



**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 Number: KN03/2024

BEFORE THE HONOURABLE JUSTICE VICTOR

5 MAY 2025

In the matter between:

SPECIAL INVESTIGATING UNIT SPECIAL

And

VITAE ZOE (PTY) LTD


(Registration No. 2017/132238/07)

MEC, MPUMALANGA DEPARTMENT OF HEALTH

TSHEGOFATSO MORALO

LUCKY DOUGLAS MAHLALELA

DR SAVERA MOHANGI

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	
SPECIAL TRIBUNAL	
CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDENE	
	2025 -05- 05
C/A No: One	Signature of Issuing Officer: <i>N. Mashabela</i>
REGISTRAR	Name: <i>N. Mashabela</i>

Applicant

First Respondent

Second Respondent

Third Respondent

Fourth Respondent

Fifth Respondent

ORDER

Having read the documents filed of record and by agreement between the Applicant and the First Respondent, the following order is made:

1. The contract concluded under **BID NUMBER: R01-11/04/2020**, for the supply and delivery of 3000 digital body temperature infrared non-contact devices between the Mpumalanga Department of Health and the First Respondent, Vitae Zoe (Pty) Ltd, on or about 15 April 2020, is declared unlawful and invalid ab initio.
2. The contract concluded under **BID NUMBER: R02-251/05/2020**, for the supply and delivery of 1000 digital body temperature infrared non-contact devices between the Mpumalanga Department of Health and the First Respondent, Vitae Zoe (Pty) Ltd, on or about 26 May 2020, is declared unlawful and invalid ab initio.
3. The decision to award the contract under **BID NUMBER: R01-11/04/2020** to Vitae Zoe is reviewed and set aside.
4. The decision to award the contract under **BID NUMBER: R02-251/05/2020** to Vitae Zoe is reviewed and set aside.
5. Consequential relief is granted as follows:
 - 5.1 The First Respondent is directed to submit its audited financial statements for the financial year 2020/2021 to the Applicant and the Registrar of this Tribunal within 30 (thirty) days of this order;

5.2 Within 30 (thirty) days of the submission of the financial statement, the parties shall undertake a debatement of the financial records, including invoices and payment schedules, to determine all amounts received by the First Respondent under the impugned contracts.

5.3 Upon written demand by the Special Investigating Unit, and within 15 (fifteen) days of such written demand, the First Respondent shall submit a proposed payment plan to the Applicant for consideration. If the payment plan is accepted, it shall be made an order of the Tribunal. If no agreement is reached, either party may approach the Tribunal for further relief.

6. In the event of dispute arising in relation of the execution or non-compliance of this order, either party may request that Case Management Conference be convened by the Tribunal, in order for directions to be issued regarding the further conduct of the matter.

7. The First Respondent is ordered to pay the costs of this application on party and party costs on Scale C for the Senior Counsel and Scale B for the Junior Counsel.


JUDGE M VICTOR
PRESIDENT OF THE SPECIAL TRIBUNAL

Counsel for the applicant:

Adv. Lindi Nkosi-Thomas SC

Adv Thulelo Makola

Attorney for the applicant:

Ms Stella Zondi, Office of the State Attorney, Pretoria

For the First Respondent:

Ms Ayanda Njilo (in person on behalf of Vitae Zoe (Pty) Ltd)

