

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

CASE NO: 65616/17

**Before the Honourable Justice Msimeki
On 26 September 2017**

In the matter between:

ORGANISATION UNDOING TAX ABUSE

Applicant

and

**THE TRUSTEE(S) FOR THE TIME BEING OF THE
OPTIMUM MINE REHABILITATION TRUST**

First Respondent

**THE TRUSTEE(S) FOR THE TIME BEING OF THE
KOORNFONTEIN MINE REHABILITATION TRUST**

Second Respondent

PUSHPAVENI GOVENDER

Third Respondent

TREVOR SCOTT

Fourth Respondent

OPTIMUM COAL MINE (PTY) LTD

Fifth Respondent

KOORNFONTEIN MINES (PTY) LTD

Sixth Respondent

BANK OF BARODA

Seventh Respondent

MINISTER OF MINERAL RESOURCES

Eighth Respondent

DRAFT ORDER

Having read the papers filed of record and heard relevant submissions, the following order is made by agreement between the applicant and the first, second, third, fifth, sixth, seventh and eighth respondents:

1 Under reservation of all rights by all respondents and without any concessions in respect of any of the issues as they appear from the papers, and pending a decision on the relief sought in the notice of motion or a further order by this Court:

1.1 The Bank of Baroda is directed to continue to hold the Trust funds of the Optimum Mine Rehabilitation Trust (**'the Optimum Trust'**) and the Koorfontein Mine Rehabilitation Trust (**'the Koorfontein Trust'**), in an interest-bearing bank account or accounts in the name of the Trusts.

1.2 The Trustee(s) for the time being of the Optimum Trust and any signatory on its bank account(s) or any other person who may have been authorised by the trustees to act on behalf of the Optimum Trust are interdicted,

1.2.1 from directly or indirectly dealing in any way with, disposing of or removing from the Republic of South Africa any of the funds or assets of the Trust including but not limited to the Trust's funds held in any account of or at the Bank of Baroda;

1.2.2 without detracting from the generality of 1.2.1 above, from ceding, assigning, delegating, making over, diverting or diluting any present or future funds, and including further all moneys received or receivable in future owed to the Trusts.

1.3 The Trustee(s) for the time being of the Koornfontein Trust and any signatory on its bank account(s) or any other person who may have been authorised by the Trustees to act on behalf of the Koornfontein Trust are interdicted:

1.3.1 From directly or indirectly dealing in any way with, disposing of or removing from the Republic of South Africa any of the funds or assets of the Trust including but not limited to the Trust's funds held in any account of or at the Bank of Baroda;

1.3.2 Without detracting from the generality of 1.3.1 above, from ceding, assigning, delegating, making over, diverting or diluting any present or future funds, and including further all moneys received or receivable in future owed to the Trusts.

2 Any party may, upon reasonable notice and good cause shown, apply to the Court to vary the order in paragraph 1 above.

3 The matter is postponed for hearing on 7 and 8 December 2017 and the matter will proceed as follows:

3.1 The applicant will amend its notice of motion, effect any necessary joinder (including amongst others of Ronica Ragavan) and supplement its founding affidavit by 4 October 2017

- 3.2 The respondents will file their answering affidavits on or before 18 October 2017;
- 3.3 The applicant will file its replying affidavit on or before 30 October 2017;
- 3.4 The applicant will file its heads of argument, chronology and practice note on 6 November 2017;
- 3.5 The respondents will file their heads of argument, chronology and practice note on 10 November 2017.
- 4 The costs of this application are reserved.

BY ORDER

THE REGISTRAR