



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.: GP 19/2021

JOHANNESBURG, 4 OCTOBER 2021
BEFORE THE HONOURABLE MADAM JUSTICE MODIBA

In the *ex parte* application of:

SPECIAL INVESTIGATING UNIT First Applicant
NATIONAL HEALTH LABORATORY SERVICE Second Applicant

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

SPECIAL TRIBUNAL

CNR AMANDA AVENUE & RIELE RANGE ROAD, OAKDEN

2021-10-04

Signature of Issuing Officer

Name: S. M. M. M.

C/A No: One

In the matter between:

SPECIAL INVESTIGATING UNIT First Applicant
NATIONAL HEALTH LABORATORY SERVICE Second Applicant

and

THABISO HAMILTON NDLOVU First Respondent
ZAISAN KAIHATSU (PTY) LTD Second Respondent
REGISTRAR OF DEEDS, PRETORIA Third Respondent
BUGATTI SECURITY SERVICES AND PROJECTS (PTY) LTD Fourth Respondent
VICTOR NKHWASHU ATTORNEYS INC Fifth Respondent

ZAHEER CASSIM NO

Sixth Respondent

**COMMISSIONER OF THE SOUTH AFRICAN
REVENUE SERVICES**

Seventh Respondent

AKANNII TRADING AND PROJECTS (PTY) LTD

Eighth Respondent

ORDER

HAVING READ THE NOTICE OF MOTION, ANNEXURE "B" TO THE NOTICE OF MOTION, THE AFFIDAVITS AND ANNEXURES, AND HAVING HEARD COUNSEL FOR THE APPLICANTS:

IT IS HEREBY ORDERED THAT:

1. The forms and service and ordinary time periods provided for in the Special Tribunal Rules are dispensed with and the matter is dealt with as one of urgency in terms of Rule 12.
2. The application is enrolled for hearing on a date to be determined by the Presiding Judge.
3. In terms of Rule 28 of the Special Tribunal Rules, as read with Rule 10 of the Uniform Rules of Court, Akannii Trading and Projects is joined as the Eighth Respondent in the interdict application.
4. Paragraph 3 of the order of the Special Tribunal of 31 August 2021 under case number GP 19/2021 ("**the Order**") is supplemented by the addition of the following:

3A.1 The Eighth Respondent is prohibited from using, disposing, leasing, encumbering (including by granting rights of retention), transferring or dealing in any manner whatsoever (including entering into an agreement or understanding to do any of the foregoing) with the vehicles listed in Annexure "B" (attached hereto) ("**the Vehicles**"), other than in accordance with this Order, pending the final determination of the review proceedings to be instituted by the Applicants on 13 October 2021.

3A.2 The Eighth Respondent (including the present director/s and shareholder/s) is directed to disclose the whereabouts of the Vehicles to the representative/s of the SIU (or the SIU's duly appointed agent/s, including the sheriff), alternatively to identify the Vehicles if situated on their premises, immediately on service of this Order.

3A.3 Thulisile Njapa Mashanda of Njapa Municipal Services (Pty) Ltd is appointed as the *curator bonis* in respect of the Vehicles with powers granted in terms of Rule 27(1) of the Special Tribunal Rules.

3A.4 The Eighth Respondent (including the present director/s and shareholder/s) is directed to surrender and deliver the Vehicles (together with the keys, documents of title, purchase receipts, user manuals, maintenance and improvement records, insurance policies and any other items identified by the SIU or *curator bonis*) into custody

of the *curator bonis* at its premises, alternatively at an address stipulated by the *curator bonis* in writing.

3A.5 Should the Eighth Respondent (or any present director/s or shareholder/s) refuse or fail to deliver the Vehicles (and other items) to the *curator bonis* as provided in paragraph 3A.4 above on demand, the SIU is authorised to take all necessary steps (including appointing an agent to take such steps on its behalf, including the sheriff) to seize the Vehicles (and other items) in order to place them in custody with the *curator bonis* in accordance with this Order, which necessary steps may include entering and searching any premises on which the SIU reasonably believes the Vehicles are located.

3A.6 All rights, title and interest in the Vehicles shall vest in the *curator bonis* for the duration of the Order.

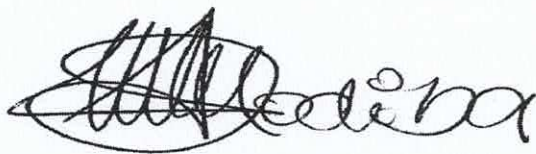
3A.7 The costs of the *curator bonis*, occasioned by and incurred in the implementation of this order, are reserved for determination at the hearing of this matter.

3A.8 Service of the application and this Order may be served on the Eighth Respondent by email as follows - akannii05@gmail.com.

5. The Respondents may apply for the reconsideration of this order in terms of Rule 12(9) of the Special Tribunal Rules. In such an event, any respondent so applying shall avail themselves to attend a judicial case management meeting

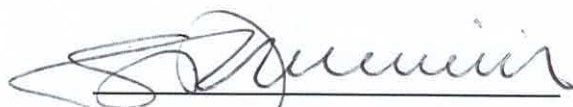
as arranged by the clerk of the presiding Member of the Special Tribunal where dates for the filing of further papers and the hearing of the reconsideration application shall be determined in terms of Rule 19 of the Special Tribunal Rules. The Applicants are directed to file this application in accordance with subrule 7(3) of the Special Tribunal Rules. In addition, the Applicants shall, in terms of subrule 7(1)(e) of the Special Tribunal Rules designate a cloud service for the filing of the application and further papers in this application and in the review proceedings to be instituted by the Applicants on 13 October 2021.

6. The costs in respect of the interim relief sought are reserved for determination at the hearing of the matter.
7. The Applicants, their legal representatives as well as the personnel of the Special Tribunal may only disclose this order to the media after it has been served on the Respondents.


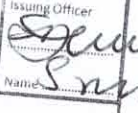



JUDGE L MODIBA

THE REGISTRAR OF THE SPECIAL TRIBUNAL



DATED:


DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	
SPECIAL TRIBUNAL	
CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDENE	
	2021-10-04
C/A No: One	Signature of Issuing Officer  Name: 
REGISTRAR	

X ~~AKANNII~~ 04/10/2021

ANNEXURE "B" TO THE NOTICE OF MOTION

VEHICLES HELD BY THE EIGHTH RESPONDENT TO WHICH PARAGRAPH 3A.1 OF THE NOTICE OF MOTION RELATES:

No.	Make	Model	Owner	Licence No.	VIN/Chassis No.	Description
1	SCANIA LPGRS	A6X4	AKANNII TRADING AND PROJECTS (PTY) LTD	██████ GP	████████████████████	TRUCK, WHITE
2	SCANIA LPGRS	A6X4	AKANNII TRADING AND PROJECTS (PTY) LTD	██████ GP	████████████████████	TRUCK, WHITE

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT	
SPECIAL TRIBUNAL	
CNR AMANDA AVENUE & RIFLE RANGE ROAD, OAKDEN	
	2021-10-04 Signature of Issuing Officer <i>[Signature]</i> Name <i>[Signature]</i>
	C/A No: One REGISTRAR