER TRANSPORTATION SOUTH AFRICA
(PTY) LTD**

Second Respondent

**CRRC SA ROLLING STOCK (PTY) LTD
(FORMERLY CNR ROLLING STOCK SOUTH AFRICA
(PTY) LTD)**

Third Respondent

**WABTEC SOUTH AFRICA TECHNOLOGIES (PTY) LTD
(FORMERLY GE SOUTH AFRICA TECHNOLOGIES (PTY) LTD)**

Fourth Respondent

DRAFT ORDER

- 1 The decision of the first applicant ("**the Award**"), taken on 24 January 2014, to appoint the fourth respondent for the supply of 233 diesel locomotives is reviewed, declared invalid and set aside.
- 2 The locomotive supply agreement, dated 17 March 2014 ("**the GE LSA**"), concluded pursuant to the Award between the first applicant and the fourth respondent and all other steps taken pursuant to the Award, including but not limited to the conclusion of the subcontract between Transnet Engineering and the fourth respondent ("**the TE Subcontract**"), dated 17 March 2014 are reviewed, declared invalid and set aside.

- 3 Notwithstanding the foregoing, the just and equitable remedy set out below is granted in terms of section 172(b) of the Constitution of the Republic of South Africa, 1996:
 - 3.1 The settlement agreement concluded between the applicants and the fourth respondent on 8 November 2019, attached as "A", and subsequently amended on 18 November 2022, attached as "B" (collectively referred to as "**the Settlement Agreement**") is made an order of court.
 - 3.2 The first applicant shall retain the 233 diesel locomotives delivered to it by the fourth respondent under the GE LSA, and the settlement amount of R 70,350,574.00 as referred to in the Settlement Agreement.
 - 3.3 The fourth respondent shall retain all amounts paid to it under the GE LSA, the TE Subcontract and the Settlement Agreement.
- 4 The applicants and the fourth respondent shall pay their own costs.

