

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

CASE NUMBER: 7954/2021

In the matters between:

ORGANISATION UNDOING TAX ABUSE NPC Applicant

and

SOUTH AFRICAN NATIONAL ROAD AGENCY LTD First Respondent
SKHUMBUZO MACOZOMA N.O Second Respondent

("The Contempt Application")

AND

SOUTH AFRICAN NATIONAL ROAD AGENCY LTD First Applicant
SKHUMBUZO MACOZOMA N.O Second Applicant

and

ORGANISATION UNDOING TAX ABUSE NPC Respondent

("The Rescission Application")

FILING SHEET

HEREWITH FOR SERVICE AND FILING: First Respondent's signed further affidavit (in response to the applicant's supplementary affidavit dated 22 July 2022).

DATED at SANDTON on this 14th day of NOVEMBER 2022.



EDWARD NATHAN SONNENBERGS INC.

Attorneys for the First Respondent

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(Ref: S Mbatha/T Modubu/0502901)

c/o **MACINTOSH CROSS FARQUHARSON**

834 Pretorius Street Arcadia

Pretoria

Tel: (012) 342 4855

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**TO: THE REGISTRAR THE ABOVE HONOURABLE COURT
PRETORIA**

AND TO: JENNINGS INCORPORATED

Attorneys for the Applicant

149 Anderson Street

Brooklyn

Pretoria

Tel: 012 110 4442

Email: andri@jinc.co.za

Ref: A Jennings/OUTA010

IN THE HIGH COURT OF SOUTH AFRICA
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ORGANISATION UNDOING TAX ABUSE NPC

Applicant

and

**SOUTH AFRICAN NATIONAL ROAD AGENCY LTD
SKHUMBUZO MACOZOMA N.O**

First Respondent
Second Respondent

("The Contempt Application")

AND

**SOUTH AFRICAN NATIONAL ROAD AGENCY LTD
SKHUMBUZO MACOZOMA N.O**

First Applicant
Second Applicant

and

ORGANISATION UNDOING TAX ABUSE NPC

Respondent

("The Rescission Application")

**FIRST RESPONDENT'S FURTHER AFFIDAVIT
(IN RESPONSE TO THE APPLICANT'S SUPPLEMENTARY AFFIDAVIT DATED
22 JULY 2022)**

I, the undersigned

 TM

SARAH MOERANE

Do hereby make oath and state as follows:

1. I am an adult attorney practicing as a director of Werksmans Inc, with my place of business at 96 Rivonia Road, Sandton, Johannesburg. Werksmans Inc previously provided SANRAL with advice pertaining to an issue which involves the concessioner agreement. I am duly authorised to depose to this affidavit on behalf of SANRAL as the information is within my personal knowledge.
2. The facts contained in this affidavit are within my personal knowledge, except where the contrary is stated, or the context indicates otherwise and are to the best of my belief both true and correct.
3. I depose to this affidavit in response to the affidavit deposed to by Ms Anri Jennings on behalf of OUTA on 22 July 2022. I deliver this affidavit in terms of the directive issued by the Honourable Deputy Judge President Ledwaba on 27 October 2022.
4. I do not intend in this affidavit to deal with the admissibility of Ms Jennings' affidavit and the fact that I do not do so should not be accepted as acquiescence on the part of SANRAL that Ms Jennings' affidavit is admissible.
5. On the assumption that the affidavit is admitted into evidence, however, I respond thereto as follows:

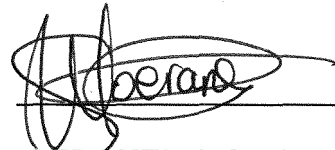


TM

- 5.1. The conclusion that the letter referred to by Ms Jennings (and which I authored) in any way suggests that SANRAL would not oppose any PAIA Court application is incorrect and is not supported on the plain reading of the letter itself;
- 5.2. Werksmans did not hold instructions to record that any future Court applications would not be opposed, as is also clearly apparent from the letter;
- 5.3. I can confirm that Werksmans was at all times aware of the fact that two PAIA requests (concerning the two different concessions) were made by OUTA. This was before any Court applications were issued, as the letter clearly indicates, as it says that SANRAL would consider the applications as and when they were issued.
- 5.4. As I understand the facts, SANRAL's position is that there was confusion in its internal ranks, (once the Court applications were issued) regarding which Court application(s) Werksmans was dealing with. It appears that the relevant person(s) within SANRAL were under the impression that Werksmans was dealing with both Court applications, whereas Werksmans was in fact briefed to oppose only the application under case number 32055/2020.
- 5.5. Obviously, there is nothing in my letter which deals with this issue, since the letter was written well prior to the issue of either of the Court applications.




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DEPONENT: SARAH MOERANE

The deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at Sandton on this the 14th day of **November 2022**, the regulations contained in Government Notice no. R1258 of 21 July 1972, as amended, and Government Notice no. R1648 of 19 August 1997, as amended, having been complied with.



COMMISSIONER OF OATHS

Thulisile Mokoena
Commissioner of Oaths in terms of Section 5(1),
Justice of Peace and Commissioner of Oaths Act, 1963
(Act 16 of 1963) RO-39/03/2021 Randburg 14/4/2021
Receptionist, Rivonia Group of Advocates,
7th Floor, 2 Pybus Road, Sandton. Tel: 010 020 6100

Designation and Area:

Full Names:

Street Address:

