

**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, PRETORIA)**

CASE NO: 32095/2020

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC

APPLICANT

And

SOUTH AFRICAN NATIONAL ROAD AGENCY LTD

FIRST RESPONDENT

THE MINISTER OF TRANSPORT

SECOND RESPONDENT

NAZIR ALLI

THIRD RESPONDENT

DANIEL MOTAUNG

FOURTH RESPONDENT

SKHUMBUZO MACOZOMA

FIFTH RESPONDENT

N3 TOLL CONCESSION (RF) (PTY) LTD

SIXTH RESPONDENT

SUPPLEMENTARY AFFIDAVIT

I,

ANDRI JENNINGS

Hereby make the following statements under oath:

- 1 I am an adult female attorney, practicing as such as a Director at Jennings Incorporated Attorneys, situated at 149 Anderson Street, Brooklyn, Pretoria. Gauteng, South Africa.



- 2 I am the attorney of record on behalf of the Applicant herein.
- 3 The facts contained herein are, unless the contrary appears from the context, within my personal knowledge and are true and correct.

BACKGROUND

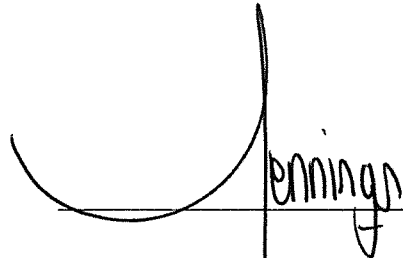
- 4.1 On **28 March 2022**, the 6th Respondent served its answering affidavit in the main application.
- 4.2 Upon consideration of the content of the answering affidavit, the Applicant noted that – when the answering affidavit is read with the answering affidavit of the First, Fourth and Fifth Respondents answering affidavit – that various documents were no longer objected to being disclosed.
- 4.3 The specific documents referred to was: (as referred to in Paragraph 12 and 29 – 33 in the Answering Affidavit by the Sixth Respondent):
 - 4.3.1 Concession Agreement.
 - 4.3.2 All annexures, amendments and addenda to the Concession Agreement.
 - 4.3.3 The contracts entered into with the independent engineer/s related to the Concession Agreement.
 - 4.3.4 The independent engineer/s reports submitted to SANRAL related to the Concession Agreement.

14

5. On **13 April 2022**, my office directed a letter to both the attorneys representing the First, Fourth and Fifth Respondent's Attorneys as well as the Sixth Respondent's Attorneys requesting copies of the documents to be disclosed. A copy of the email and letter is attached hereto marked Annexure "**AJ1**".
6. No reply was received to the letter and a subsequent email was directed to both recipients again on **25 April 2022**. A copy is attached hereto marked Annexure "**AJ2**".
7. On **26 April 2022**, we received a response from the Sixth Respondent's Attorneys, advising amongst other things, that the Sixth Respondent "*does not object to the disclose*" at par 2.2 (my emphasis) and that "*any request by your client for access to the abovementioned documents may be directed directly to SANRAL*" at par 2.3.
8. On **4 May 2022**, we again directed correspondence requesting a response to the attorneys representing the First, Fourth and Fifth Respondents (SANRAL) referring to our initial letter dated 13 April 2022 as well as the response received from the attorneys on behalf of the Sixth Respondent dated **26 April 2022**. A copy of the email is attached hereto marked Annexure "**AJ3**".
9. On **9 May 2022**, we again sent a follow-up email regarding the requested documents. A copy of the email is attached marked Annexure "**AJ4**".
10. On 12 May 2022, after still not receiving any reply from the Attorneys on behalf of the First, Fourth and Fifth Respondent's, our office directed a further formal letter to the attorneys advising that due to their failure to provide us with any reply

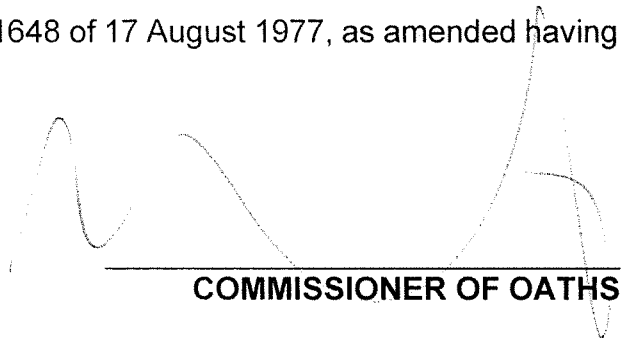
14

to our initial request dated 13 April 2022, we shall now proceed to finalise our heads of argument without the tendered documents and reserve the right to supplement same in due course should need be. A copy of the email and letter is attached hereto marked **Annexure "AJ5"**.



DEPONENT

The Deponent has acknowledged that she knows and understands the contents of this affidavit which was signed and sworn to before me at Pretoria on this the 16th day of May 2022 the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended and Government Notice No. R 1648 of 17 August 1977, as amended having been complied with.



COMMISSIONER OF OATHS

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