

## STATEMENT ON THE OUTCOME OF COURT CASE BETWEEN GTM AND TSHIAMISO TRADING 135 PTY LTD

We welcome the court Judgment delivered today at the High Court in Polokwane in the matter between the municipality and Tshiamiso Trading 135 PTY Ltd. This judgment clears a path for the Greater Tzaneen Municipality to complete the Mulati Access Road project and the Codesa to Hani Street project. As previously stated, the process to appoint new service providers has already commenced and will be completed within the next two weeks.

We must however state that the respondent has a right to appeal the court Judgment. As the Greater Tzaneen Municipality, we will decide on the way forward if such an appeal is lodged. Our focus now is on completing the two projects and giving the people of Mulati and Nkowankowa what is due to them.

Below is the order by Judge MG Phatudi, handed down today, 28 January 2021.

- a) "The decision of the applicant (Greater Tzaneen Municipality ) to award tender SCMU 15/2018(Mulati) and Tender SCMU 21/2018 (Codesa) respectively, to the respondent (Tshiamiso Trading 135 PTY Ltd), is declared unlawful and constitutionally invalid. "
- b) "The agreement concluded between the applicant and the respondent pursuant to the awarding of the Mulati tender and the Codesa Street Tender respectively, are set aside and "
- c) "That's it is declared that notwithstanding the setting aside of the agreements referred to in (b) above and concluded pursuant to the awarding of Mulati Tender in (a) above, the respondent is entitled to claim the actual expenses incurred Excluding any profits that the respondent actual made in executing its obligations in terms of the said tenders."
- d) "Further that, Applicant in so far as it has paid the Respondent an amount that exceeds the actual expenses in either Mulati Tender and the Codesa Street Tender referred to in (a), above. "
- e) "Further that the respondent is ordered to pay the Applicant's costs on attorney and client scale, such cost shall include the cost of tow counsel where employed. "

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