

Special Tribunal dismisses Ndlovu's attempts stop SIU proceedings

The Special Tribunal has dismissed with costs an application by businessman Hamilton Ndlovu to have the Special Investigating Unit (SIU) review proceedings against him and his associates stopped in the tribunal.



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The proceedings relate to the SIU's application to review and set aside National Health Laboratory Services (NHLS) personal protective equipment (PPE) contracts worth R172m obtained by Ndlovu and eight companies through alleged dubious means.

In August, the SIU and the NHLS were granted an order by the Tribunal to freeze properties and a trust account to the value of R42m, with a further R60m of assets also frozen through an order brought by the South African Revenue Service (Sars) earlier this year.

According to the SIU, at least R50m still remains unaccounted for.

In his application to have the review proceedings halted, Ndlovu told the Tribunal that he could not afford legal counsel because of the two freeze orders against him, rendering him unable to oppose the review proceedings fully.

The Tribunal's Judge Lebogang Modiba dismissed this notion.

"It is ironic that the applicants may be employing legal fees of... applications in the circumstances where they alleged there are no funds or rather limited funds to oppose the review application where far reaching relief is sought against them. They did not take the Special Tribunal into confidence as to how they are financing the stay application and how they intend funding the variation application," Modiba said.

Modiba further reprimanded Ndlovu and his associates for not fully disclosing their financial means.

"In the absence of full disclosure... I am not satisfied that the applicants have prospects of success in establishing that they will suffer hardships [if]... additional money [is not made] available to them," she said.

The Judge said halting the review proceedings against Ndlovu and his associates would not bode well.

"In the event that the allegations are established in the review application, it is not in the public interest that they should continue conducting business with the State. Instead, if true, they need to be placed on a list of tender defaulters. Granting the stay in these proceedings will be a great disservice."

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