



**IN THE SPECIAL TRIBUNAL
(REPUBLIC OF SOUTH AFRICA)**

CASE NO: KN/02/2020

KWAZULU-NATAL, 06 May 2021

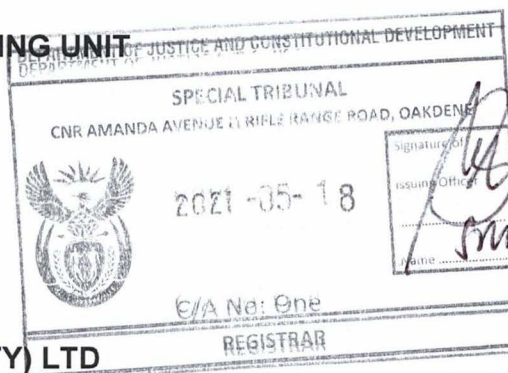
BEFORE THE HONOURABLE MADAM JUSTICE K PILLAY

In the matter between:

THE SPECIAL INVESTIGATING UNIT

Applicant

and



GIBELA INVESTMENTS (PTY) LTD

First Respondent

(Registration NO: 2020/037661/07)

MEMBER OF EXECUTIVE COUNCIL: DEPARTMENT

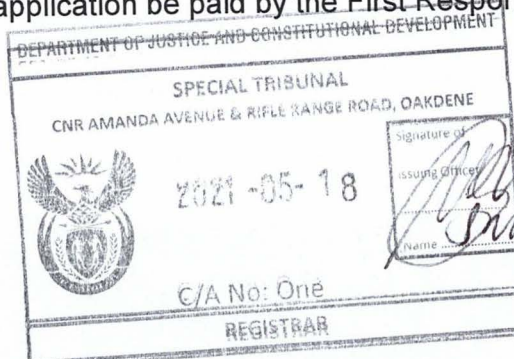
OF SOCIAL DEVELOPMENT, KWAZULU-NATAL

Second Respondent

ORDER

HAVING READ THE PAPERS AND HEARD Counsel for the parties it is ordered that:

1. The decision of the Second Respondent dated 27 March 2020 to award the tender to the First Respondent is reviewed and set aside,
2. The contract concluded between the First Respondent and Second Respondent on 27 March 2020 is declared *void ab initio*.
3. The First Respondent is directed:
 - 3.1 to render a full account of the payment it received under the impugned contract and its reasonable expenses, supported by the necessary vouchers;
 - 3.2 to debate of the said account;
 - 3.3 payment to the Second Respondent of whatever profits were calculated to have been earned by the First Respondent upon debate of the account;
 - 3.4 First Respondent is ordered to pay interest on the sum finally determined after debatement at the rate of 7% per annum.
4. That the costs of this application be paid by the First Respondent.



BY ORDER OF THE SPECIAL TRIBUNAL

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JUDGE K PILLAY

THE REGISTRAR OF THE SPECIAL TRIBUNAL

DATE:

1805/21

