

OUR REFERENCE: A JENNINGS/OUT005  
YOUR REFERENCE: VARIOUS  
DATE: 10 April 2024

TO: WERKSMANS INCORPORATED  
MORRIS FULLER WILLIAMS INCORPORATED

BY EMAIL:



Sirs,

PENDING E-TOLL LITIGATION

1. Between 2016 and 2019, SOUTH AFRICAN NATIONAL ROADS AGENCY LIMITED ("SANRAL") instituted action against 99 defendants in the High Court and 1 929 defendants in various Magistrates' Courts who sought the assistance of the Organisation Undoing Tax Abuse NPC ("OUTA") in defending SANRAL's claim against them.
2. We confirm that we act on behalf of the above defendants and on behalf of the OUTA.
3. Our predecessors co-operated with SANRAL with a view to ripening a test case for determination in the Gauteng Division. Judge Tolmay was appointed as the case manager. The Applicable Case Number being: 22722/2016.
4. During 2019, before the test case was ripened, SANRAL announced that its Board had decided to place a moratorium on the recovery of arrears e-tolls pending a decision from government on the future of tolling on the GFIP network.
5. To date no further steps were taken either in the test case or in any of the underlying actions.
6. On 28 March 2024, the current Minister of Transport - Ms Lydia Sindisiwe Chikunga, together with SANRAL, through publication in the Government Gazette (No. 50418) issued various withdrawals of toll declarations over the GFIP routes. The effective date being 11 April 2024 at 23:59:59.





JENNINGS

INCORPORATED

ATTORNEYS, NOTARIES, CONVEYANCERS & COST CONSULTANTS

7. We pause here to mention that we have been attempting to engage with you since 24 May 2023, attempting to resolve the various pending legal matters, unfortunately – our attempts have not yielded any results.
8. We are now at an *impasse* regarding the pending litigation especially in view of the withdrawals of the toll declarations.
9. We once again request an engagement with your client being SANRAL to attempt to resolve the individual matters as well as the test case and as a matter of urgency. Our client preliminarily suggests the following for points of discussion:
  - a. Whether SANRAL intends to withdraw the pending actions?
  - b. Alternatively what SANRAL's intention with the matters are?
  - c. Cost implication regarding the pending matters.
  - d. Any other point SANRAL would like to add or discuss.
10. We confirm that it is our instruction to demand that 3 (three) suitable times and dates be provided by SANRAL for this discussion on or before **19 April 2024**. Our client requires clarity regarding SANRAL's intended way forward. Should the parties not be able to come to an agreement, our client reserves the right to proceed with formal legal action in order to resolve the litigious matters. Cost of which SANRAL will be held liable for on an attorney and client scale.
11. Furthermore, and in view of the long periods that have expired since the last constructive communication between the respective parties, we reserve the right to send this letter, as well as the previous letter dispatched, directly to the Chief Executive Officer of SANRAL, should no response be forthcoming.
12. We await your soonest reply.

**Electronically transmitted and unsigned**

Kind regards,  
Andri Jennings  
Director

