

**IN THE LABOUR COURT OF SOUTH AFRICA  
HELD AT BRAAMFONTEIN**

**CASE NO: J111/21**

In the matter between:

**ONICA MARTHA NGOYE**

First Applicant

**NKOSINATHI ALLEN KHENA**

Second Applicant

**TIRO HOLELE**

Third Applicant

and

**THE PASSENGER RAIL AGENCY OF SOUTH AFRICA**

First Respondent

**LEONARD RAMATLAKANE**

Second Respondent

**THINAVUYO MPYE**

Third Respondent

**DINKWANYANE MOHUBA**

Fourth Respondent

**SMANGA SETHENE**

Fifth Respondent

**XOLILE GEORGE**

Sixth Respondent

**NOSIZWE NOKWE-MACAMO**

Seventh Respondent

**MATODZI MUKHUBA**

Eight Respondent

**THEMBA ZULU**

Ninth Respondent

**MS THANDEKA MABIJA**

Tenth Respondent

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**FILING SHEET**

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**DOCUMENT FILED: 1<sup>ST</sup> TO 10<sup>TH</sup> RESPONDENTS' ANSWERING  
AFFIDAVIT**

**ON ROLL: 11 FEBRUARY 2021**

**FILED BY: DE SWARDT MYAMBO ATTORNEYS**  
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**TO: THE REGISTRAR OF THE LABOUR COURT**  
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**(SERVICE BY FAX, E-MAIL AND HAND)**

**AND TO: GWINA ATTORNEYS INCORPORATED**  
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REF: S GWINA/KM/MAT462

**(SERVICE BY E-MAIL)**

**IN THE LABOUR COURT OF SOUTH AFRICA  
HELD AT JOHANNESBURG**

Case number: J111/21

In the matter between:

**ONICA MARTHA NGOYE**

First Applicant

**NKOSINATHI ALLEN KHENA**

Second Applicant

**TIRO HOLELE**

Third Applicant

and

**THE PASSENGER RAIL AGENCY OF SOUTH AFRICA**

First Respondent

**LEONARD RAMATLAKANE**

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Third Respondent

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Fourth Respondent

**SMANGA SETHENE**

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Sixth Respondent

**NOSIZWE NOKWE-MACAMO**

Seventh Respondent

**MATHODZI MUHKUBA**

Eighth Respondent

**THEMBA ZULU**

Ninth Respondent

**MS THANDEKA MABIJA**

Tenth Respondent

---

**ANSWERING AFFIDAVIT**

---

I, the undersigned

**THANDEKA MABIJA**

hereby declare under oath as follows:

BT  
JMA

**THE DEPONENT:**

1.

1.1 I am an adult female, currently employed as the acting Group Chief Executive Officer ("GCEO") of the Passenger Rail Agency of South Africa ("PRASA"), of address Umjantshi House, 30 Wolmarans Street, Braamfontein, Johannesburg, Gauteng.

1.2 The facts contained in this affidavit are:

1.2.1 either within my personal knowledge or are derived from records and information of PRASA under my control; and

1.2.2 to the best of my belief, both true and correct, unless otherwise clearly stated or implied.

1.3 Where, in this affidavit, I make submissions of law, I do so on the advice of the legal representatives for the First to Tenth Respondents ("the Respondents"), as more fully explained below.

2.

2.1 I am the Tenth Respondent in this application.

B.T  
JMT

- 2.2 I am duly authorised in my capacity of Acting Group Chief Executive Offices of the First Respondent to depose to this affidavit.
- 2.3 I confirm that the content of this affidavit speaks not just for myself, but also for all the Respondents. To this end, I annex hereto as “AA1” to “AA8”, the confirmatory affidavits of the Second to the Ninth Respondents respectively.

### THE RESPONDENTS' PRELIMINARY POINTS:

#### 3.

- 3.1 I am advised that there are two grounds (preliminary points) which render the Applicants' application fatally defective, and that it is best to raise these grounds first, before dealing with the specific allegations made by the Applicants in their founding affidavit.

This affidavit confines itself to the preliminary points, as the time afforded to the Respondents to respond to the vast allegations in the founding affidavit is insufficient.

- 3.2 The two preliminary points were drawn to the attention of the Applicants' attorney by way of a letter from the Respondents' attorney and sent by email on Friday, 5 February 2021 to the Applicants' attorney. A copy is annexed hereto marked “AA9”.

B. F.  
SMB

- 3.3 As is evident in in paragraph 5 of “**AA9**”, the Applicants were invited to withdraw the urgent application, failing which, the Respondents would seek costs against the Applicants on a punitive scale.

This was rejected by the Applicant by way of e-mail correspondence from their attorneys dated Saturday, 6 February 2021. A copy of the said email is annexed hereto as “**AA10**”.

- 3.4 In confirmation of the exchange of correspondence mentioned herein between the attorneys of the parties, I enclose the affidavit of the Respondents’ attorney, Mr Mxolisi Myambo, annexed hereto as “**AA11**”.

#### 4.

The primary points, on which I will expand in what follows, are these:

- 4.1 First, the Respondents challenge urgency on the basis that the application is not urgent and can be heard in the normal course.

See in this regard paragraph 6 below.

- 4.2 Second, the Respondents raise a jurisdictional point and assert that the above Honourable Court lacks the jurisdiction to adjudicate this application.

See in this regard paragraphs 7 and 8 below.

B.T  
SM

## THE OBJECT OF PRASA AND THE COMPOSITION OF THE BOARD OF CONTROL:

### 5.

Before I deal with the preliminary points, I deem it prudent to provide a brief overview of PRASA and the composition of its Board of Control:

- 5.1 PRASA is established in terms of section 22 of the Legal Succession to the South African Transport Services Act, Act 9 of 1989 (as amended) (*"the Legal Succession Act"*). PRASA a public entity wholly owned by the State. It is a National Government Business Enterprise listed under Part B of Schedule 3 of the Public Finance Management Act, Act 1 of 1999 (*"the PFMA"*).
- 5.2 The objects, power and business of PRASA, in terms of section 23 of the Legal Succession Act, is primarily to ensure, at the request of the Department of Transport, that rail commuter services are provided for the benefit of the public.
- 5.3 The management and control of PRASA vests in the Board of Control, as provided in section 24 of the Legal Succession Act. The Board of Control is therefore, the accounting authority of PRASA, as contemplated in section 49 of the PFMA.
- 5.4 The composition of the Board of Control in terms of section 24, comprises of not more than 11 members, including the chairperson, which members shall be appointed and dismissed by the Minister of Transport (*"the Minister"*).

B.T  
JMT

5.5 On 5 January 2021, the Minister appointed as member of the Board of Control, Hlengiwe Ngwenya, an officer of the Department of Transport as contemplated in section 24(2)(a) of the Legal Succession Act.

I point out that the aforesaid appointment was made before the decision of the Board of Control to terminate the employment contracts of the Applicants. A copy of this appointment letter is annexed as **“AA12”**.

5.6 The allegations made in paragraphs 79, 81 and 82 of the founding affidavit are therefore factually incorrect, as the Board of Control was at all material times, properly constituted.

5.7 I accordingly submit that the relief sought in prayer 1 of the notice of motion, based on the incorrect premise that the Board of Control was not properly constituted, must fail.

## **THE FIRST PRIMARY POINT – LACK OF URGENCY**

### **6.**

The Respondents contend that this application is not urgent. In this regard:

6.1 The Applicants deal with urgency in paragraphs 94 to 138 of the founding affidavit.

6.2 I contend that no case is made out for urgency. I am advised that this application does not make it so urgent that it cannot be heard in the normal course and on the ordinary roll in order that substantial relief to be obtained;

B-T  
JMA

neither does the plethora of personal circumstances listed by each of the Applicants (paragraphs 98 to 109 of the founding affidavit) nor the list of their former work responsibilities (paragraphs 113 to 121 of the founding affidavit) make out a case for urgency.

The gist of the Applicants' case for urgency, is that they will be deprived of a salary. The substantial relief they seek, I am advised, can be obtained in the normal course and on the ordinary roll.

In any event, financial hardship, in itself, is not a grant for urgency.

- 6.3 The personal circumstances relied upon by the Applicants existed at the time they were notified that their employment contracts had been terminated on 29 January 2021 (in the case of the First and Second Applicants) and 2 February 2021 (in the case of the Third Applicant). It took the First and Second Applicants 7 days and the Third Applicant 3 days to launch this application and no proper explanation is provided for the delay, save that the Third Respondent opted to "co-join" in the application that had already been drafted (paragraph 5 of the founding affidavit).

The Applicants have afforded the Respondents, ten in number, a mere two days in which to respond to vast allegations. This is insufficient time to reply to the allegations, some of which are irrelevant to the relief sought, such as claims of "*damaging their reputation*" (paragraph 110 of the founding affidavit), allegations pertaining to "*PRASA's management of employment relations*" (paragraphs 83 to 89 of the founding affidavit) and allegations of misconduct (paragraphs 90 to 93).

B.T  
GAT

- 6.4 In a letter dated 8 February 2021, the Respondents' attorney advised the Applicants' attorney that the Respondents would not be in a position to deliver their Answering Affidavit in the time provided and would deliver same on Tuesday, 9 February 2021. A copy of this letter is annexed hereto as marked **"AA13"**.

In reply, in a letter dated 8 February 2021, the Applicants' attorney insisted, in paragraph 11 thereof, on the delivery of the Answering Affidavit no later than 10h00 on Tuesday, 9 February 2021, *"in order to ensure that [their] client's preparation for the ... urgent application is not prejudiced any further"*. A copy of this letter is annexed hereto as **"AA14"**.

- 6.5 However, in a peculiar turn of events, at 23H25 on the same date, i.e. Monday, 8 February 2021, the Applicants filed an unsigned supplementary affidavit deposed to by the Third Applicant. A version signed on Tuesday, 9 February 2021 was delivered to the Respondents' attorneys on the same day, at 09h00.

- 6.6 The Third Applicant, on the Applicant's own version, elected to *"co-join"* the application on 3 February 2021, yet he only deposed to a *"supplementary affidavit"* on 9 February 2021, six days after the conclusion of the founding affidavit and long after the deadline imposed by the Applicants for the Respondents to reply. The conduct of the Applicants, in setting tight deadlines for the Respondents, only to file further affidavits is indicative of the urgency that is self-created.

B.T  
[Signature]

- 6.7 It is denied, as alleged in paragraph 10 of the aforesaid letter, that the Respondents are abusing their authority. There is no basis for such allegation.

On the contrary, it is the Applicants who are abusing Court process by bringing a matter that is not urgent on the urgent roll.

- 6.8 The lack of urgency and urgency that is self-created, is insufficient. Consequently, in the absence of urgency, the application fails insofar as urgency is concerned.

## THE SECOND PRIMARY POINT – THE ABSENCE OF JURISDICTION

### 7.

The second primary point is twofold:

- 7.1 First, the Applicants fail to identify the clause in their respective contracts of employment which they seek to enforce and fail to set out the manner in which their contracts have been allegedly breached.

7.1.1 The First Applicant's letter on which it relies ("OMN14") fails to allege any breach of contract. The letter implores the Board of Control to "*correct the latest gaffe*". It is silent on alleged breach of contract.

7.1.2 The failure to identify a clause in the Applicants' respective contracts is fatal. There is no cause of action.

B.T  
SMD

7.2 Second, the Applicants fail to articulate the basis of the review, neither do they point to a provision in the Labour Relations Act, Act 66 of 1995 to bring the matter within the jurisdiction of the above Honourable Court.

7.2.1 The Applicants allege that the Board's decisions were "*unlawful*" on the premise that the Board was improperly constituted (paragraph 9.1 of the founding affidavit). I have already dealt with this allegation above.

7.2.2 The crux of the Applicants' case is that the termination of their contracts is unlawful and that the terminations should be set aside. No case is made out for the grounds upon which the terminations should be set aside. This, I am advised, is fatal to the Applicants' case.

7.3. Legal argument will be presented in regard to the absence of jurisdiction.

## 8.

8.1 Insofar as the Third Applicant's "*supplementary affidavit*" is concerned, I contend that this affidavit is a disingenuous attempt to introduce a new cause of action common to all Applicants. The Third Applicant relies on the employment contracts of the First and Second Applicants (paragraph 6.1 of the "*supplementary affidavit*"), to contend that he is entitled to a notice period prior to termination, in terms of the provisions of section 37(1) of the Basic Conditions of Employment Act, Act 75 of 1997.

B.T  
JH

This is not the case pleaded by the Applicants in their founding affidavit, the facts of which the Third Applicant, on his own admission, states under oath, that he assigned himself to and indeed, by his filing of a confirmatory affidavit.

- 8.2 I point out that the "*supplementary affidavit*" deposed to by the First Applicant, is nothing more than a further affidavit which raises a new cause of action, which cause of action is not in any event, confirmed by the First and Second Applicants.

The Third Applicant relies on the contracts of the First and Second Applicant. No reason is proffered as to why the First Applicant did not depose to the supplementary affidavit. The inescapable conclusion is that the Applicants, on realising that their case lacks jurisdiction after being alerted of this fact by the Respondents, make an attempt to raise a new cause of action in a further affidavit. I am informed that this is an abuse of court process, as no application is made to admit such further affidavit.

- 8.3 I contend that the delivery of the supplementary affidavit is an afterthought and response to the Respondents' letter advising the Applicants that their case is premised on an incorrect jurisdictional basis. Notwithstanding, the new issue raised by the Thirds Applicant is not a prayer for relief in the notice of motion.

9.

In view of the foregoing, the Respondents contend that the preliminary points should be upheld and that the Applicants be ordered to pay the costs.

B.T  
JTB

**DEPONENT**

I certify that the deponent has acknowledged that she knows and understands the contents of this affidavit which was signed and sworn before me at \_\_\_\_\_ on this the \_\_\_\_ day of FEBRUARY 2021, and that the Regulations contained in Government Notice No. R.1258 of 21 July 1972, as amended, and Government Notice No. R.1648 of 19 August 1977, as amended, having been complied with.

**COMMISSIONER OF OATHS****OFFICIAL CAPACITY****AREA APPOINTED****FULL STREET ADDRESS**

**TUMISANG BOPAPE**  
COMMISSIONER OF OATHS  
PRACTICING ATTORNEY RSA  
1213 PARK STREET  
HATFIELD, PRETORIA 0083  
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## DE SWARDT MYAMBO

Attorneys • Notaries • Conveyancers

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[michelle@deswardt.co.za](mailto:michelle@deswardt.co.za)

Our Ref: MR MA MYAMBO/MS/P1014  
Your Ref: S GWINA/KM/MAT462

05 February 2021

GWINA ATTORNEYS INCORPORATED  
SANDOWN

**BY E-MAIL:** [mahlakuk@gwinaattorneys.co.za](mailto:mahlakuk@gwinaattorneys.co.za) /  
[mthembun@gwinaattorneys.co.za](mailto:mthembun@gwinaattorneys.co.za)

Dear Sir / Madam

**OM NGOYE & OTHERS / THE PASSENGER RAIL AGENCY OF SOUTH AFRICA & OTHERS**  
**(re: LABOUR COURT URGENT APPLICATION – J111/21)**

1. We refer to the abovementioned matter and confirm that we act herein on behalf of the 1<sup>st</sup> to the 10<sup>th</sup> Respondents.
2. Our clients have considered your clients' urgent application carefully and have instructed us to address this correspondence to you on an urgent basis.
3. Firstly, our clients strongly contend that the application is not urgent and as such should not have been brought on that basis.
4. Secondly, our client further contend that the application is brought on an incorrect jurisdictional basis.
5. On the aforementioned premises, your clients would be well advised to withdraw the urgent application failing which our clients will pursue a cost order on a punitive scale.

We trust you find the above in order and await your urgent response.

Kind regards

**DE SWARDT MYAMBO**

per: 

Direct email: [mxolisi@deswardt.co.za](mailto:mxolisi@deswardt.co.za) / [michelle@deswardt.co.za](mailto:michelle@deswardt.co.za)

B-T  
JH

**Michelle Smith**

---

**From:** Kase Mahlaku <mahlakuk@gwinaattorneys.co.za>  
**Sent:** 06 February 2021 10:41  
**To:** Michelle Smith; Nokulunga Mthembu  
**Cc:** Mxolisi Myambo; Francisca Setwaba; Quanita Solomon; Gomolemo Mabokela; Ngcebo Mfusi; Thato Telite  
**Subject:** RE: OM NGOYE & OTHERS / PRASA & OTHERS (LABOUR COURT URGENT - J111/21)

Dear Sirs,

We confirm receipt of your letter, the contents of which have been noted.

Our clients have no intention of withdrawing the application on the bases as suggested in your letter or at all and call on your clients to answer to their application.

Kind regards

**Kase Mahlaku**  
Director

**Gwina Attorneys Incorporated**

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*Relationships that last  
beyond the moment.*

**CA GWINA | ATTORNEYS**  
Corporate and Commercial Law Specialists

**From:** Michelle Smith <Michelle@deswardt.co.za>  
**Sent:** Friday, 05 February 2021 16:12  
**To:** Kase Mahlaku <mahlakuk@gwinaattorneys.co.za>; Nokulunga Mthembu <mthembun@gwinaattorneys.co.za>  
**Cc:** Mxolisi Myambo <mxolisi@deswardt.co.za>; Francisca Setwaba <francisca@deswardt.co.za>; Quanita Solomon <quanita@deswardt.co.za>  
**Subject:** OM NGOYE & OTHERS / PRASA & OTHERS (LABOUR COURT URGENT - J111/21)  
**Importance:** High

*Kindly confirm receipt hereof*

Our ref: Mr MA Myambo/ms/P1014  
Your ref: S Gwina/km/MAT462

Good day

We refer to the abovementioned matter.

Please find attached hereto correspondence for your attention.

Kindly acknowledge receipt hereof.

Kind regards

**Michelle Smith**  
(PA to Mr MA Myambo)



**DE SWARDT MYAMBO**

Attorneys, Conveyancers & Notaries

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B.T

IN THE LABOUR COURT OF SOUTH AFRICA  
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**TIRO HOLELE**

Third Applicant

and

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Seventh Respondent

**MATODZI MUKHUBA**

Eight Respondent

**THEMBA ZULU**

Ninth Respondent

**MS THANDEKA MABIJA**

Tenth Respondent

---

**CONFIRMATORY AFFIDAVIT**

---

I, the undersigned,

**MXOLISI ADOLPHUS MYAMBO**

do hereby state under oath and say:


B-T  
12.11.21  
[Signature]

1.

- 1.1 I am an adult male attorney practising as at De Swardt Myambo Attorneys, at the corner of Jan Shoba and Mackenzie Streets, Brooklyn, Pretoria, Gauteng. I am the Respondents' instructing attorney.
- 1.2 The facts contained herein fall within my personal knowledge and are both true and correct.

2.

I have read the affidavit of **THANDEKA MABIJA** and confirm the contents thereof in so far as it relates to me.



\_\_\_\_\_  
**DEPONENT**

SIGNED AND SWORN BEFORE ME AT .....ON THIS ..... DAY OF **FEBRUARY 2021** AFTER THE DEPONENT DECLARED THAT HE/SHE IS FAMILIAR WITH THE CONTENTS OF THIS STATEMENT AND REGARDS THE PRESCRIBED OATH AS BINDING ON HIS/HER CONSCIENCE AND HAS NO OBJECTION AGAINST TAKING THE SAID PRESCRIBED OATH. THERE HAS BEEN COMPLIANCE WITH THE REQUIREMENTS OF THE REGULATIONS CONTAINED IN GOVERNMENT GAZETTE R1258, DATED 21 JULY 1972 (AS AMENDED).



\_\_\_\_\_  
**COMMISSIONER OF OATHS**

**FULL NAMES:****CAPACITY:****ADDRESS:**

**TUMISANG BOPAPE**  
COMMISSIONER OF OATHS  
PRACTICING ATTORNEY RSA  
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"AA12"



**MINISTER  
TRANSPORT  
REPUBLIC OF SOUTH AFRICA**

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Ms. Hlengiwe Ngwenya  
Acting Chief Director: Rail Regulation  
Department of Transport  
Private Bag 193  
**PRETORIA**  
0001

Dear Ms. Ngwenya

**RE: APPOINTMENT AS REPRESENTATIVE OF THE DEPARTMENT OF TRANSPORT ON  
THE BOARD OF PASSENGER RAIL AGENCY FOR SOUTH AFRICA (PRASA)**

The above matter bears reference.

You are hereby appointed in terms of the Legal Succession Act, 1989 (Act No. 9 of 1989), section 24(2)(a), by virtue of the office that you occupy, i.e. Acting Chief Director: Rail Regulation, with immediate effect until further notice.

You will be expected to account to the Director-General through written reports on a quarterly basis and at any other time when a need arise on issues of concern or challenges faced by the PRASA and propose interventions from the side of the Department.

I trust that your technical knowledge, experience and expertise with regard to the mandate of the entity as well as full understating of the policies guiding PRASA will enable you to make a meaningful contribution and guidance to the Board Meetings.

Yours Sincerely,

**Mr. F.A Mbalula, MP  
Minister of Transport**

Date: 05.01.2021.



## DE SWARDT MYAMBO

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Our Ref: MR MA MYAMBO/MS/P1014  
Your Ref: S GWINA/KM/MAT462

08 February 2021

GWINA ATTORNEYS INCORPORATED  
SANDOWN

**BY E-MAIL: [mahlakuk@gwinaattorneys.co.za](mailto:mahlakuk@gwinaattorneys.co.za) /  
[mthembun@gwinaattorneys.co.za](mailto:mthembun@gwinaattorneys.co.za)**

Dear Sir / Madam

**OM NGOYE & OTHERS / THE PASSENGER RAIL AGENCY OF SOUTH AFRICA & OTHERS**  
**(re: LABOUR COURT URGENT APPLICATION – J111/21)**

We refer to the abovementioned matter.

Our client is not in a position to file the answering affidavit as it is not yet finalised. We anticipate that the answering affidavit will be filed tomorrow the 9<sup>th</sup> of February 2021.

Trust that you find the above in order.

Kind regards

**DE SWARDT MYAMBO**

per:

Direct email: [mxolisi@deswardt.co.za](mailto:mxolisi@deswardt.co.za) / [michelle@deswardt.co.za](mailto:michelle@deswardt.co.za)

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By Email

**Date: 8 February 2021**

Your Ref: Mr MA Myambo/MS/P1014  
Our Ref: S Gwina/KM/MAT462

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Cc: [michelle@deswardt.co.za](mailto:michelle@deswardt.co.za)

**"URGENT"**

Dear Sirs,

**URGENT APPLICATION – RE: OM NGOYE & TWO OTHERS / THE PASSENGER RAIL AGENCY OF SOUTH AFRICA & NINE OTHERS – CASE NO. J111/21)**

1. We refer to the above matter that is set down for hearing on Thursday, 11 February 2021 and to your letter on even date.
2. We confirm that we act on behalf of and with instructions from the Applicants (**our clients**) herein.
3. Kindly note that the contents of this correspondence are not intended to be, nor are they exhaustive of all information material to the issues contained herein, and our clients reserve their right *in toto* to supplement this correspondence should our clients deem same appropriate and/or necessary in the circumstances.
4. We confirm that our clients' notice of motion required your clients to file their answering affidavit by 10am today, 8 February 2021. However, we note that on your aforesaid letter, which

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was transmitted to us this afternoon, you undertook to file your answering affidavit on 9 February 2021.

5. The core of the dispute is a narrow issue and one that we believe can be dealt with by your clients by filing one composite affidavit as opposed to several affidavits. That your clients are taking more time than provided in the notice of motion may be prejudicial to our clients who still need to reply to your clients' answering affidavit.
6. Our clients instruct us to place on record as we hereby do, that the issues that are relevant to this matter, in particular the termination of our clients' employment, which our clients allege is unlawful, were known to your clients, at the latest, by Friday 29 January 2021.
7. Furthermore, as stated in our clients' respective termination letters and the media releases issued by your clients on 30 January 2021 and 2 February 2021 respectively, your clients' decision was informed by a review of all contracts of executives that were conducted by the Board. In this regard, the termination letters and the media releases reflect that the review was completed more than a week prior to the decision to terminate our clients was taken.
8. Therefore, there is no conceivable reason why an affidavit containing facts that were known to your clients for more than a week and that informed your clients impugned decision is not ready at this point. Suffice to state that your clients had four (4) days to finalise its composite answering affidavit in a matter involving a narrow dispute.
9. We further note that in your aforesaid letter, your clients neglect to favour our clients with a courtesy to commit to a time when they anticipate filing their answering affidavit on 9 February 2021.
10. Your clients' conduct confirms our clients' view that your clients are abusing their authority against our clients. This is very unfortunate particularly that it is done by people who represent an organ of state that is expected to be exemplary in upholding the law and the Constitution of the Republic of South Africa.
11. Our clients instruct us as we hereby do to implore you to advise your clients to file their answering affidavit no later than 10h00 tomorrow on 9 February 2021, even if it is not signed or commissioned in order to ensure that our clients' preparation for the above urgent application is not prejudiced any further.

Our client's rights remain strictly reserved.

Yours faithfully,

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KASE MAHLAKU  
GWINA ATTORNEYS INCORPORATED  
*Sent electronically thus unsigned*

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