
AFFIDAVIT

I, the undersigned,

BENJAMIN CECIL CLARK THERON


do hereby make oath and state:

1.

I am an adult male employed as Chief Operating Officer by the Organisation Undoing Tax Abuse (OUTA) with business address 10th Floor, O'Keeffe & Swartz Building, 318 Oak Street, Ferndale, Randburg, Gauteng.

2.

The contents of this affidavit fall within my personal knowledge, unless stated otherwise and are in all aspects true and correct.

Ben 

MANDATE

3.

The Organisation Undoing Tax Abuse ("OUTA") is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA was established to challenge the abuse of authority with regards to taxpayers' money in South Africa.

4.

In recent months, headlines have been dominated by the leaked Gupta emails and documents ("Gupta emails") which were retrieved from the server of SAHARA Computers Pty (Ltd). These Gupta emails have substantiated most of the allegations pertaining to state capture and have unveiled evidence of misconduct by the Gupta family and many high-ranking government officials. OUTA has access to the emails and established the authenticity of such and released an extensive report on state capture on the 28th of June 2017 titled "No room to hide: A President caught in the act."

5.

Amongst these are emails and documents which are evidence of conduct that constitutes crimes of Extortion, Fraud, Theft, Corruption and High Treason on the part of Mosebenzi Joseph Zwane ("Zwane"), who is the Minister of Mineral Resources of the Republic of

BEA
A

South Africa. This misconduct occurred during Zwane's tenure as Minister of Mineral Resources as well as his tenure as MEC for Agriculture and Rural Development in the Free State province.

BACKGROUND

6.

President Jacob Zuma appointed Zwane to Cabinet as Minister of Mineral Resources on 22 September 2015. In the Cabinet reshuffle on 30 March 2017, President Zuma retained Zwane as Minister of Mineral Resources.

7.

President Zuma's appointment and retention of Zwane as Minister of Mineral Resources evidences his use of presidential powers to promote and protect the interests of the Guptas and their business associates, including the President's son, Duduzane Zuma. It also evidences the unlawful use of the President's appointment powers for improper purposes, and is a strong indication that an improper relationship exists between President Zuma and the Gupta family.

8.

The facts disclosed in official investigations, media investigations and the documents from Sahara's computer server indicate that:

BCA R

- a. Zwane was appointed as Minister of Mineral Resources by President Zuma after first being vetted by members of the Gupta family, and without the prior knowledge of the ANC National Executive Committee.
- b. Prior to his appointment, in June 2012, as MEC for Agriculture and Rural Development in the Free State Province, Zwane promoted the establishment of a "mega" Vrede dairy project with Estina (Pty) Ltd, which has cost the province at least R183.95 million. The Guptas were intimately involved in the project and were beneficiaries of it.
- c. Shortly after the launch of the Vrede dairy project, in October 2012, Zwane (and his local gospel choir) were gifted by the Guptas with an all-expenses paid trip to India.
- d. In March 2013, as MEC for Agriculture and Rural Development in the Free State, Zwane furnished invitees for the Gupta Sun City wedding with an official invitation from the MEC's office, which facilitated the landing of an aircraft with wedding guests at the Waterkloof Air Force Base.
- e. Prior to his appointment to Cabinet, Zwane attended numerous meetings with Tony Gupta. Zwane was also flown to, and accommodated at, the luxury Oberoi Hotel in Dubai, in the company and at the expense of the Guptas on at least two further

BC
A

- occasions in 2013. Zwane has attended Gupta family weddings in South Africa and India, at the Guptas' invitation and expense.
- f. As Minister of Mineral Resources, Zwane utilised his public office to facilitate the sale of Optimum Coal Holdings Pty (Ltd) ("OCH")' assets from Glencore to Tegeta Exploration & Resources (Pty) Ltd ("Tegeta"), a company that is owned by the Guptas, their close business associate Salim Essa, and Duduzane Zuma. Between the 30th of November 2015 and the 5th of December 2015, Zwane flew to Switzerland to meet with Glencore's CEO, in the company of Atul Gupta, Ajay Gupta and Essa, to influence Glencore into selling its OCH's assets to Tegeta. This sale on the 10th of December 2015 was followed shortly by the conclusion of coal-supply contracts between Tegeta and Eskom at escalated prices. The Public Protector concluded that the contracts appeared to benefit only the shareholders of Tegeta.
- h. Zwane's Department of Mineral Resources also authorised the release of Koorfontein mine's R280 million rehabilitation trust fund and Optimum Coal mine's R1,469,916,933.63 billion rehabilitation trust fund into Bank of Baroda accounts, without ensuring that these funds were properly ring-fenced and secure and would be utilised for their proper purpose. The fate of these funds is unknown.
- i. As Minister of Mineral Resources, Zwane has appointed known Gupta associates as his special and personal advisors, namely Kuben Moodley and Malcolm Mabaso.

BCA
R

- j. As Minister of Mineral Resources, Zwane has been instructed in his public and media statements by Gupta family members and known Gupta associates, including Tony Gupta, former Oakbay CEO, Nazeem Howa, Duduzane Zuma and the Gupta-hired PR firm, Bell Pottinger.
- k. On 13 April 2016, President Zuma appointed Zwane to chair an inter-ministerial committee to investigate the closure of the Guptas' South African bank accounts. Nedbank accused Zwane of abusing this position by trying to influence them to keep their Gupta-held accounts open.
- m. Despite the fact that Zwane had publicly misrepresented what Cabinet had decided, he has been retained in the Cabinet by President Zuma and remains responsible for the Mineral Resources portfolio that is of obvious importance to the Gupta family.

9.

In the light of these facts, the following conclusions can be drawn with confidence:

- a. Zwane has an improper relationship with the Gupta family, and has abused his public office to enrich the Gupta family and their business associates, including President Zuma's son, Duduzane Zuma.
- b. President Zuma has abused his powers of appointment in appointing and retaining Zwane as Minister of Mineral Resources, to promote and protect the interests of

BE
E

the Gupta family and their business associates, including the President's son, Duduzane Zuma.

- c. An improper relationship exists between Zwane and the Gupta family.

THE GUPTA EMAILS

The appointment of Zwane as Minister of Mineral Resources

10.

On 22 September 2015, President Zuma announced the appointment of Zwane as Minister of Mineral Resources. Zwane was sworn in the following afternoon, on 23 September 2015.

11.

Zwane was appointed a Minister less than a month after being sworn in as a member of the National Assembly (on 2 September 2015). Zwane had no experience in mining or in national government and was not a member of the ANC's national executive committee. He had previously served as MEC for Agriculture and Rural Development (2014 – 2015) and MEC for Economic Development, Tourism and Environmental Affairs (2009 – 2013) in the Free State province, under Premier Ace Magashule. His academic qualifications are a secondary teacher's diploma from the South African Teachers' College in Pretoria

BLA
K

and a certificate in Executive Leadership Municipal Development Programme from the University of Pretoria.

12.

President Zuma announced Zwane's appointment to the surprise of the ANC National Executive Committee, which had met the previous weekend and had not been advised of the impending appointment.

13.

Zwane's appointment appears to have been vetted, if not orchestrated, by the Guptas, using Duduzane Zuma as a conduit to President Zuma.

- a. On 1 August 2015, less than two months before President Zuma appointed Zwane as Minister, France Oupa Mokoena of Koena Consulting and Property Developers emailed Rajesh (Tony) Gupta to say "*Please find attached the CV of Mosebenzi for your attention*". Tony Gupta forwarded Mokoena's email, with its attachment, directly to Duduzane Zuma. The emails are attached hereto and marked as annexure MJZ 1 and MJZ 2.
- b. On 20 September 2015, a presidential-level motorcade was reported to have paid a visit to the Gupta family compound in Saxonwold.

BGT
Z

14.

In May 2017, former Mineral Resources Minister Ngoako Ramatlhodi publicly stated that he was removed as minister and replaced by Zwane after he resisted pressure from Eskom's CEO, Brian Molefe and Eskom's chairperson, Ben Ngubane, to suspend Glencore's mining licences. At the time that Ben Ngubane pressurised Minister Ramatlhodi to suspend the Glencore mining licences, Glencore was then the owner of OCH's assets, which were subsequently purchased (with the assistance of the new Minister, Zwane) by the Gupta-Zuma owned company, Tegeta. The Optimum Coal mine became the subject of lucrative coal-supply deals that Tegeta proceeded to conclude with Eskom on terms considerably more favourable to Tegeta than those to which Glencore had been subject prior to the purchase, and which, for no apparent reason, obliged Eskom to purchase the coal from Tegeta at a price of 19.69/GJ as opposed to the price of R18.68/GJ which was the Optimum Coal mine price to Tegeta and the price for which Eskom could have contracted directly with the Optimum Coal mine.

15.

Minister Ramatlhodi's account of the circumstances surrounding his removal is published in an article by amaBhungane, 'How Brian Molefe 'helped' Gupta Optimum heist', dated 16 May 2017, attached hereto and marked as annexure MJZ 3. It reads in relevant parts:

"Former Mining Minister Ngoako Ramatlhodi has made damning new allegations that Eskom chief executive Brian Molefe and chair Ben Ngubane effectively pressed him to blackmail resources giant Glencore.

BCA
Z

When he did not comply, he says, President Jacob Zuma fired him within weeks. At the time the Gupta family were angling to buy Optimum, the coal mine that supplies Eskom's Hendrina power station.

Glencore, which then owned Optimum, had placed it into business rescue in August after Molefe refused to renegotiate the price of a long-term supply contract and reinstated a disputed R2.17-billion penalty that Optimum supposedly owed for supplying substandard coal.

Speaking from Limpopo on Friday, Ramatlhodi, then minister of mineral resources, said he met with Molefe and Ngubane at the latter's insistence. At the meeting, they allegedly demanded that he suspend all Glencore's mining licenses in South Africa, pending the payment of the R2.17-billion penalty.

Eskom had tried to issue a legal summons for the penalty on 5 August 2015, but Optimum's business rescue practitioners, appointed only the day before, batted away the claim, citing legislation which restricts new claims once a company is in business rescue.

Glencore maintained the Hendrina contract but was losing it R100-million a month and it could no longer support the losses. Business rescue, an alternative to liquidation, puts independent managers in charge in an attempt to save a company.

BCA
A

Ramatlhodi told amaBhungane: "They insisted that I must suspend all the Glencore mining licenses pending the payment of the R2-billion... You must remember that the country was undergoing load-shedding at that time. I said to them: how many mines do these people have supplying Eskom? How many more outages are we going to have?"

A suspension of all of Glencore's licenses would have brought Glencore's 14 coal operations to a standstill and risked the jobs of its 35 000 employees in South Africa. At the time Glencore supplied roughly 14% of Eskom's coal needs, including virtually all of the coal for the Hendrina power station.

Ramatlhodi said Ngubane was very insistent, but he refused: "I said I'm not going to shut the mines."

He said Ngubane then told him that he would have to report on their meeting to President Jacob Zuma straightaway as the president needed to be in the know before leaving on a foreign trip.

On 2 September 2015, Zuma arrived in China for a commemoration of victory over the Nazis in World War II. There he was due to meet Russian President Vladimir Putin.

Bu
K

Ramatlhodi said he was removed as mines minister shortly after Zuma's return. Zuma announced unexpectedly on 22 September that year that Mosebenzi Zwane, a Free State politician linked to the Guptas, would replace Ramatlhodi.

Zuma moved Ramatlhodi to public service and administration at the time, but fired him along with finance minister Pravin Gordhan and other members of his cabinet earlier this year."

Zwane's involvement in the Estina dairy project

16.

In and about mid-2011 to mid-2012, Zwane (as MEC for Agriculture and Rural Development in the Free State province) and Free State Premier, Ace Magashule, drove the conclusion of a mega-contract between the Department and Estina (Pty) Ltd for the "Vrede dairy project".

17.

Under the Vrede dairy project, MEC Zwane's Department of Agriculture awarded a Gupta-linked company, Estina (Pty) Ltd, a 99-year, rent-free lease on the 4400-hectare Krynaauwslust farm near Vrede (Zwane's home district). The Department also undertook to commit R114 million a year, for three years (R342 million in total) to set up the farming

BCT
KE

operation and dairy on the property. No tender processes were followed and no due diligence of Estina was conducted before the Department contracted with Estina.

18.

The project was mired in controversy. Investigative journalists, amaBhungane, reported that the company that was awarded the contract, Estina, had no apparent capacity to manage and implement the project. Estina's sole director was Kamal Vasram, who worked in information technology (as a retail sales manager for Toshiba's South African subsidiary) and had no farming background. In its proposal, Estina claimed that an Indian company, Paras Dairy, was jointly involved in the project and would provide expertise. This claim was refuted by Paras Dairy, which claimed that it had no knowledge of the project.

19.

During or about October 2013, National Treasury investigated the Department's contracts with Estina. The results of this investigation were not published by Treasury, but some of the findings were disclosed by AmaBhungane after it obtained a transcript of an interview that the investigators had conducted with the Department's Chief Financial Officer, Seipati Dlamini. (Notably, as Minister of Mineral Resources, Zwane appointed Dlamini as national Deputy Director-General: Mineral Regulation in November 2016, without following due process and without Cabinet approval).

SCM
R

20.

AmaBhungane reported, the full report attached hereto and marked MJZ 4, in February 2014 that:

"[A] document obtained by amaBhungane shows that in October last year a forensic team was dispatched by the treasury to Bloemfontein to question officials about the bizarre contract to develop a large dairy and milk processing plant in the northeastern Free State town of Vrede. Investigators were shocked by what they heard, including:

- a) The Free State agriculture department did not follow any supply-chain procedures when agreeing to fund the project through Estina, a private company;*
- b) The department did no due diligence on Estina or its claimed partnership with Paras, a major dairy company in India. Paras subsequently denied any involvement;*
- c) The Free State paid grants directly into Estina's bank account and the responsible official admitted she had no real evidence of how the money was being spent;*
- d) A "feasibility study" was done only after the contract was signed; It appears the "loosely drafted" contract – skewed in Estina's favour – was drawn up by Premier Ace Magashule's legal adviser. The contract commits the department to shelling*

BCT
R

out R342-million and Estina will be billed for the balance of the R570-million project cost "if necessary";

- e) Small-scale farmers, who were supposed to be beneficiaries of a 51% share in the scheme, were only identified recently and the official could not explain how they were chosen; and*
- f) Approval for the project was rushed through despite the fact there was no budget, no feasibility study and no urgency.*

One of the investigators remarked in apparent exasperation: "Estina is using government's money to establish a plant, putting cows on land that is given by government rent-free. Now they get to make a fortune off the infrastructure."

The disclosures are made in a confidential transcript, which records an extraordinary interview (<http://cdn.mg.co.za/content/documents/2014/02/06/ensinterviewdlamini.pdf>)¹ with the Free State department of agriculture chief financial officer, Dipatle Dlamini."

21.

On 13 August 2014, following the National Treasury's investigation, the Department cancelled its contract with Estina (Pty) Ltd. Management of the project was taken over by

¹ As at 14 June 2017, the transcript is still available online at the published address.

BK
A

the Free State Development Corporation (FDC). The FDC indicated that the cow housing shed was inadequate, and that the processing plant that was built by Estina would require additional investment, if it was viable at all. The FDC also reportedly admitted (in a meeting of the Portfolio Committee for Economic Development in the Free State Legislature) that none of the 80 beneficiaries purportedly identified for the project are currently involved in it.

22.

As disclosed in the MEC's replies to parliamentary questions, by 28 April 2015, the Free State Department of Agriculture had invested R183,950,000.00 (R183.95 million) in the Vrede Dairy Project. See the annexure attached hereto and marked MJZ 5.

23.

The provincial government, Estina, the Gupta family and Vasram all denied any Gupta-involvement in the project, save for the conclusion of a consulting subcontract of R138,000 between Estina and a Gupta-owned company, Linkway Trading. However, emails from the Sahara computer server evidence that the Guptas were intimately involved in the project. They evidence further that the Guptas have been the beneficiaries of tens of millions of rands that the provincial government paid to Estina, through payments made by Estina to an offshore Gupta-front company called Gateway Ltd (registered in the United Arab Emirates).

BU
A

24.

The evidence of the Gupta family and associates' involvement in the scheme, and how they extracted public funds from it, is detailed in an amaBhungane/ Scorpio exposé of 5 June 2017. The expose is attached hereto and marked MJZ 6. The report explains:

"By the time Estina was kicked off the project in 2014 following a national Treasury probe and amaBhungane's exposure of dead cows being dumped in a ditch, the provincial government had paid Estina about R184-million in taxpayers' money.

The #GuptaLeaks open a window on what happened to a large chunk of that money, supporting the impression that the Guptas not only controlled Estina, but were the primary beneficiaries.

Zwane's successor as agriculture MEC, Mamiki Qabathe, answered questions in the provincial legislature in November 2013, saying that by then a total of R114-million – tranche R30-million and R84-million – had been transferred to Estina.

Spreadsheets in the #GuptaLeaks show a total of \$8.35-million – equal to the R84-million second tranche at the exchange rate then – hitting the account of a company called Gateway Ltd in August and September 2013.

Gateway is registered in Ras al-Khaima, one of seven emirates making up the UAE and a highly secretive offshore company jurisdiction. Gateway appears to be little more than a Gupta front; it is among a number of UAE companies administered by a man who, the #GuptaLeaks show, is a Gupta subordinate.

BG
E

Part of the R84-million appears to have gone to an engineering firm in Saharanpur, the Guptas' home town in India. It went like this: Star Engineering, based in Saharanpur, sent a letter to Ajay Gupta in 2012, thanking him for meeting and "taking interest in our line of production of super quality dairy equipment".

In September 2013, Gateway, the Gupta UAE company, invoiced Estina for a milk pasteurising plant at US\$3.45-million (about R34-million then). A little over a week later a similar amount from Estina hit Gateway's account.

Further correspondence shows that Gateway ordered the plant from Star Engineering in Saharanpur. A representative from the firm asked for questions to be emailed, but had not replied by the time of publication.

And so, it appears that of the R84-million remitted to the UAE, R34-million was for actual dairy equipment – although how much was paid to Star Engineering and how much Gateway kept as a mark-up remains to be seen.

What happened to the remaining R50-million Estina remitted to Gateway is not clear.

Although there was some construction at the farm and some cows were bought, the full use of the remaining R100-million from the total R184-million that the province paid Estina also remains unclear. On visits to Vrede at the time, amaBhungane did not encounter development suggested by that level of expenditure."

BG
R

25.

There is compelling evidence to support these allegations, which have not been meaningfully disputed. The repeated denials by the Guptas, Vasram and the Department over the Guptas association with the project have also never been explained.

26.

The evidence obtained from the Sahara computer server includes the following documents, attached hereto and marked as MJZ 7 to MJZ 16:

- a. Emails exchanged between the Gupta brothers and senior Gupta employees on the recruitment of Estina staff from India; obtaining work permits for Estina employees; and approving their contract salaries.
- b. Emails exchanged between Ravindra Nath and B. Rajendra CEO of The Bank of India: Johannesburg that indicate that Gupta group and personnel applied for a bank loan for Estina.
- c. Spreadsheets on the Sahara computer indicate that Sahara hosted Estina's accounting software, and oversaw the flow of monies in and out of its account.
- d. Invoices from Gateway to Estina dated 15 September 2013.

BG
R

27.

The mere fact that these documents were found on the Sahara Computer is clear indication of involvement of the Guptas in Estina.

28.

The AmaBhungane/Scorpio report cites further evidence of the Guptas' involvement in the scheme, through their companies' association with Vasram (the sole director of Estina). The report notes that:

"During the Estina saga, there were ongoing large orders from the Guptas' Sahara Computers for IT equipment from Toshiba, represented by Vasram. E-mails also listed apparent transfers totaling millions of rand from Gupta companies to Vasram.

Separately Vasram, using his Estina e-mail address, invoiced Gupta company Linkway Trading monthly for "services rendered". Linkway is the company the Guptas acknowledge had done "consulting" on the dairy project in its early stages.

Vasram's invoices, initially at R11,000 a month, started in May 2011, when Estina was negotiating the project with Zwane's Free State agriculture department, and continued until least August 2012.

In early 2013 there were two more invoices from Vasram to Linkway, for amounts of around R50,000 each.

BG
R

These invoices suggest that the Gupta consulting company paid Vasram fees for the Estina work – again upending his and the Guptas' insistence that Estina was his business a theirs."

29.

The invoices from Vasram to Gupta companies (dated May 2011 to August 2012 and early 2013), are attached hereto and marked **MJZ 17A to MJZ 17I**.

30.

Of particular concern, is the evidence of a "kickback" from the Guptas to Zwane and other officials in the Department, for facilitating the Estina scheme. In October 2012, shortly after the launch of the Estina project, Zwane, officials from his department and a local gospel choir (the Umsingizane gospel choir) that Zwane promotes were hosted on an all-expenses paid tour of India by the Guptas.

31.

Details of this trip are evidenced in emails and records from the Sahara computer server, attached hereto and marked as **MJZ 18 to MJZ 20**. These include:

- a. The flight and accommodation bookings for 24 or more travellers, including Zwane, at Oberoi hotels in different parts of India;

BG
K

- b. An email from Zwane ("M Zwane <zwanemail@gmail.com>"), in which he personally sends a list detailing which members of the party should share rooms and who should get their own; and,
- c. The tour programme which included visits to the Taj Mahal and the "Kingdom of Dreams", as well as "Gupta house for dinner".

Zwane's close association with the Guptas

32.

Following his trip to India in October 2012, Zwane enjoyed subsequent trips to India and Dubai, which were arranged and paid for by the Gupta family. These include:

- a. A trip to India in December 2013, to attend a wedding with Ashok Narayan (an executive of the Gupta company, Sahara Systems), members of the Gupta family and Chandrama Prasad ("CP") Yadav, the farm-manager of the Vrede dairy project.
- b. A trip to Dubai and Delhi in September 2014, which Gupta employees (at Sahara) arranged, and which the Gupta family paid for. The flight tickets are evidence that Zwane flew to Dubai, and then Delhi, in the company of Rajesh (Tony) Gupta and Salim Essa and Suraya Singhala. The purpose of this trip is unknown.

BGT
Z

33.

The emails records from the Sahara computer server, which evidence these trips and the Gupta family's payment of Zwane's expenses (upfront or by refund), are attached hereto and marked **MJZ 21** and **MJZ 22**.

34.

The Sahara computer server indicates that numerous meetings were scheduled between Zwane, Tony Gupta and a certain Peter at Sahara and a place designated as "No. 5". Electronic meeting invitations and acceptances, attached hereto and marked **MJZ 23** to **MJZ 27**, record that the following meetings were held between Zwane and Tony Gupta:

- a. on 31 January 2013, at 11 am between Zwane and Tony Gupta at No. 5;
- b. on 1 February 2013, at 4pm, between Zwane, DG and Tony Gupta at No. 5;
- c. on 15 March 2013, at 4pm between Zwane and Tony Gupta at No. 5;
- d. on 6 April 2013, at 5pm between Zwane and Tony Gupta at No. 5; and
- e. on 27 August 2013, at 1pm, between Zwane, Tony Gupta and Peter at Sahara.

35.

On 30 April to 2 May 2013, Zwane attended the Gupta family wedding (of Vega Gupta and Aakash Jahajgarhia) at Sun City, where he stayed for three nights. The confirmation of Zwane's attendance and stay is attached hereto and marked **MJZ 28**.

BCT
R

36.

Further, on 22 July 2013, Ashok Narayan requested Sahara's CEO, Ashu Chawla, to use the Gupta's helicopter to fly from Grand Central to Harrismith, with Zwane and Duduzane Zuma named as two of the passengers. The email is attached hereto and marked MJZ 29.

37.

This history evidences that Zwane has a close association to the Gupta family and their associates – in particular, Tony Gupta and Ashok Narayan. Zwane met with Tony Gupta regularly throughout 2013 (when the Estina project was underway) and they continued to meet in 2014. Zwane travelled with the Guptas – using their aircraft and at their expense. Between October 2012 and September 2014, Zwane travelled to Dubai and India on at least three occasions, at the Gupta's expense. Zwane also attended Gupta family weddings in South Africa and India, at their invitation and expense.

Zwane used his position as MEC to facilitate the landing of the Guptas' wedding guests at the Waterkloof Air Force Base

38.

Zwane is implicated in the Gupta's use of the Waterkloof Air Force Base for landing wedding guests from India on 30 April 2013. In March 2013, an official letter signed and sent on behalf of Zwane (as MEC for Agriculture and Rural Development in the Free State) extended an open invitation to Shivpal Yadav, a minister in the Indian state of Uttar Pradesh, to visit the province. The letter of invitation was copied to the Indian High

BGR
R

Commissioner to South Africa, Virendra Gupta. This invitation helped secure the aircraft of wedding guests landing access at the Waterkloof Air Force Base. Yadav was one of about 200 guests from India who attended the wedding after arriving in the Jet Airways Airbus at the Waterkloof Air Force Base.

39.

The flight for the Gupta wedding, a private civilian affair, was cleared to land at Waterkloof by the South African National Defence Force. Permission was granted on application from the Indian High Commission, on the basis that the Airbus 330 was a "VIP" flight carrying a delegation from India.

40.

The timing of Zwane's letter of invitation is suggestive of an ulterior and improper purpose. In February 2013, the Minister of Defence, Nosiviwe Mapisa-Nqakula, had refused a request by a Gupta family envoy – a representative of the Gupta family's Sahara company – for approval to land at the Waterkloof Air Force Base. The Indian High Commissioner to South Africa, Virendra Gupta, then became instrumental in securing permission for the use of Waterkloof. On the strength of the open letter of invitation to an official "delegation" from Zwane, the Indian High Commission obtained clearance for the landing from then-chief of state protocol, Vusi Bruce Koloane ("Loloane"). This timing, together with the fact that the Free State government's official meeting was not publicised at all, is (at the very least), suggestive of an abuse of powers on the part of Zwane as MEC.

BG
R

41.

A chain of emails from the Sahara computer server evidences that the letter of invitation was, in fact, prepared by Ashok Narayan and forwarded to Ashu Chawla. Chawla then forwarded the letter to Zwane to be copied on an official letterhead. The emails are attached hereto and marked MJZ 30 to MJZ 32.

42.

Koloane was suspended as chief of state protocol by the Department of International Relations and Cooperation in the wake of the Waterkloof affair and it emerged that he had persuaded other government officials to make the Waterkloof Air Force Base available for the Gupta landing by saying that he "was under pressure from Number 1 [i.e. President Zuma]" to do so.

43.

The Guptas and President Zuma have never acknowledged that any improper pressure was put on Koloane (or any other person) to make the Waterkloof Air Force Base available for the Gupta wedding. If that were the case, one would have expected them both to have viewed the conduct of Koloane in a dim light, and to have had no further contact with him. However, they have both continued to extend patronage to Koloane in a manner inconsistent with their version that they had nothing to do with his unlawful acts in relation to the Waterkloof fiasco:

- a. President Zuma appointed Koloane as Ambassador to the Netherlands in August 2014.

B G
R

- b. Koloane has retained strong ties to the Guptas, including facilitating new business relations in the Netherlands. These continued ties are detailed in an *amaBhungane/ Scorpio* exposé published on 11 June 2017. The article attached hereto and marked **MJZ 33**.
- c. Further emails evidence how Koloane approached the Guptas in 2016 to sponsor a golf tournament he was hosting in Pietermaritzburg in December 2016 to mark his 20th wedding anniversary. Koloane made the request in an email addressed to Sahara's CEO, Ashu Chawla, who forwarded the request to Tony Gupta. The response from Tony Gupta is revealing: "*Support whatever he wants.*" The emails are attached hereto and marked **MJZ 34**.

Zwane has used in his position as Minister to benefit the Guptas and Duduzane Zuma

44.

As Minister of Mineral Resources, Zwane used his public office to facilitate the sale of OCH's assets from Glencore (Pty) Ltd to Tegeta, a subsidiary of the Gupta-family holding company, Oakbay Investments (Pty) Ltd (with a 29.05% shareholding) and in which Duduzane Zuma's Mabengela Investments (Pty) Ltd held a 28.53% shareholding.

45.

Following its purchase of Optimum Coal Mine, Tegeta secured lucrative coal supply contracts with Eskom from Optimum Coal Mine. These include a R564 million contract

BL R

awarded in April 2016 to supply Arnot power station with 1.2 million tons of coal over six months (excluding the transport costs also payable by Eskom). The City Press reported in June 2016 as follows:

"At R470 a ton, Tegeta's Arnot contract is one of Eskom's most expensive. In May, last year, Public Enterprises Minister Lynne Brown told Parliament that Eskom paid an average price of R230.90 a ton for coal, and that the average price of Eskom's five most expensive contracts was a "delivered price" of R428.84 a ton.

... City Press has established that, with transport, Tegeta is paid roughly R580 a ton, pushing the total value of the six-month contract up to just under R700 million."

46.

Tegeta also inherited an estimated R1.5 billion rehabilitation trust fund, set aside under the Mineral and Petroleum Resources Development Act and the National Environmental Management Act to finance the rehabilitation of the OCH's mines upon its closure.

47.

Investigative journalists at *AmaBhungane* and *Scorpio* calculate that, altogether:

"[T]he Guptas have received contracts worth R11.7-billion from Eskom for coal alone. None of these contracts was awarded as the outcome of a competitive bidding process, and the R11.7-billion does not include the contracts that Tegeta inherited when it bought

BG K

Optimum Coal, nor does it include invoices totalling R419-million for management consulting and advisory services delivered to Eskom by Trillian Capital Partners, a company majority owned by Salim Essa.” The article is and marked as MJZ 35.

48.

.In the “State of Capture” report, the Public Protector analysed Zwane’s flight records to confirm that Zwane flew from Johannesburg to Zurich, via Dubai, on 29 and 30 November 2015. The Public Protector reports that she received information “from an independent source” that “Zwane did in fact meet with Mr Glazenberg in Switzerland at the Dolder Hotel around 30 November 2015 to 5 December 2015, and that the other individuals present during said meeting(s) [were] Mr Rajesh (Tony) Gupta and Mr Essa”.

49.

The Public Protector was unable to explain how Zwane got from Zurich to Dubai, since his official flights (booked on Emirates Airlines (i) from Zurich to Dubai on 2 December 2015; (ii) from Dubai to Delhi on 3 December 2015; and (iii) from Delhi to Dubai on 5 December 2015) were never used. However, Zwane did catch his official flight booked from Dubai to Johannesburg on 7 December 2015.

50.

The flight and accommodation bookings extracted from the Sahara computer server confirm that, on 2 December 2015, when Zwane failed to board his official flight from Zurich to Dubai, he was on board the Guptas’ private Bombardier jet, ZS-OAK, along with

B G
R

Tony Gupta and Salim Essa. Further, the records evidence that Zwane spent the next two days in India with the Guptas before flying back to Dubai and catching his official flight back to Johannesburg. Whilst in Dubai, Zwane was booked into the five-star Oberoi hotel paid for by the Guptas' company, Sahara Computers, and was chauffeured around in a BMW 7 Series motor vehicle, at the expense of Sahara Computers. The invoice is attached hereto and marked as **MJZ 36**.

51.

In the context of the Optimum Coal dispute, when Eskom as an organ of state had to decide whether to terminate its contract with Glencore or not, and if so, how to procure the coal that it had previously obtained from Glencore, it would plainly have been improper for Zwane to travel with and at the expense of the Tegeta delegation that was hoping to obtain the Eskom contract after forcing Glencore to sell the Optimum mine. Zwane, the Guptas and former Oakbay Investment's CEO, Nazeem Howa, have thus persistently lied to the public by denying that this took place. These denials include repeated lies by Zwane to Parliament:

- a. In a written reply to a parliamentary question from Democratic Alliance MP, Tim Brauteseth on 8 April 2016, Zwane denied ever meeting with any of the Guptas, Gupta employees or close associates since taking office as Minister of Mineral Resources. The answer furnished was: *"The Minister has not met with any member, nor close associate of the Guptas. He has also not attended a meeting with a specified person at the Gupta's Saxonwold Estate in Johannesburg."*

B G
E

- b. In a written reply to parliamentary questions from the EFF leader, Julius Malema, in May 2016, Zwane denied travelling with the Guptas on their trip to Switzerland in January to persuade Glencore to sell Optimum coal mine to their companies Oakbay and Tegeta; and
- c. In a written reply to parliamentary questions from Freedom Front Plus MP, Anton Alberts on 8 June 2017, Zwane repeated this denial, saying he had gone on the trip accompanied by an official of his department "*to promote mining and [to] address company issues relating to the investment climate in the country in general, and to mitigate imminent retrenchment*". Zwane also denied that he had any direct or indirect interests in Oakbay or Optimum mine.
- d. The parliamentary questions and Zwane's replies are attached hereto and marked as **MJZ 37A to MJZ 38**.

52.

The travel and accommodation records for Zwane between 2 and 7 December 2015 indicate that these denials are false.

53.

Under Zwane, the Department of Mineral Resources has also approved the release of billions of rands in mine rehabilitation funds to Tegeta in apparently unlawful circumstances. The Public Protector investigated the transfer to Bank of Baroda accounts of:

BGT
Z

- a. R280 million from the Koornfontein Rehabilitation Trust Fund on 23 May 2016;
and
- b. R1,469,916,933.63 billion from the Optimum Mine Rehabilitation Trust Fund on
21 June 2016.

54.

The Public Protector reported on the apparent illegalities in the Department's release of these mine rehabilitation funds in the State of Capture report. The Public Protector found that, in respect of both trust funds.

"It is clear and apparent that the funds were not ring-fenced for the purposes of investment and capital growth. The interest payment on all the investment accounts were not reinvested and recapitalised but were transferred to the Baroda Main account and utilised."

55.

In an affidavit filed by former Finance Minister Pravin Gordhan in litigation between the Minister of Finance and Oakbay Investments, attached hereto and marked as MJZ 39, Minister Gordhan also expressed alarm at the Department of Mineral Resources' written approval of the release of funds from the Optimum Mine Rehabilitation Trust Fund's Standard Bank account to the Bank of Baroda – particularly in circumstances where the Standard Bank account was closed because of suspicious and unusual transactions on the account. The FIC's report is attached hereto and marked MJZ 40.

BU
Z

56.

The fate of the mine rehabilitation funds is unknown.

Zwane appoints Gupta associates as his advisors, despite conflicts of interest

57.

As Minister of Mineral Resources, Zwane has appointed known Gupta associates as his advisors, most notably Kubentheran ("Kuben") Moodley and Malcolm Mabaso.

58.

Zwane appointed Moodley as his special advisor. The Public Protector's report records that Moodley served as his advisor in 2016, during the Tegeta purchase of Optimum Coal mine.

- a. Moodley is a known friend of the Gupta family and Essa, the Guptas close business associate and sole director, inter alia, of Elgasolve (which holds a 21.5% stake in Mabengela Investments) and VR Laser Services, a company in which the Gupta family's investment vehicle and Duduzane Zuma holds shares.
- b. Moodley is the sole director of Albatime (Pty) Ltd, a company that made a R10 million payment for the benefit of Tegeta towards the acquisition of Optimum Coal Mine.

BCA
R

- c. Moodley is married to Devapushpam Viroshini Naidoo, who served on the Eskom Board as a non-executive Director from 11 December 2014 to 2016, which includes at the time of the sale of Optimum Coal Mine and the conclusion of Eskom's coal-supply contracts with new mine-owner Tegeta.
- d. As the Public Protector found, Zwane's appointment of Moodley as his special advisor in these circumstances, presented a conflict of interest – as *"Zwane is responsible for ensuring policymaking and policy implementation of service delivery for Eskom. He also oversees the regulation of the MPRDA [Mineral and Petroleum Resources Development Act]. In the execution of his functions the Minister relies on advisors"*.
- e. Moodley also has business ties to Mark Vivian Pamensky, another close business associate of the Gupta family. Pamensky has served as a director of the Guptas' company Oakbay Resources and Energy (Pty) Ltd ("Oakbay") from 25 September 2014 to 10 June 2017, and as a non-executive Director of Eskom from 11 December 2014 to November 2016). Pamensky is also a director of Shiva Uranium, in which Oakbay has a 74% stake and Tegeta a 19.6% stake; Yellow Star Trading 1099, of which Essa is a director; and ORE, which is 64% owned by Atul Gupta. Moodley served with Pamensky as directors of BIT Information Technology (Pty) Ltd from 4 March 2004 to 16 March 2005, and is said to be a friend of Pamensky.

BCA

59.

Zwane also appointed Malcolm Mabaso as his personal advisor in 2016:

- a. Mabaso is a former business associate of Essa, having served with Essa as a director of Premium Security and Cleaning Services (Pty) Ltd from July 2013 to October 2015.
- b. Mabaso was reportedly brought to National Treasury by Minister Des van Rooyen, on the first day of his fleeting spell in office as Minister of Finance in December 2016. Minister Van Rooyen appointed Ian Whitley and Mohamed Bobat – both business associates of the Gupta family and Eric Wood – as his advisors. However, on his arrival at Treasury, Minister Van Rooyen also sought to ensure that Mabaso was given a desk, despite Mabaso not being a Treasury or Department employee.

Minster Zwane takes instruction from Gupta associates on official public statement

60.

Emails recovered from the Sahara computer server evidence that the Guptas and their known associates (including Duduzane Zuma and Nazeem Howa, the former CEO of the Gupta-owned company, Oakbay), have directed and influenced Zwane in the public and media statements he makes as Minister of Mineral Resources.

BG
Z

61.

In an email from Howa to Duduzane Zuma and Tony Gupta on 2 February 2016, attached hereto and marked MJZ 41 to MJZ 42, Howa listed fourteen questions he anticipated Zwane could expect from the journalists at a forthcoming Mining Indaba. Howa drafted comprehensive answers for Zwane on matters sensitive to the Guptas (including Zwane's alleged closeness to the Gupta family, the sale of the Optimum mine and his inexperience as a mining minister). Howa requested Tony Gupta's and Duduzane Zuma's further input, stating:

"I need some help on some of the answers. I think we should also prepare for a question of his role around the Waterkloof landing. Perhaps I can sit with someone this side to help me polish and add to the answers. Let's chat when you have a chance to review."

62.

In February and March 2016, Howa also exchanged a series of emails with employees of Bell Pottinger (the UK-based, public relations firm hired by the Guptas) over public statements concerning Zwane's engagement with the Guptas, particularly during Zwane's trip to Switzerland. These emails evidence the Gupta's sustained efforts to direct public statements from and concerning Zwane, as Minister of Mineral Resources, and their concern to conceal their relationship with the Minister. The emails are attached hereto and marked MJZ 43 to MJZ 44.

BG
R

63.

The emails also indicate that Zwane was discussing Cabinet business with the Guptas, and taking instructions from them, is further supported by the fact that, in July 2016, Bell Pottinger told *Fin24* reporters that it was in possession of the findings of the inter-ministerial committee set up by Cabinet on 13 April 2016 (with Zwane as its chairperson) to investigate the closure of the Guptas' South African bank accounts. Bell Pottinger advised *Fin24* that the Inter-Ministerial Committee was recommending a commission of inquiry into the country's banks, and that Zwane should be directly contacted. This was two months before Zwane made these findings public on 2 September 2016. The *Fin24* report on the incident is attached hereto and marked MJZ 45.

64.

Zwane issued a public statement on 1 September 2016, announcing that Cabinet had agreed on the recommendation of the Inter-Ministerial Committee that a judicial inquiry investigating why South Africa's banks had blacklisted Gupta-owned businesses. The recommendation included that the inquiry look into the current mandates of the Banking Tribunal and the Banking Ombudsman; consider the current Financial Intelligence Centre Act and the Prevention of Combating of Corrupt Activities Act in relation to the banks' conduct; reconsider South Africa's clearing bank provisions to allow for new banking licences to be issued; and investigate the establishment of a state bank of South Africa with the possible corporatisation of the Post Bank to be considered as an option. A report of the statement issued by Zwane is attached hereto and marked MJZ 46.

BU
E

65.

Zwane was severely rebuked by the ANC and the Presidency, who distanced themselves from Zwane's statement about a judicial inquiry into the banking sector and denied that the recommendation had Cabinet backing. Media reports of the statements issued by the ANC and the Presidency are attached hereto and marked MJZ 47 to MJZ 48. Zwane refused to apologise for the misleading statement or to explain what drove him to mislead the public about what the Cabinet had decided.

Zwane abused his position on the Inter-Ministerial Committee

66.

In addition to misrepresenting Cabinet's response to the recommendations of the Inter-Ministerial Committee, Zwane is also alleged to have abused his powers as chair of the committee by improperly trying to influence banks to keep their Gupta-held accounts open.

67.

In an affidavit filed on behalf of Nedbank in *Minister of Finance v Oakbay Resources and Others* (litigation concerning the Minister of Finance's powers to interfere in bank-client relations), Nedbank's CEO, Mark Brown, attests to having attended a meeting with Zwane in May 2016, as chairperson of the Inter-Ministerial Committee. Zwane was accompanied by Minister Faith Muthambi and her advisor, Mzwanele Manyi (who are not appointed as members of the committee), and not the Minister of Finance and Minister of Labour who were its appointed members. Mark Brown states that, at this meeting, Zwane attempted

BK R

to persuade Nedbank to keep Gupta companies as clients and to become their primary banker. The relevant portion of the affidavit is attached hereto and marked **MJZ 49** and **MJZ 50**.

68.

Attached hereto and marked **MJZ 51**, is the Public Protector's 'State of Capture' report.

CHARGES

Fraud

69.

We allege that Zwane committed Fraud in that he unlawfully and intentionally made misrepresentations knowing it was false which caused actual and/or potential prejudice.

Theft

70.

We allege that Zwane committed Theft.

BG
R

Extortion

71.

We allege that Zwane's conduct, as detailed above, was unlawful and intentional as he obtained advantages by exerting pressure which induced the handover of the advantages.

High Treason

72.

In terms of **Section 96** of our Constitution:

- "(1) Members of the Cabinet and Deputy Ministers must act in accordance with a code of ethics prescribed by national legislation.*
- (2) Members of the Cabinet and Deputy Ministers may not-*
- (a) undertake any other paid work;*
 - (b) act in any way that is inconsistent with their office, or expose themselves to any situation involving the risk of a conflict between their official responsibilities and private interests; or*
 - (c) use their position or any information entrusted to them, to enrich themselves or improperly benefit any other person."*

BG
A

73.

Furthermore, each Minister must swear/affirm before the Chief Justice or another judge designated by the Chief Justice, as follows:

"I, _____, swear/solemnly affirm that I will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other law of the Republic; and I undertake to hold my office as Minister/Deputy Minister with honour and dignity; to be a true and faithful counsellor; not to divulge directly or indirectly any secret matter entrusted to me; and to perform the functions of my office conscientiously and to the best of my ability."

74.

We allege that Zwane's conduct, as detailed above, constitutes high treason as it violated, threatened and endangered the existence, independence and security of the Republic of South Africa, or had the effect or potential effect of changing the Constitutional structure of the Republic of South Africa.

75.

Zwane, as a citizen of the Republic of South Africa and Minister of Mineral Resources, unquestionably owed his allegiance to the Republic. He intentionally and unlawfully participated in activities which violated, threatened and endangered the existence, independence and security of the Republic.

BG.A

76.

In terms of **Section 51(1)** of the Criminal Law Amendment Act 105 of 1997 (subject to subsections (3) and (6)), a Regional Court or a High Court shall sentence a person it has convicted of High Treason, to imprisonment for life.

Corruption

77.

We allege that Zwane's conduct, as detailed above, constitutes contraventions of the following sections of The Prevention and Combating of Corrupt Activities Act 12 of 2004 ("POC"):

a. **Section 3** of the POC, which states:

"Any person who, directly or indirectly-

- (a) accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or*
- (b) gives or agrees or offers to give to any other person any gratification, whether for the benefit of that other person or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner-*
 - (i) that amounts to the-*

BGT
R

*(aa) illegal, dishonest, unauthorised, incomplete, or biased;
or*

*(bb) misuse or selling of information or material acquired in
the course of the, exercise, carrying out or
performance of any powers, duties or functions arising
out of a constitutional, statutory, contractual or any
other legal obligation;*

(ii) that amounts to-

(aa) the abuse of a position of authority;

(bb) a breach of trust; or

(cc) the violation of a legal duty or a set of rules,

(iii) designed to achieve an unjustified result; or

*(iv) that amounts to any other unauthorised or improper
inducement to do or not to do anything, is guilty of the offence
of corruption."*

b. Section 4 of the POC, which states:

"(1) Any-

*(a) public officer who, directly or indirectly, accepts or agrees or
offers to accept any gratification from any other person,
whether for the benefit of himself or herself or for the benefit
of another person; or*

BCR
R

- (b) *person who, directly or indirectly, gives or agrees or offers to give any gratification to a public officer, whether for the benefit of that public officer or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner-*
- (i) *that amounts to the-*
- (aa) *illegal, dishonest, unauthorised, incomplete, or biased; or*
- (bb) *misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;*
- (ii) *that amounts to-*
- (aa) *the abuse of a position of authority;*
- (bb) *a breach of trust; or*
- (cc) *the violation of a legal duty or a set of rules;*
- (iii) *designed to achieve an unjustified result; or*
- (iv) *that amounts to any other unauthorised or improper inducement to do or not to do anything, is guilty of the offence of corrupt activities relating to public officers.*

BA R

(2) Without derogating from the generality of section 2 (4), 'to act' in subsection (1), includes-

- (a) voting at any meeting of a public body;
- (b) performing or not adequately performing any official functions;
- (c) expediting, delaying, hindering or preventing the performance of an official act;
- (d) aiding, assisting or favouring any particular person in the transaction of any business with a public body;
- (e) aiding or assisting in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person in relation to the transaction of any business with a public body;
- (f) showing any favour or disfavour to any person in performing a function as a public officer;
- (g) diverting, for purposes unrelated to those for which they were intended, any property belonging to the state which such officer received by virtue of his or her position for purposes of administration, custody or for any other reason, to another person; or
- (h) exerting any improper influence over the decision making of any person performing functions in a public body."

BE R

c. **Section 7** of the POC, which states:

"(1) Any-

(a) member of the legislative authority who, directly or indirectly, accepts or agrees or offers to accept any gratification from any other person, whether for the benefit of himself or herself or for the benefit of another person; or

(b) person who, directly or indirectly, gives or agrees or offers to give any gratification to a member of the legislative authority, whether for the benefit of that member or for the benefit of another person, in order to act, personally or by influencing another person so to act, in a manner-

(i) that amounts to the-

(aa) illegal, dishonest, unauthorised, incomplete, or biased; or

(bb) misuse or selling of information or material acquired in the course of the, exercise, carrying out or performance of any powers, duties or functions arising out of a constitutional, statutory, contractual or any other legal obligation;

(ii) that amounts to-

BCR
R

- (aa) the abuse of a position of authority;*
- (bb) a breach of trust; or*
- (cc) the violation of a legal duty or a set of rules;*
- (iii) designed to achieve an unjustified result; or*
- (iv) that amounts to any other unauthorised or improper inducement to do or not to do anything,*

is guilty of the offence of corrupt activities relating to members of the legislative authority.

- (2) Without derogating from the generality of section 2 (4), 'to act' in subsection (1) includes-*

- (a) absenting himself or herself from;*
- (b) voting at any meeting of;*
- (c) aiding or assisting in procuring or preventing the passing of any vote in;*
- (d) exerting any improper influence over the decision making of any person performing his or her functions as a member of; or*
- (e) influencing in any way, the election, designation or appointment of any functionary to be elected, designated or appointed by, the legislative authority of which he or she is a*

BCT
K

member or of any committee or joint committee of that legislative authority."

d. **Section 21** of the POC, which states:

"Any person who-

(a) *attempts;*

(b) *conspires with any other person; or*

(c) *aids, abets, induces, incites, instigates, instructs, commands, counsels or procures another person, to commit an offence in terms of this Act,*

is guilty of an offence."

e. **Section 34** of the POC, which states:

"(1) Any person who holds a position of authority and who knows or ought reasonably to have known or suspected that any other person has committed-

BGT
R

(a) *an offence under Part 1, 2, 3 or 4, or section 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2;*
or

(b) *the offence of theft, fraud, extortion, forgery or uttering a forged document, involving an amount of R100 000 or more;*

must report such knowledge or suspicion or cause such knowledge or suspicion to be reported to the police official in the Directorate for Priority Crime Investigation referred to in section 17C of the South African Police Service Act, 1995, (Act 68 of 1995)."

78.

In terms of **Section 26** of POC:

"(1) *Any person who is convicted of an offence referred to in-*

(a) *Part 1, 2, 3 or 4, or section 18 of Chapter 2, is liable-*

(i) *in the case of a sentence to be imposed by a High Court, to a fine or to imprisonment up to a period for imprisonment for life;*

BCT
R

- (ii) *in the case of a sentence to be imposed by a regional court, to a fine or to imprisonment for a period not exceeding 18 years; or*
- (iii) *in the case of a sentence to be imposed by a magistrate's court, to a fine or to imprisonment for a period not exceeding five years.*
- (3) *In addition to any fine a court may impose in terms of subsection (1) or (2), the court may impose a fine equal to five times the value of the gratification involved in the offence."*

79.

With reference to the contents of this affidavit, I humbly request that the elements of criminal activities such as, but not limited to, Extortion, Fraud, Theft, Treason and Corruption be thoroughly investigated by the SAPS and other relevant law enforcement authorities against Zwane.

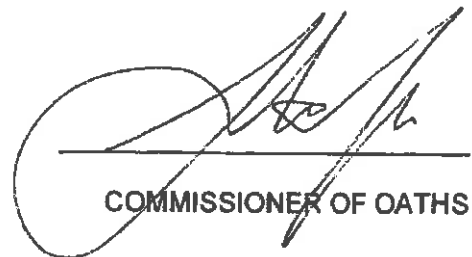
Signed at Randburg on this 24 day of July 2017.

BAT

DEPONENT

I CERTIFY that the deponent has acknowledged that ~~she~~ he knows and understands the contents of this Affidavit which was signed and sworn to before me at RANDBURG on this 24th day of JULY 2017, the regulations contained in Government Notice No. R35 dated the 14 March 1980 having been complied with.

ANDREA KORFF
PRAKTISERENDE PROKUREUR/PRACTISING ATTORNEY RSA
KOMMISSARIS VAN EDE/COMMISSIONER OF OATHS
1085 JUSTICE MAHOMED STREET
BROOKLYN
TEL: 087 701 5874



COMMISSIONER OF OATHS

MJZ 1

From: Tony Gupta
Sent: Saturday, 01 August 2015 6:15 AM
To: duduzani.zuma@gmail.com
Subject: Fwd: CV of MJ Zwane
Attachments: ZWANE.doc; ATT00001.htm

Begin forwarded message:

From: France Oupa Mokoena <fkoena@gmail.com>
Date: 01 August 2015 at 0:45:46 SAST
To: <tony@sahara.co.za>
Subject: CV of MJ Zwane

Please find attached the CV of Mr Mosebenzi Zwane for your attention

--

Kind Regards

FO Mokoena
Director

Koena Consulting and Property Developers
PO Box 605
VREDE 9835
082 927 0812 C
058 913 3560 T
086 768 7754 F

--

This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
85 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

--

This message has been scanned for viruses and dangerous content by MailScanner, and is believed to be clean.

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa



CURRICULUM VITAE OF MOSEBENZI JOSEPH ZWANE

1. Personal details

Full names: Mosebengi Joseph Zwane
 ID No: 6712105354082
 Address: 603 Oosthuyzen Street
 Warden
 9890
 Cell: 072 661 4458
 Licence: Code C1 (10)
 E-mail address: mosebengiz.mail@gmail.com

2. Qualifications/ Certificates

- Teacher's diploma with South African teachers college
- Executive leadership and management with the University of Pretoria
- Certificate in Financial Management with Flemish government
- B.Com in finance management with Unisa not completed

3. Educational History

High School in Evungwini Secondary School – Vrede 1988

4. Work Experience

Eleven years teaching experience at the following schools

- Zoetvlei primary school 1989 – 1996
- Roadside Intermediate school 1996 – 2000

1995 – 2000 A councilor with Riemland rural council and Eastern Free State district council

2000 – 2005 A Member of mayoral committee of Thabo Mofutsanyana district responsible for finance

2006 – 2008 Executive Mayor in Thabo Mofutsanyana District

2009 – 2013 Executive Member in the Free State Executive responsible for Cooperative Government and Human Settlement , Agriculture , Economic Development.

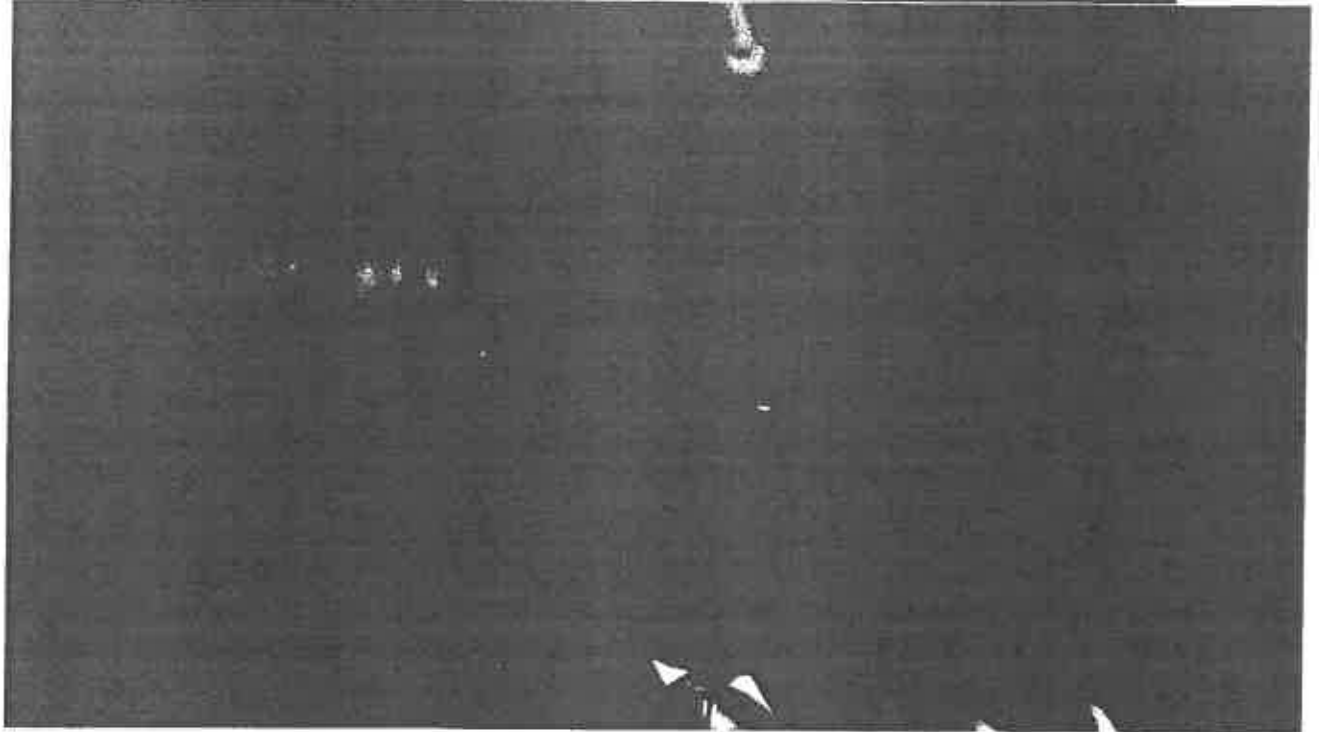
2014 Current member of Executive responsible for Agriculture

5. Political Career

- South African Civic Association secretary 1989
- A member of African National Congress since 1990
- Chairperson of African National Congress Roadside branch
- An additional member of the ANC Frankfort region 1992
- Regional Secretary of ANC Frankfort Region 1995 - 2000
- Regional working committee of Thabo Mofutsanyana region 2000 – 2002
- Chairperson of Thabo Mofutsanyana region 2002 – 2012
- ANC Provincial Treasurer since 20012 to date

HOME

[EXCLUSIVE] HOW BRIAN MOLEFE 'HELPED' GUPTA OPTIMUM HEIST



SHAREFACEBOOKTWITTERGOOGLE+EMAIL

Former Mining Minister Ngoako Ramatlhodi has made damning new allegations that Eskom chief executive Brian Molefe and chair Ben Ngubane effectively pressed him to blackmail resources giant Glencore.

When he did not comply, he says, President Jacob Zuma fired him within weeks.

At the time the Gupta family were angling to buy Optimum, the coal mine that supplies Eskom's Hendrina power station.

Glencore, which then owned Optimum, had placed it into business rescue in August after Molefe refused to renegotiate the price of a long-term supply contract and reinstated a disputed R2.17-billion penalty that Optimum supposedly owed for supplying substandard coal.

Speaking from Limpopo on Friday, Ramatlhodi, then minister of mineral resources, said he met with Molefe and Ngubane at the latter's insistence.

At the meeting, they allegedly demanded that he suspend all Glencore's mining licences in South Africa, pending the payment of the R2.17-billion penalty.

Eskom had tried to issue a legal summons for the penalty on 5 August 2015, but Optimum's business rescue practitioners, appointed only the day before, batted away the claim, citing legislation which restricts new claims once a company is in business rescue.

Glencore maintained the Hendrina contract was losing it R100-million a month and it could no longer support the losses.

Business rescue, an alternative to liquidation, puts independent managers in charge in an attempt to save a company.

Ramatlhodi told amaBhungane: "They insisted that I must suspend all the Glencore mining licences pending the payment of the R2-billion... You must remember that the country was undergoing load-shedding at that time. I said to them: how many mines do these people have supplying Eskom? How many more outages are we going to have?"

A suspension of all of Glencore's licenses would have brought Glencore's 14 coal operations to a standstill and risked the jobs of its 35 000 employees in South Africa. At the time Glencore supplied roughly 14% of Eskom's coal needs, including virtually all of the coal for the Hendrina power station.

Ramatlhodi said Ngubane was very insistent, but he refused: "I said I'm not going to shut the mines."

He said Ngubane then told him that he would have to report on their meeting to President Jacob Zuma straightaway as the president needed to be in the know before leaving on a foreign trip.

On 2 September 2015, Zuma arrived in China for a commemoration of victory over the Nazis in World War II. There he was due to meet Russian President Vladimir Putin.

Ramatlhodi said he was removed as mines minister shortly after Zuma's return.

Zuma announced unexpectedly on 22 September that year that Mosebenzi Zwane, a Free State politician linked to the Guptas, would replace Ramatlhodi.

Zuma moved Ramatlhodi to public service and administration at the time, but fired him along with finance minister Pravin Gordhan and other members of his cabinet earlier this year.

Eskom board spokesperson Khulani Qoma has vehemently rejected Ramatlhodi's allegations.

"It makes absolutely no sense that a mere chairman and group chief executive can exert 'pressure' on a sitting minister in an effort to subordinate him to their will. This

is a desperate allegation, devoid of logic, and all fair-minded citizens will find it impossible to believe it.

"In the desperation to drive these outlandish allegations, the president's name will always be used.

"Did amaBhungane bother to find out why he waited so long before he went public with his allegations or are you interested in the sensational nature of the allegations made?"

HIJACKING

However, Ramatlhodi's allegations add to a growing body of evidence suggesting that the Guptas' R2-billion buyout of Optimum should rank among South Africa's most audacious business hijackings.

AmaBhungane has pieced together the claims of how the family used its network of corporate and political pawns to strong-arm Glencore, the world's toughest commodity trader, into a forced sale – and then syphon off millions in state-owned company contracts to pay the bill.

AmaBhungane has established that Trillian – the financial advisory group owned by the Guptas' inseparable business partner Salim Essa – received almost R300-million from Eskom during 2016 supposedly for consulting and advisory work, including a R30-million payment from Eskom on the day the Gupta consortium was due to pay for the mine. (See part two on Thursday: *Did Lynne Brown lie to parliament?*)

According to former public protector Thuli Madonsela's *State of Capture* report, the Trillian group, which had only been properly established on 1 March 2016, contributed a staggering R235-million towards the Optimum purchase price paid over on 14 April 2016.

Trillian has denied making any contribution towards buying Optimum, but has also refused to comment on the payments received from Eskom, claiming client confidentiality.

The story of the Optimum "heist" goes to the heart of four interlocking legal battles that have started to peel back the truth of claims of a grand Gupta conspiracy.

It also sets out the case that Molefe, Eskom's peek-a-boo chief executive, must answer.

First, there is Madonsela's *State of Capture* report, whose recommendation of a deeper judicial probe into state capture has been stymied by Zuma.

The president wants a court to review and overturn the public protector's findings.

Madonsela's report led to Molefe's resignation, but its juicy details seemed to disappear beneath the wake of a churning news cycle – until his reinstatement placed the evidence squarely at issue again.

Second, there is a suit and counter-suit between Trillian and rival consulting firm Regiments Capital. Essa, the Gupta associate, poached Regiments rainmaker Eric Wood to become Trillian's chief executive.

Third, there is a bid by Trillian to target a former Trillian executive turned whistleblower. Trillian has laid criminal charges and launched a civil suit against the whistleblower, who had made a set of disclosures to Madonsela's investigators.

In terms of an order by the Commission for Conciliation, Mediation and Arbitration, where she is claiming a constructive dismissal, the whistleblower may not be named.

Finally, there is an investigation by prominent advocate Geoff Budlender, appointed by Trillian chair Tokyo Sexwale, to conduct an internal probe of some of the state capture allegations.

AmaBhungane has woven together strands of information from these cases, combined with other independent sources, to put together a picture of the Guptas' mine grab.

THE SQUEEZE

To understand what happened, we need to go back to 17 April 2015, the day it was announced that Molefe, then chief executive of Transnet, would be seconded to take over at Eskom.

At the time Eskom and Glencore were in the final stages of a deal to reprice the coal supply agreement under which Optimum supplied the Hendrina power station.

Optimum had a long term "fixed-price" contract with Eskom that had become unaffordable.

In 2013 already Optimum had triggered a hardship clause of the contract, claiming that it was losing R166 per ton of coal, which would cost the company R881-million in losses in that year alone.

By the time Molefe arrived in April 2015, Eskom had carried out an audit of the business and agreed to a price increase that would see Optimum supply Hendrina "at cost" until December 2018. All that was left was for the Eskom board to approve the deal.

By this time Eskom had a new board, appointed late the previous year, to which Essa and the Guptas enjoyed an astonishing level of connection. This included their acknowledged friendship with Molefe and the presence of Mark Pamensky, who was also a director of the Guptas' Oakbay Resources and Energy.

The board did not approve the repriced deal. Instead, the matter was referred back to Molefe, the new chief executive. That is when Glencore's headache really began.

On 18 May 2015, Molefe told Optimum that Eskom would not be concluding any deal and would continue enforcing the existing coal supply agreement.

Optimum replied to Molefe four days later, stating that if Eskom persisted in its position, Glencore would be forced to place the mine into business rescue.

But Molefe shut the door. On 10 June he wrote back, unilaterally terminating the settlement process and reinstating the price and coal quality provisions of the Hendrina agreement.

Glencore appeared desperate to reach a solution. Global chief executive Ivan Glasenberg travelled to South Africa to meet with Molefe, before tabling a below-cost offer on 30 June 2015 that would see Eskom paying R300 per ton until December 2018.

Eskom was unmoved.

THE APPROACH - AND THE SQUEEZE IS TIGHTENED

The next day, 1 July, Glencore received a letter from auditors KPMG tabling a R2-billion offer for Optimum on behalf of clients wishing to remain anonymous. Later it would emerge that the anonymous clients were the Guptas. Glencore demurred, telling KPMG that Optimum was not for sale.

Two weeks later Eskom's lawyers wrote to Optimum telling it that Eskom was reinstating a R2.17-billion penalty dating back to March 2012, when Optimum's coal allegedly started failing to meet Eskom's required quality. This was the last straw for Glencore, whose board on 31 July decided to place Optimum in business rescue.

But the Gupta axis was also busy.

On 2 August, Molefe and Ajay Gupta spoke on the phone, according to Madonsela's *State of Capture* report. This was the first of 78 telephonic contacts between Molefe and the Gupta brothers or their lieutenants between August 2015 and April 2016 which the public protector enumerated.

Molefe has never provided an explanation for these contacts, which took place when Eskom, Glencore and the Guptas were locked in a furious battle over the future of Optimum.

AmaBhungane invited him to provide his version of events, but he did not respond.

On 3 August 2015, the department of mineral resources suspended Optimum's mining licence, accusing the company of illegally retrenching employees.

The next day Piers Marsden and Peter van der Steen were appointed as joint business rescue practitioners, meaning that Glencore also gave up management control of the company.

The move was in the nick of time.

On 5 August Eskom served a legal summons on Optimum demanding R 2 176 530 611.99 – but now the business rescue practitioners wrote back, pointing out that no

legal proceedings could be instituted against a company in business rescue without the consent of the practitioners or a court.

Coincidentally that same morning Molefe was in Saxonwold, cellmast records accessed by the public protector showed.

AmaBhungane pointed out to Molefe on Friday that a reasonable person might deduce that these were instances where he was in contact with the Gupta family, and invited him to provide an alternative narrative.

He has previously avoided doing so, suggesting he could theoretically have been attending the now fabled "Saxonwold Shebeen". Our invitation to Molefe went unanswered.

Although the game had changed now that Optimum was in business rescue, Eskom still had a powerful bargaining chip – in 2008 Optimum Coal Holdings, through which Glencore owned Optimum, gave Eskom a guarantee that if Optimum went into liquidation before the end of the coal contract in 2018, the holding company would step in and cover the costs.

Even with less than three years left on the contract, the guarantee could have cost the holding company several billion rand, quickly wiping out the other valuable assets in the group.

In short, Optimum's only option was to negotiate with Eskom. But Molefe, it turned out, was not in the mood to negotiate.

On 7 August 2015, four days after his department had caused operations to be suspended at Optimum, Ramathodi may have set the scene for his removal by reinstating Glencore's mining licence for Optimum.

Following that, according to Madonsela's report, there was a flurry of contact between Molefe and the Saxonwold gang.

On 13 August, Molefe and Gupta executive Nazeem Howa communicated on the phone.

On 17, 18 and 23 August Molefe was in Saxonwold. On 24 August Molefe and Howa were in contact four times.

By this time the war of attrition had escalated. Eskom had fallen behind paying Optimum for the Hendrina coal supply and the business rescue practitioners had in turn temporarily suspended coal deliveries to Hendrina.

On 28 August Molefe was in Saxonwold again and a few days later, around September 1, he and Eskom chair Ngubane allegedly met with Ramathodi to try to persuade him to shut down Glencore's other mines. Ramathodi refused. Three weeks later he was gone.

TREASURY COUP & TRILLIAN KNOWLEDGE

In the following months, the Guptas were busy shopping around for a new finance minister, according to Madonsela's report, while they were also facing competition from another bidder for Optimum.

The other bidder secured pole position by offering better terms than the Guptas, but by 23 October 2015, the business rescue practitioners were ready to negotiate with the Gupta consortium again.

According to an amaBhungane source close to the process, the other bidder pulled out after one meeting with Eskom.

On that same day, 23 October, came the alleged stunt that may have unravelled the whole plan.

Following an approach by Zuma's son Duduzane, then deputy finance minister Mcebisi Jonas made his fateful visit to Saxonwold.

Jonas says he was offered the finance minister position and a bribe. The Guptas deny this.

Jonas maintains he rejected the alleged offer and informed both then finance minister Nhlanhla Nene and his predecessor Pravin Gordhan about the incident.

It is at this point that the Trillian whistleblower's claims find traction, as she records how Wood, who was then still working for Regiments, was allegedly intimately aware of the Guptas' plans.

In her statement to the public protector she alleges: "On 26th October 2015, I was informed by my direct line manager, Eric Wood at Regiments Capital that the president of the Republic of South Africa was going to replace the finance minister: Nhlanhla Nene. He subsequently sent me an email outlining national treasury's new initiatives and his proposed fees for each initiative which he had drafted."

Wood had earlier the same morning sent a similar email to Essa, the Guptas' right-hand man, with a note saying, "Hi Salim... As discussed, I have quickly jotted down a few points for the FM..."

Four days later, on 30 October 2015, the man Zuma was to appoint as finance minister in December 2015 – Des van Rooyen – made his first appearance at Saxonwold, according to cell mast records obtained by the public protector.

Wood himself confirmed that the reference to "FM" in his email was a reference to the minister of finance, but in his affidavit delivered in the litigation between Trillian and Regiments, he insisted that he was referring to Nene, not Van Rooyen.

Nene, in a response to the *Sunday Times* earlier this year, denied he had discussed any such initiatives with Wood.

KOKO & DMR UP THE ANTE

During November, Eskom's newly appointed group executive for generation, Matshela Koko, appeared to push the business rescue practitioners to do a deal, warning: "It may also be an appropriate time for Eskom to review the engagement with Glencore from a portfolio perspective."

He pointed out that they had "an offer on the table" – from the Gupta consortium bidding for Optimum.

On 24 November 2015 Koko chaired a meeting with the business rescue practitioners and Gupta representatives.

Out of the blue Koko announced that Eskom believed that the Optimum coal mine would be financially viable only with the added benefit of Optimum Coal Terminal and Koorfontein coal mine to support it.

The coal export terminal and Koorfontein mine were profitable and were not in business rescue.

They were owned, like the Optimum mine, by Glencore, under the umbrella of Optimum Coal Holdings, but up to that point all negotiations were solely about the ring-fenced, loss-making Optimum mine.

Koko now told the meeting that Eskom would support the sale but only if the deal was done at the Optimum Coal Holdings level, including the two lucrative assets that Glencore was not keen to part with.

Koko insisted that he needed an answer by the weekend.

That weekend, beginning on Saturday, 28 November 2015, inspectors from the department of mineral resources, now under the control of Zwane, allegedly began visiting Glencore's other mines, carrying out inspections for non-compliance.

The department failed to respond to specific questions about this.

That Sunday, 29 November, Zwane boarded a commercial flight to Dubai.

On Monday, 30 November, Koko met the business rescue practitioners and Glencore's local chief executive Clinton Ephron at Eskom's Megawatt Park.

Ephron appeared to call Eskom's bluff.

It is understood that Ephron was sick of being bullied and told Koko that Glencore would take Optimum out of business rescue and fund the losses until the end of the contract in 2018.

The sale was off.

ZWANE, GLENCORE AND THE GUPTAS REACH A DEAL

According to an amaBhungane source familiar with the events, the plan was to tell the consortium of banks holding some R2-billion in Optimum debt that the sale was off and that Glencore would settle the debt itself, but required more time.

The message never made it through.

It is understood Ephron cancelled the meeting after receiving a call telling him to head directly to the airport to fly to Switzerland.

That same day, Zwane also boarded a commercial flight from Dubai to Zurich.

Madonsela recorded in her report: "Minister Zwane did in fact meet with Mr Glasenberg in Switzerland at the Dolder Hotel around 30 November 2015 to 5 December 2015. The other individuals present during said meeting/s was Mr Rajesh (Tony) Gupta) as well as Mr Essa."

On 7 December Zwane boarded a commercial flight from Dubai to Johannesburg. It is unclear how he got to Dubai from Zurich, as the *State of Capture* report revealed he did not use the commercial ticket his department had paid for.

On 8 December van Rooyen was in the vicinity of Saxonwold. On 9 December he was appointed finance minister.

On that day, according to the Trillian whistleblower statement, she was informed that opportunities from national treasury and state-owned companies would be channelled Trillian's way.

But, instead, there was massive pushback from the markets, business and from within the ANC.

On 14 December 2015, Zuma was forced to backtrack and replace van Rooyen with Gordhan.

Nevertheless, that same day the business rescue practitioners announced that a Gupta company had bought Optimum Coal Holdings for R2.1-billion.

The Guptas had got their mine – now they just had to find a way to pay for it. (*For that story, see part two on Thursday*)

Glencore declined to comment for this story.

The Gupta family and their corporate representatives have previously made it clear that they will no longer respond to amaBhungane.

Eskom board spokesman Qoma said: "All the matters raised by the State of Capture report have not been probed and therefore citing these as though they are legally legitimate, the requirement for a constitutional democracy, is absurd and dangerous. Also important to note that the Public Protector failed to ask for Molefe's version, which is in contravention of the Public Protector's Act."

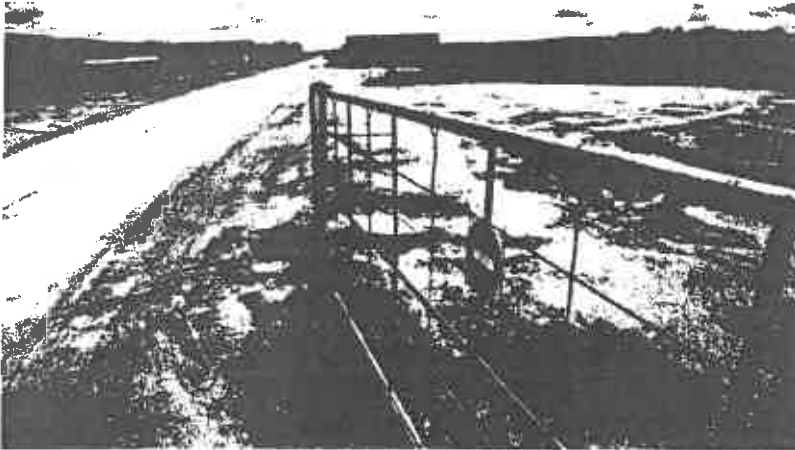


The amaBhungane Centre for Investigative Journalism produced this story. Like it? Be an amaB supporter and help us do more. Know more? Send us a tip-off.

NATIONAL

Free State dairy project damned in treasury investigation

Sam Sole, Tabelo Timse, Stefaans Brümmer 07 Feb 2014 00:00



A gate to Vrede, the farm given by the government to private company Estina rent free. (Delwyn Verasamy, M&G)

COMMENTS

A controversial R570-million Free State dairy project was riddled with irregularities, investigators for the national treasury have found.

Exclusive material from the investigation shows that the treasury launched a full-scale investigation of the Estina dairy following several *Mail & Guardian* exposés about it in mid-2013. The reports suggested the deal with Estina – a company without agricultural experience and led by a computer sales manager – flouted treasury rules and was designed to milk provincial government coffers.

The articles also flagged allegations of the Gupta family's proximity to the project and several of the role players.

Until recently, the treasury would not confirm that an investigation was taking place.

Now a document obtained by amaBhungane shows that in October last year a forensic team was dispatched by the treasury to Bloemfontein to question officials

about the bizarre contract to develop a large dairy and milk processing plant in the northeastern Free State town of Vrede.

Investigators were shocked by what they heard, including:

- The Free State agriculture department did not follow any supply-chain procedures when agreeing to fund the project through Estina, a private company;
- The department did no due diligence on Estina or its claimed partnership with Paras, a major dairy company in India. Paras subsequently denied any involvement;
- The Free State paid grants directly into Estina's bank account and the responsible official admitted she had no real evidence of how the money was being spent;
- A "feasibility study" was done only after the contract was signed;
- It appears the "loosely drafted" contract – skewed in Estina's favour – was drawn up by Premier Ace Magashule's legal adviser. The contract commits the department to shelling out R342-million and Estina will be billed for the balance of the R570-million project cost "if necessary";
- Small-scale farmers, who were supposed to be beneficiaries of a 51% share in the scheme, were only identified recently and the official could not explain how they were chosen; and
- Approval for the project was rushed through despite the fact there was no budget, no feasibility study and no urgency.

One of the investigators remarked in apparent exasperation: "Estina is using government's money to establish a plant, putting cows on land that is given by government rent-free. Now they get to make a fortune off the infrastructure."

The disclosures are made in a confidential transcript, which records an extraordinary interview with the Free State department of agriculture chief financial officer, Dipatle Dlamini.

Dlamini was questioned on October 9 2013 by two forensic executives, Suad Jacobs and Trevor Barnard, of the law firm Edward Nathan Sonnenberg (ENS).

ENS conducted other interviews – to which amaBhungane has not had access – and has since completed its report to the treasury.

It is not known what their final conclusions were.

Despite the damning admissions, the treasury seems hamstrung by devolved accountability that makes it difficult for the national department to intervene in provincial procurement.

Political sensitivities

There are also political sensitivities, given that the project is publicly associated with allies of President Jacob Zuma, including Magashule and the influential Gupta family.

Although there is no evidence that the Guptas are beneficiaries or involved in the irregularities, their proximity does raise the question of whether political connectivity played a role.

For months, the treasury refused to respond to questions from amaBhungane. When confronted with the evidence contained in the transcript, a source within the department confirmed that the issue was a political hot potato.

But the treasury spokesperson, Jabulani Sikhakhane, would only say: "National treasury is still studying the report, after which a decision will be made on the way forward."

The transcript reveals that the dairy project appears to have been conceived during a visit to India by senior department officials and the then agriculture MEC, Mosebenzi Zwane, whose home town is Vrede.

The trip was signed off by Magashule, a close ally of Zwane.

Following the visit, officials in Bloemfontein were summoned to a presentation on the dairy project by Estina on May 24 2012.

Just three days later, on May 27, the head of department wrote to Estina accepting the proposal. On June 13, Magashule's legislature approved the deal.

The Free State government failed to respond to detailed questions but appears determined to press on with the project.

In a written response to a question in the provincial legislature in November last year, the MEC for agriculture, Mamiki Qabathe, said the project should be

completed by July 2015. She detailed R114-million in expenditure so far, which includes 351 dairy cows at a cost of R6.2-million, a price that the opposition Democratic Alliance has noted is nearly double the market rate.

AmaBhungane was also told that about 30 cows and calves have already died – and this week saw many carcasses that had been dumped in a gully on the Vrede property. These losses suggest the project was poorly conceived and is being poorly run.

Other costs also seem inflated, such as a security gate and guard house for R2.6-million and a collection of basic tools – a spanner set and similar tools – for R2.5-million.

The doubtful beneficiaries

It appears there was a scramble to identify supposed beneficiaries of the dairy project only once the national treasury started asking difficult questions.

Local chair of the African Farmers Association of South Africa (Afasa) in Vrede, Ephraim Dlamini, told amaBhungane an urgent meeting was called in October last year by Mosebenzi Zwane, the former agriculture MEC.

"The hall was full of people, most I didn't know who they are. We were told to bring a copy of our IDs and you submitted names and addresses.

"Zwane gave a good speech about how we are going to be owners of this farm because we will own 51%. He begged us not to sell shares to anyone even if they offer millions.

"I warned people not to sign anything without fully understanding what is going on."

What breaks his heart, Dlamini said, is that people who had few cows sold them because they were promised they were going to get cows from the dairy, "but so far not a single person has received anything". He said beneficiaries appeared to have been "already chosen" by the politicians.

Dlamini said he understood that people were desperate: "But, by the look of things, this is not going to go anywhere and people will be worse off.

"Politicians don't understand ... these are people's lives. They have this habit of doing things as if they have community support and then when they get caught they come to the people to legitimise these fly-by-night projects. It's nothing we haven't seen before." – amaBhungane reporters

Mass grave points to daily deaths

Mystery surrounds a stinking stack of nearly 30 dead cows that were dumped in a ditch on the Vrede dairy farm project on the outskirts of the northeastern Free State town. The place where the animals were dumped is about four metres away from a river that provides Vrede with its drinking water.

It is clear from the state of some of the carcasses that some of the animals died quite recently, even as late as Wednesday, February 5. The site, visited by amaBhungane this week, is not far from the actual dairy where the more than 300 cows are milked, and backs up rumours that cows are dying on an almost daily basis on the controversial farm. Residents of the nearby Thembelihle township said they were concerned that diseases might spread as no one could offer any explanation for the deaths.

Along the R34 national road from Vrede to Newcastle, amaBhungane used the second entrance to the Vrede dairy farm and had to walk for about 2km. The sickly odour was present way before the actual site. The section where the cows were dumped was not easy to find as it was hidden among patches of tall bluegum trees, with overgrown grass in the area.

The smelly ditch was infested with clouds of flies hovering over the piles of decomposing cows. It looked as though three of the carcasses were dumped quite recently. One of them, a Friesland dairy cow, lay on the flattened remains of many other decomposing cows. The ears of many of them had been cut off.

A source who did not want to be identified said the fact that the makeshift graveyard was situated so close to a strategic water source was a health hazard, especially if it rained.

AmaBhungane could not establish the cause of death as the farm's project manager, Chandrana Prasad, did not respond to questions.

Vrede's municipality could also not be reached for comment. – Tabela Timse

** Got a tip-off for us about this story? Email amabhungane@mg.co.za*



The *M&G* Centre for Investigative Journalism (amaBhungane) produced this story. All views are ours.

See www.amabhungane.co.za for our stories, activities and funding sources.

NEWS & ANALYSIS



R184m spent on Vrede Dairy Project - DA FState

Roy Jankielsohn
03 August 2015

Roy Jankielsohn says by the time the contract was cancelled ESTINA had not invested anything

Vrede Dairy Project controversy deepens - MEC's reply creates more questions than answers

03 August 2015

The Vrede Dairy Project continues to be shrouded in controversy. In replies to written questions posed in the legislature, the Department of Agriculture and Rural Development have admitted to have initially budgeted only R6 million for the project, but have so far spent R183 950 000 on this endeavour. They are continuing to spend money on the project that remains dependent on the Department.

In terms of a now cancelled agreement, an Indian company named ESTINA would have received a 49% share with a R228 million investment in the R570 million project, while the 80 local beneficiaries would jointly have received 51% of the shares through a government investment of R342 million.

This implies that ESTINA would have obtained a 49% share with an investment of only 40% of the projected cost of the project. Without investing any money in the project, ESTINA received R183 950 000 as the implementing agent to develop infrastructure and purchase some dairy cattle. ESTINA was thus the implementing agent and shareholder until the contract was cancelled.

The management of the project has subsequently been taken over by the Free State Development Corporation (FDC). The FDC have indicated that the cow housing shed is inadequate, and that the processing plant that was built by ESTINA would require additional investment should research that is required indicate that it is at all viable. The replies also state that the project is a "community project", however the FDC have admitted in a meeting of the Portfolio Committee for Economic Development in the Free State Legislature that none of the 80 beneficiaries are currently involved this project.

The replies also indicate that National Government discontinued its support for the project after a National Treasury investigation. Among the recommendations of the investigation was that the Head of the Department and Chief Finance Officer face disciplinary hearings. The MEC for Agriculture and Rural Development has however indicated in the reply that no disciplinary action will be instituted. The investigation was carried out at a cost of R868 447.33 and has subsequently been ignored.

The replies strengthen the DA's belief that the project was never meant to milk cows, but rather the taxpayers. The latest replies will be forwarded to the Public Protector for inclusion in her investigation and findings into this project.

Member of the Executive Council for Agriculture and Rural Development

FREE STATE PROVINCE

Dear B.F. Mothupi Table Assistant

Free State Legislature

RE: FREE STATE LEGISLATURE: QUESTION PAPER: WEDNESDAY, 04 MARCH 2015 [No 1-2015] SECOND SESSION, FIFTH LEGISLATURE

Question 2.1 What do the terms of the contract pertaining to the Vrede Dairy Project between the Provincial Government and ESTINA prescribe regarding the cancellation of the contract?

Answer: 2.1 Clause 11 of the Agreement: Termination of the Agreement clearly stipulates that:

11.1 The Parties shall have the right to terminate the Agreement without prejudice to any of its other rights upon the occurrence of any of the following acts:

11.1.1 On breach of this Agreement as stipulated in clause 10: Breach of the Agreement:

In the event of a breach by any one party of any of the terms and conditions of this Agreement and in the event that the said party fails to remedy such breach within ten (10) working days after receiving written notice from any other party to do so, the other party shall, without prejudice to any other rights that they may have, be entitled to exercise all or any of the following rights:

10.1 To terminate this Agreement with immediate effect without prejudice to any other rights it may have;

10.2 To suspend further payments to the defaulting party

11.1.2 On commencement of any action for the dissolution and/or liquidation of any one of the Parties, except for purpose of an amalgamation or restructuring approved in advance by the other Parties;

If any one party receives a court order to be placed under judicial management or to commence liquidation procedures that is not withdrawn or struck out within 5 (five) working days;

If a party informs the other Parties in writing that it is incapable of completing the project as described;

If it can be established that any one of the Parties acted dishonestly .

Upon the termination of this Agreement, the Parties agree to co-operate to conclude an orderly termination of their relationship.

Completion, suspension or termination of the Agreement shall not prejudice or affect the accrued rights or liabilities of the Parties.

Question 2.2. On what date was the contract cancelled?

Answer 2.2 The DEPARTMENT cancelled the Agreements with ESTINA (Pty) Ltd on the 13 August 2014

Question 2.3 Whether any claims were made by ESTINA against the Provincial Government regarding the cancellation of this contract; if so, (a) what is the nature of the claim, (b) the amount?

Answer 2.3 No claim was made by ESTINA since the cancellation of the contract.

Question 2.4 Whether the department intends to pay any amounts relating to this claim; if not, why not, if so, how much?

Answer 2.4 No claim was made by ESTINA since the cancellation of the contract.

Question 6.1 : Whether the disciplinary action was instituted against Senior Officials, as recommended in a report following investigations by the Office of the Accountant General in the department of National Treasury into the appointment of Estina as a partner in the Vrede Dairy project, if not, why not, if so, what are the relevant details?

Answer (6.1): No disciplinary action was instituted.

0.66 Question: 1) Whether, with regard to Estina being appointed as both the (i) service provider and (ii) partner in the Vrede Dairy Project, any supply chain management

procedures were followed with the appointment, if not, (a), who appointed Estina, and (b) on what grounds, if so, what are the relevant details?

Answer 1: Yes, Supply Chain Management procedures were followed through the approval of the deviation by the accounting officer as prescribed in the treasury regulations.

2) Is the Vrede Dairy Project a (i) Public Private Partnership or a (ii) sole service provider?

Answer 2) No, it is a Community Project.

Question 3: Whether Estina made any financial contributions to the project, if not, why not, if so, (a) what amounts, (b) on what dates were payments made and (c), in terms of what were the payments made?

Answer 3) Estina was to make contributions into the second phase which is dairy value-chain processing plant. However the contract was terminated before the completion of phase 2 of the project.

Question 4: Why were two contracts with Estina signed by the Head of the Department?

Answer 4) Only one agreement was signed with Estina.

0.68 Questions 1) Whether, with regards to the department's invested funds into the Vrede Dairy Project, was budget available for the project when the agreement with Estina was signed, if not, why not, if so, (a) how much money was made available and (b), how much money has been invested in the project up date?

Answer 1) Yes, an initial budget was made available by the department and latter upgraded to a Mega Project, (a) an initial amount of R6,000,000 was budgeted for Vrede Dairy, (b) a total of R183,950,000.00 has been invested so far at the Vrede Dairy Project.

Whether the national government has ceased investment in the project, if so, what were reasons given for this?

Answer 2) Yes, due to National Treasury investigations.

Whether the department made any payment to Estina, if so, how much money was paid?

Answer 3) Payments were only made for the implementation of the Vrede Dairy project development.

Whether these payments were made based on any deliverable, if so, what were the deliverables, if not, on what basis were payments made?

Answer 4) Dairy farm perimeter fence constructed, 2 x dairy parlours were developed (1 milking parlour 18- animals at one time and the second milking parlour 70 cows at the go), 800 dairy and the milk processing facility and cows were purchased. Machineries and implements were also purchased for the establishment of the pastures, office equipments and farming equipments.

068. Question: 1) What criteria was used to identify the local beneficiaries for participating in the Vrede Dairy Project?

Answer: 1) A criteria used were based and focused on the following ; focused on those people who demonstrated as having experience in working in dairies fanns, those who were engaged in dairy farming business before, and those who are currently in the dairy farming businesses. The beneficiaries that were prioritized are coming from nearby fanning areas such as Vrede, Memel and Warden,

Yours Sincerely,

Me S M Mlamleli

Acting MEC Agriculture and Rural Development

28/04/2015

ENDS

Statement issued by Roy Jankielsohn, DA Leader of the Official Opposition Free State Legislature August 3 2015

DAILY MAVERICK

SCORPIO

amaBhungane and Scorpio #GuptaLeaks: Despite denials, Free State dairy farm was huge cash spinner for Guptas

- AMABHUNGANE & SCORPIO
- SCORPIO
- 05 JUN 2017 01:19 (SOUTH AFRICA)

551 Reactions



The e-mails and documents leaked from the heart of the Gupta empire provide mounting evidence that the president's friends amassed a fortune offshore by preying on South African state contracts using their political contacts. By AMABHUNGANE and SCORPIO.

Now we can show how taxpayers were bled via a controversial dairy project. The evidence shows:

- R84-million was sucked to a Gupta offshore company after the Free State government paid R114-million to a contractor.
- Mosebenzi Zwane went on a Gupta-sponsored India jaunt after the provincial agriculture department, where he was MEC, approved the project.

The #GuptaLeaks have unravelled four years worth of denials by the Gupta spin machine over the family's involvement in the controversial dairy project at Vrede in the Free State.

The project got embroiled in controversy when it emerged in 2013 that the provincial government gave an unknown company, Estina (Pty) Ltd, free agricultural land and promised it hundreds of millions in funding, without a tender.

There were signs of Gupta involvement, but the family denied any connection save for a R138,000 consulting contract.

ADVERTISING

That, as it turns out, was a multimillion rand lie. Dozens of e-mails, invoices and other documents show the family had significant control over the scheme – and sucked some R84-million to a company they controlled in the United Arab Emirates (UAE).

The #GuptaLeaks also bolster evidence that provincial politicians were “captured” by the Guptas – including Mosebenzi Zwane, now South Africa's mineral resources minister.

Zwane, then Free State MEC for agriculture, drove the provincial government to adopt the project in June 2012. In October that year, the Guptas took him and his gospel choir on an all-expenses-paid Indian tour.

amaBhungane revealed in 2013 how the provincial government had gifted Estina, whose sole director was an IT salesman with no farming experience, a free 99-year lease to a 4,400-hectare farm outside Vrede, Zwane's home town.

It also promised Estina R114-million a year for three years to set up a farming operation and dairy, whose supposed purpose was to empower locals and boost provincial agriculture.

amaBhungane established at the time that Estina had an address also used by Gupta companies and that Kamal Vasram, its sole director, had ties to the Guptas.

Vasram repeated the Gupta line that the controversial family was not involved, telling amaBhungane at the time: “I wish to categorically state that they are not involved in any manner in this project.”

The #GuptaLeaks offer a different take:

The Gupta brothers and a number of senior Gupta employees were involved in matters as diverse as recruiting staff for Estina from India; getting them work permits; approving a contract worker’s salary, and being approached for advice regarding an employee’s dismissal.

They also applied for a bank loan for Estina, while Gupta company Sahara hosted Estina’s accounting software.

Following the money

By the time Estina was kicked off the project in 2014 following a national Treasury probe and amaBhungane’s exposure of dead cows being dumped in a ditch, the provincial government had paid Estina about R184-million in taxpayers’ money.

The #GuptaLeaks open a window on what happened to a large chunk of that money, supporting the impression that the Guptas not only controlled Estina, but were the primary beneficiaries.

Zwane’s successor as agriculture MEC, Mamiki Qabathe, answered questions in the provincial legislature in November 2013, saying that by then a total of R114-million – tranches of R30-million and R84-million – had been transferred to Estina.

Spreadsheets in the #GuptaLeaks show a total of \$8.35-million – equal to the R84-million second tranche at the exchange rate then – hitting the account of a company called Gateway Ltd in August and September 2013.

Gateway is registered in Ras al-Khaima, one of seven emirates making up the UAE and a highly secretive offshore company jurisdiction. Gateway appears to be little more than a Gupta front; it is among a number of UAE companies administered by a man who, the #GuptaLeaks show, is a Gupta subordinate.

Part of the R84-million appears to have gone to an engineering firm in Saharanpur, the Guptas’ home town in India. It went like this:

Further correspondence shows that Gateway ordered the plant from Star Engineering in Saharanpur. A representative from the firm asked for questions to be emailed, but had not replied by the time of publication.

And so, it appears that of the R84-million remitted to the UAE, R34-million was for actual dairy equipment – although how much was paid to Star Engineering and how much Gateway kept as a mark-up remains to be seen.

What happened to the remaining R50-million Estina remitted to Gateway is not clear.

Although there was some construction at the farm and some cows were bought, the full use of the remaining R100-million from the total R184-million that the province paid Estina also remains unclear. On visits to Vrede at the time, amaBhungane did not encounter development suggested by that level of expenditure.

Who pays the piper

Further evidence of the Guptas' control over the project is revealed by #GuptaLeaks information about some Gupta firms' relationship with Vasram, Estina's director. During the Estina saga, there were ongoing large orders from the Guptas' Sahara Computers for IT equipment from Toshiba, represented by Vasram. E-mails also listed apparent transfers totalling millions of rand from Gupta companies to Vasram. Separately Vasram, using his Estina e-mail address, invoiced Gupta company Linkway Trading monthly for "services rendered". Linkway is the company the Guptas acknowledged had done "consulting" on the dairy project in its early stages. Vasram's invoices, initially at R11,000 a month, started in May 2011, when Estina was negotiating the project with Zwane's Free State agriculture department, and continued until at least August 2012.

In early 2013 there were two more invoices from Vasram to Linkway, for amounts of around R50,000 each.

These invoices suggest that the Gupta consulting company paid Vasram fees for the Estina work – again upending his and the Guptas' insistence that Estina was his business and not theirs.

The #GuptaLeaks also give a view on the family's extensive political connectivity in the Free State. A June 2014 document titled "Indian delegation" described a Gupta employee – one of those involved in the Estina project – as "adviser to Free State Premier" Ace Magashule.

Magashule's son, meanwhile, was on the Gupta payroll – see The 'Gift' that keeps on giving.

As for Zwane's October 2012 India trip, e-mails and associated records show bookings for 24 or more travellers, including Zwane, at Oberoi hotels in different parts of India.

At one point, "M Zwan <zwanemail@gmail.com>" personally sent a list detailing which members of the party should share rooms and who should get their own. Tour programmes circulated included visits to the Taj Mahal and the "Kingdom of Dreams", as well as "Mr Gupta house for dinner".

In 2013, amaBhungane received information that Zwane was on the trip; that Gupta newspaper *The New Age* had sponsored caps and T-shirts, and that members from the Umsingizane gospel choir and officials from the Free State's agriculture department were part of the group.

Umsingizane was apparently the brainchild of Zwane, who used it to develop and promote gospel musicians. His agriculture department subsequently adopted the choir.

Responses ... or not

Vasram and Zwane did not respond to queries from amaBhungane.

Magashule's spokesperson issued a statement saying he "has noted the so-called email communications...

"The Free State provincial government has noted that the relevant authorities, including the Directorate of Priority Crime Investigations (Hawks), have embarked on investigations which are intended to test the validity and authenticity of such e-mails. Until such investigations are concluded, the premier and the Free State provincial government shall not respond to enquiries relating to the sources, content or allegations emanating from these 'leaked' e-mails."

Gupta lawyer Gert van der Merwe also responded in general terms, saying in a phone call that it would be "inappropriate" to comment on claims about his clients:

"I will be more than just a cowboy to respond because I have no documents or context or instructions. It is inappropriate."

Van der Merwe said: "One finds oneself in an unfortunate position, to answer on the record on the documents when people can't say where they got the documents. It is unreasonable even in this day and age to answer to documents held in secrecy."¹⁶

He added that he had advised his clients to obtain the leaked e-mails – and that they had on Saturday “mounted an effort to get hold of them”. **DM**

Photo: President Jacob Zuma and Minister of Mineral Resources Mosebenzi Joseph Zwane during the swearing-in ceremony of New Minister of Mineral Resources at the Union Buildings in Pretoria. South Africa. 23/09/2015. Siyabulela Duda

- Scorpio is the Daily Maverick’s new investigative unit. If you’d like to support its work, [click here](#).
- The amaBhungane Centre for Investigative Journalism is an independent non-profit. Be an amaB supporter to help it do more. Sign up for its newsletter to get more.

MJZ 7

From: Beverley Hardie<beverleyh@sahara.co.za>
Sent on: Friday, August 10, 2012 1:14:16 PM
To: Ashu
Subject: Documents for Parth Yadav
Attachments: image001.gif (56.11 KB), Estina Motivational Letter - Parth Yadav.docx (15.64 KB), Estina Motivational Letter to waive registration with a professional body - Parth Yadav.docx (15.96 KB), Estina Motivational Letter to waive submission of Cert from Dept Labour - Parth Yadav.docx (15.02 KB), Estina Motivational Letter to waive submission of original advert and sub categories - Parth Yadav.docx (14.95 KB), Estina Motivational Letter to waive submission of proof of qualification - Parth Yadav.docx (14.79 KB), Estina Request for a Waiver - Work Permit Applic - Parth Yadav.docx (12.46 KB), fileno 0 (0 Bytes), fileno 1 (0 Bytes)

Hi Sir

Attached herewith please find the documents to be put on Letterhead for Parth Yadav.

Thanks and kind regards

Beverley Hardie |Warranties Manager

beverleyh@sahara.co.za|011 542 1139

IMG [489]

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd

89 Gazelle Avenue, Corporate Park, Midrand, South Africa

Private Bag X180, Halfway House, 1685, South Africa

MJZ-8A

**DEPARTMENT OF HOME AFFAIRS
WAIVER DEPARTMENT**

Date: 10 August 2012

Dear Sir

RE: REQUEST FOR A WAIVER

Estina (Pty) Ltd would like to request a waiver for Parth Brat Yadav, he has signed a contract with the company and this is the reason why we are requesting a waiver. He is a very hard worker and has been a good asset to the Company thus far.

NAME: PARTH BRAT YADAV
PASSPORT NUMBER: G5313888
DATE OF BIRTH: 04/03/1984

Estina (Pty) Ltd writes this letter to request you to please waive the following requirements for a work permit:

- Certification by Department of Labour
- Submission of Original Advertisement (and sub categories)
- Undertaking to register with a professional body
- Proof of Qualifications Evaluation

Attached herewith please find motivational letters for the above requests. We trust this letter will receive your required time and response.

Kindest regards

Mr Ashu Chawla
Chief Operations Officer



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

270 Maggs Street, Walfloo, Private Bag X114, PRETORIA, 0001
Parliamentary Office, 120 Plein Street, Private Bag X9048, Cape Town, 8000
Tel: (012) 406 4426 Fax 086 659 2962

REF NO: RSA 860/2012/TRP

Mr K Vasram
Estina (Pty) Ltd
111 Shimbali Sand
Navisha Road
SUNNINGHILL
2197

Email: info@estina.co.za

Dear Mr Vasram

WAIVER REQUEST: MR CHANDRAMA PRASAD (1946/03/01)

Your communication in the above regard dated 10 August 2012 refers.

Having considered all the information at my disposal, I wish to inform you that I have decided to waive the following requirements, in order to allow Mr Prasad to submit an application for a general work permit in terms of section 19(2) of the Immigration Act, 2002 (Act No 13 of 2002) to be employed by ESTINA (PTY) LTD as a PROJECT CO-ORDINATOR for a period of two years.

- Regulation 16(4)(b): "Proof of qualifications evaluated by the South African Qualifications Authority and translated by a sworn translator into one of the official languages of the Republic";
- Regulation 16(4)(e): "Proof of publication of an advertisement in the national printed media";
- Regulation 16(4)(g): "If required by law, proof of registration with the relevant professional body, council or board";
- Regulation 16(4)(i): "A certificate from the Department of Labour or an extract from the database of a salary benchmarking organisation stipulating the average salary earned by employees occupying similar positions in the Republic."

However, since Mr Prasad entered the Republic of South Africa on a restricted visa, he will have to submit his application for a general work permit in his country of origin or permanent residence. He will also have to comply with the remainder of the requirements prescribed in the Immigration Regulations to enable the Department to make an informed decision when the application is considered and finalised.

Yours sincerely


R REYNEKE
p.p. DIRECTOR-GENERAL
DATE: 2012/08/20



home affairs

Department:
Home Affairs
REPUBLIC OF SOUTH AFRICA

270 Maggs Street, Walfloo, Private Bag X114, PRETORIA, 0001
Parliamentary Office, 120 Plein Street, Private Bag X9048, Cape Town, 8000
Tel: (012) 406 4426 Fax 086 659 2962

REF NO: RSA 861/2012/TRP

Mr K Vasram
Estina (Pty) Ltd
111 Shimbali Sand
Navisha Road
SUNNINGHILL
2197

Email: info@estina.co.za

Dear Mr Vasram

WAIVER REQUEST: MR RAMJEET SHARMA (1948/07/05)

Your communication in the above regard dated 10 August 2012 refers.

Having considered all the information at my disposal, I wish to inform you that I have decided to waive the following requirements, in order to allow Mr Sharma to submit an application for a general work permit in terms of section 19(2) of the Immigration Act, 2002 (Act No 13 of 2002) to be employed by ESTINA (PTY) LTD as a **MANAGING EXECUTIVE – DAIRY PRODUCTION** for a period of two years.

- **Regulation 16(4)(b):** "Proof of qualifications evaluated by the South African Qualifications Authority and translated by a sworn translator into one of the official languages of the Republic";
- **Regulation 16(4)(e):** "Proof of publication of an advertisement in the national printed media";
- **Regulation 16(4)(g):** "If required by law, proof of registration with the relevant professional body, council or board";
- **Regulation 16(4)(i):** "A certificate from the Department of Labour or an extract from the database of a salary benchmarking organisation stipulating the average salary earned by employees occupying similar positions in the Republic."

However, since Mr Sharma entered the Republic of South Africa on a restricted visa, he will have to submit his application for a general work permit in his country of origin or permanent residence. He will also have to comply with the remainder of the requirements prescribed in the Immigration Regulations to enable the Department to make an informed decision when the application is considered and finalised.

Yours sincerely


R REYNEKE
p.p. DIRECTOR-GENERAL

DATE: 2012/08/20

MJZ 9

Unit 111 Shimbali Sands, Navalsha Road,
Sunninghill
Johannesburg

CURRICULUM VITAE

Kamal Vasram

PERSONAL INFORMATION

- Contact Number(s)**
- +27843061414
- E-mail Address**
- KAMAL.VASRAM@GMAIL.COM
 - KVASRAM@LENOVO.COM
- Date of Birth**
- 25 JUNE 1979

CAREER OBJECTIVE

Expert in driving sales, expansion and profitability in start-up, turnaround and growth environments. Consistent peak performer and visionary sales leader with advanced skills in strategic and tactical planning, resource allocation and management, change management, product development and launch. Solid business acumen combines with particularly strong relationship management and talent for revitalizing, building and developing teams that achieve impressive revenue gains within highly competitive markets/industries. Full complement of executive leadership competencies in technology organizations. To be an integral part of a dynamic institution where my enthusiasm and hard work will lead to success.

I need to be part of a progressive team where creative thinking and collaboration solves problems and contributes to the well being of the company.

- I am allowed to work anywhere in South Africa.
- I am available and will consider ALL suitable positions.

Sunbay Pty Ltd
Director &
Founder

Successfully Bid & Won the supply of 5000 Notebook Computers to the Dept of Education

- Successfully executed 48hour role out plan of 5000 Notebook computers across the Freestate province.

Successfully Bid & Won an MMS based billing solution to reduce provincial government's Paper based billing costs up 50%.

- Successfully executed on POC on 34k rate payers in under 5 days.
- Cost Reduction of R25mil per month

Successfully BID & Shortlisted to provide end to end technology audit for the Dept of health Freestate.

Successfully BID & Won technology consulting service to provide Brettenwood Estate Kwa-Zulu Natal with the 1st Wi-Fi Mesh Estate in South Africa.

- Implementation and complete role out of 10 hectares estate in less than 3 weeks.

Successfully BID & Won the construction consulting procurement services of the development of a trade centre situated in Pretoria north.

- Reduced clients projected capital costs by 25% on procurement of raw materials & heavy machinery needed to develop the centre.

Estina Pty Ltd
Director &
Founder

Developed an automated in house safe solution with ARAM SA Pty Ltd for day to day cash disbursement at South African post offices to reduce theft and security risk.

- Implemented across 38 sites in South Africa
- Successfully reduced cash in transit insurance by 80%

CAREER PROGRESSION [Starting with most recent position held]

Feb 2012 – Current Lenovo Corporation : SSSA - Retail Manager

Promoted to provide turnaround leadership and jump start sales which were completely flat. Rebuilt, trained and energized the sales group to produce results—providing vision, strategy and structure that the sales organization did not previously have.

Overhauled and instituted new sales processes; created Major and Regional Accounts groups, including a new incentive plan based on growth achieved. Hired top performers and managed sales team of 20.

Developed and strengthened sales force through training program implementation (Target Account Selling to Senior-Level Executives).

Key Activities :

- Archiving all sales targets including value, volume, profitability, new partner recruitment, option sales and development of new Channels
- Managing relationships with major local and international Channels/Retailers
 - Engage Retailers and Distributors to develop the end to end process for success in the market
 - Developing the business strategy and have end to end ownership and accountability for the complete ownership of the Sales Process
 - Putting in place processes and procedures to ensure that major Retail Partner accounts are handled in the most effective way
 - Leading a cultural shift from a short term 'target driven' culture, to one of long term proactive relationship building
 - Defines and Reviews Key Performance Indicators to ensure the achievement of Lenovo's Retail Business growth targets
 - Ensures that, from an operational perspective, bottom line Profit is delivered, costs are controlled and margins are protected and maintained in-line with corporate objectives.
 - Building and delivering a 'meaningful' business model that is both transparent and robust.
 - Implements rigour and discipline around Business Partner management
 - Focuses on forecasting and pipeline-management
 - Analyzes complex/new situations, anticipates potential problems and future trends, and assesses opportunities impacts and risks.
 - Provide hands-on inspirational leadership to ensure that the business pulls in one direction to achieve targets and goals
 - Recruit, train, develop, manage and motivate the sales team

Oct 2010 to Feb 2012

• **Intel Corporation South Africa : Consumer Lead & Retail Marketing Manager**

Key Activities

Quarterly Retail Budget Spending Plan in cooperation w Internal Stakeholders (MNC, RCO, Telco teams etc)

All RSA Team Stakeholders know Integrated Consumer / Retail Plan in advance and agree before execution starts

Quarterly Business Review w top 2 accounts to agree on 2010 focus areas & strategies

Internal Account Review to agree on Strategies for key accounts

Timely actions under OpEx, Bpx guidance's

Influence of Customer Sell In line up for coming quarter

Align all Activities towards our Goals (Core Mix, MSS, Turbo Mix, IREP etc.)

Timely Reporting RSA Consumer / Retail Dynamics to get max support.

Attendance & Active Participation in Internal & External Meetings.

Successful and Timely implementation of Retail Plans & Tools with high level engagement and good ROI for Intel.

Improve the balance of gives-and-gets in increasing the ROI and contribution to organization goals targets. Customer Engagement & Alignment in Exec Level. Expectations are to act as Trusted Advisor to Customer Execs and improve Strategic Alignment in highest level possible

More engagement with RSA Team, Agree on strategic consumer / retail directions before moving to actions. Alignment of all the stakeholders around his objectives, get their support and drive the stakeholders to reach the objectives.

Develop and implement new Consumer workforce with multiple strategic plans aligning with overall Intel SA Consumer Growth plans.

Responsible for the development and implementation of Intel's Consumer strategies for South Africa, managing all aspects of the business unit.

Co -Responsible for the Review and Implementation of policies - charting the blueprint of policies and implementing them for the improvement of the company.

Leading and managing the Consumer Team for Intel South Africa

Co Responsible for managing Intel's financial and physical resources and ensuring optimization

Responsible for the achievement of all revenue, unit, programmatic and other targets for the Consumer Dept.

Responsible for all strategic and tactical operations of the business

Responsible for all financial aspects of the business including reporting, POA requirements, BEE, profit and loss and legal requirements

Spokesperson representing Intel on all Consumer aspects of the business

High level and executive engagement with key industry players, fellow travellers and government

Responsible for the Communication flow - upwards and downwards in the company

Reporting to the Intel Consumer Director of META(Middle East Turkey and Africa)

July 2005– Oct
2010

- Intel Corporation South Africa : SSSA LOEM Manager
- Channel Mobile Lead

Developing and managing relationships at all levels within a customers' organization, decision makers in areas like Sales or Marketing, Technical, Purchasing and others, whilst achieving Sales Quota

set by Reseller Channel Manager. This job calls for creative campaigning to increase demand within vertical specific corporate accounts. The essential element of being able to develop and implement sales and marketing programs are integral for the success of this role. Drive joint sales engagement activities with partners to deliver on team-based revenue quota.

**Business Impact
/Achievements**

- Influencing In-House Industry Standards
- Positioning – messaging, platform transition strategy
- Market analysis (trends, customer needs, platform value prop)
- Competitive Environment Analysis
- Developing Go to Market strategies for new product launches with key accounts
- Competitive pricing Analysis
- Platform Bill Off Material analysis
- Account Supply and Product Forecasting
- Crafting and implementing sales and marketing programs
- Manage 10 channel accounts within SSSA
- Leading virtual teams responsible for the execution of programs
- Sell up & Grow footprint through expansion activities within account base.
- Managing / Planning Joint Marketing Campaigns through Intel Inside
- Develop campaigns to increase demand within vertical specific corporate accounts.
- Responsible for establishing and maintaining relationships with Channel in South Africa and with a view on Africa. Liaising with key account executives, understanding customer objectives, building strategy, marketing and sales activities, supporting business development and execute available tools. Drive awareness and ramp of new Intel technologies, platforms and products in Channel sales and marketing teams through training and sales programs. Responsible for both Enterprise and Consumer related programs
- Assist with the META Sales Strategy – part of the META virtual strategy team
- Develop and own the Channel strategy for South Africa– emphasis on developing the market by optimizing relationships
- Build executive relationships with the Multinationals – focus on becoming the 'partner of choice'
- Develop and drive programs to ensure growth in targeted segments in SA and SSA
- Facilitate and drive input from Global Account managers and META leads into local programs and initiatives
- Own the Channel budget and optimize spend from a ROI perspective
- Champion the investment funding(MDF) from EMEA and META leads – filter into SA and SSA

- Stretch Assignment - Develop, implement, measure and review the overall strategy as well as operating strategy for Intel for the country.

Q4,04 – Received an Award from Intel Reseller Channel Org Vice President for growing EPSD revenue by 25%

April 2009 –

Q1,05 – SMB Campaign was selected a Best Known Method in EMEA

June 2009

Q4, 05 –META Divisional Award for a competitive win in Botswana Government Project resulting in a win of 20k Mobile Units, first in Africa.

Q4, 06 – Received an award from the META Regional Director for role modeling key account management and MSS gain at Local Manufacturer (LOEM) Computers going from 70% in Q1 to 93% in Q2.

Q4, 07 – META Divisional Award for Excellence in execution of the 1st Integrated Marketing Campaign with a Key Account covering broad section of advertising work including TV, Radio, Billboard and print resulting in an increase in revenue on premium product.

**Impact
/Achievements**

- Successfully increased Local Manufacturer (LOEM) Computers IACPU sales out from 119ku in 2004, to 137ku sold in 2005 with a forecast of 50ku set for Q1, 06. Key part of this growth came from raising Local Manufacturer (LOEM)' visibility with Intel Executive Management and key stakeholders at a worldwide level, by arranging a customer strategy meeting with Sofia Chew, Jeff Hoogenboom, Maurits Tichelman.
- Planned and Co-hosted an annual Corporate End User Event with an objective of delivering the Intel Roadmap and exploring any current and forthcoming opportunities. As a result of the event RMB (Private Bank) migrated completely over a 12 month period to BTX – 600 PC's worth around \$120K plus 5 X Server's.
- **Telco Bundling** – Following the success of cold calling on a Telco Cell C and initiating a Telco Bundle with Local Manufacturer (LOEM) and Cell C in 2005 whereby 30ku mobile bundles were signed over a 12month period, together with Local Manufacturer (LOEM) management team we embarked on proposing a new bundle one that targeted SMB customers around SA promoting mobility. The campaign kicked off with the launch of number portability in Q3, 06 around South Africa and delivered 5ku Mobile upside in the first week of launch.

- **Leading in transition:** Together with the Country Marketing Manager / Retail Marketing Manager support I launched the most comprehensive integrated campaign in channel promoting C2D and local assembly. The campaign focused on education, transition and driving sales of Core 2 Duo through 25 mass store retail outlets around South Africa including 17 extended retail outlets as well. The campaign targeted 3 End User segment levels in retail through offerings such as cash buy out and in store finance. Programs used to build the campaign were Sigma and IIP. The campaign delivered \$150k tonnage from a single account Local Manufacturer (LOEM) in Q4, 06 and touched over 1 million people split between high traffic Shopping malls displaying and promoting C2D with radio and up to 54 billboards flighted around South Africa.

- **Teamwork:** I have managed to successfully integrate Influencer and RCO Teams by working on common goals such as securing first design win with Pinnacle Micro on VPro Platform with the South African police tender which resulted in 5ku initial order.
 - I worked with the **Country Marketing Team** to ensure 100% participation from covered accounts at our Paxville and Sonoma Launch with each customer showcasing different usage models around their product offering

- **Stakeholder Management-** Managed and led the 1st Country Visit by Worldwide Sales and Marketing Group Executive (Sean Maloney) successfully. The trip involved stringent logistics management, executive briefing and timeless execution of each key meeting scheduled.
 - **Mr. Craig R. Barrett Visit** – I represented the Reseller Channel Organization Team during **Mr. Craig R. Barrett's** Visit in December 2008 by taking ownership to lead and co-ordinate of the Wireless Campus Launch with the Influencer Team resulting in an A Rating from Craig Barrett for the entire trip.

- **Africa Teacher Program Development**
 - Develop Teacher Purchase Programs for SADC countries
 - Develop Eco system fulfillment models
 - Develop/Influence Government Assisted Purchase Programs
 - Risk Management on Eco System Enablement
 - Managing projects, driving programs, checking program progress and success
 - Analyzing, tracking and consolidating data
 - Generating reports for Strategic Market Development Program decisions
 - Preparation of presentations and reports
 - Interacting with internal and external stakeholders in order to coordinate activities

Hosted the Rwandan Delegation -The knowledge Centre Team hosted a workshop with key stakeholders from the Rwandan ministry of education. The Key objectives of the workshop were to promote the need for ICT their country as a competitive platform in the global arena. The agenda covered a broad spectrum of topics from 'Defining a country strategy' to rolling out accessibility programs.

Components I presented on during the workshop are listed below:

- The Economic importance of Education when competing in the global arena
- Defining you country strategy
- Why PC's for Teachers
- ICT in a classroom
- Importance of a Teacher Purchase Program / Student Purchase Program
- How to implement a Teacher Purchase Program and Student Purchase Program

Classmate Pilot Project endorsed by the president and minister of education. The ministry committed to the ICT integration in education within both primary and secondary levels. The ministry is very keen on trying the Skool content and would like to work on finding a sponsor to align to the local curriculum. Both the president and the minister of education are following the progress of the 1: 1 classmate pilot and anticipating results to move to the second phase.

**EMEA Strategic Pricing Analyst - Russia and Commonwealth of Independent States (RCIS) and European Union Region (EUR)
Intel Corporation United Kingdom**

Summary of Job Assignment

**Rotation
Assignment
Based UK
Swindon**

**October 2007 –
February 2008**

The Russia Commonwealth of Independent States Pricing Analyst is responsible for developing and implementing pricing solutions for Intel's customer base, influencing roadmap and product decisions, and providing pricing guidance to various stakeholders. This entails a thorough understanding of Intel's product line-up and strategy, analysis of competitive roadmaps, and knowledge of markets and market trends. The Pricing Analyst works closely with Intel's field sales organization, Microprocessor Marketing and Business Planning group, business operations, sales and product line senior management ,legal and finance groups, business development managers, various marketing organizations, and cross-geo counterparts.

Other responsibilities include pricing strategy, product positioning, market analysis and competitive response management of a channel region and/or key accounts requiring close co-operation with field management and corporate stakeholders as well as negotiation with customer executives up to CEO level. Pricing management for EUR (European Union Region)/mature market channel customers.

This required close liaison with the EMEA RCO Director and EUR RCO Sales Managers. This aspect of the role requires the pricing lineup and tactical deal management for hundreds of smaller customers (IPs) serviced through Intel's distribution channel. This required a proven market and competitive analysis skills, excellent relationship building capabilities, strong situational negotiation skills and rapid problem solving, multitasking and decision making.

Key Duties and Responsibilities

Development and Implementation of Pricing Solutions: The Pricing Analyst works closely with Intel's field sales organization to develop pricing solutions to competitive exposure. This involves detailed analysis of Intel and competitive product performance benchmarks, end-user market analysis (including system price points in various vertical markets), potential impact of decisions across Intel's customer base, and potential impact to subsequent platform generations. Additionally, the pricing manager works to ensure price competitiveness and increase average selling prices, with clear impact to Intel's earnings performance. The result of the analysis can be specific sku level pricing concessions (ECAPs), platform/generation level pricing agreements, or meet-comp programs for entire market segments. The Pricing Analyst works with legal and finance groups to determine accounting classifications as well as legal justification.

Influence Product Roadmap Decisions: The Pricing Analyst analyzes Intel's current product features and positioning, and how they compare to those of its competition, in order to make recommendations for future product roadmaps and pricing.

Pricing Guidance to Stakeholders: The Pricing Analyst forecasts future pricing and product positioning changes by analyzing historical trends, roadmaps, supply forecasts, and other current business factors. This is done to facilitate business planning and decisions for such items as demand collection, OEM platform development, and sales engagements.

January 2003 to June 2004 to **SMS&P Upper Mid Market Account Manager at Microsoft SA**
• **CS IT Solutions Microsoft Outsource**

Brought on board to rebuild and manage relationships with company's largest corporate accounts. Restored customer confidence while expanding account business through sale of new products. Tapped for promotion within 9 months.

- **Achieved 10% YOY growth**, building sales from \$10.8 million to \$12 million.
- **Produced 2 new contracts**, each one generating \$2 million annually for 3 years.
- **Instrumental in bringing to market a revolutionary new web-based product.**

•

Key Activities

- Generating business opportunities through various campaigns within Upper Mid market segment.
- Achieving Sales Quota set by Microsoft SMS&P Director and Mid Market group Manager
- Support team quota to ensure that the team achieves overall quota.
- Identify leads and grow them into qualified.
- Create MBS opportunities to MBS business
- Ensure that all opportunities passed to an appropriate partner (E-Channel).All processes and procedures when passing must be followed.
- Ensure that all leads passed onto a partner are tracked to a win or loss with the partner and customer
- Ensure accurate information is captured into the Siebel database.
- Ensure data integrity within Microsoft Global CRM system.
- Maintain professional conduct towards client, manager and colleagues.
- Transfer of knowledge with all staff and colleagues.
- Microsoft Licensing positioning within existing client base.
- Provide licensing back up for audits conducted during MS Legalization process.
- Provide Large Opportunity Managers with accurate data on assigned client profiles
- Manage licensing processes/Issues agreements for UMM customers
- Systematically build relationships with existing client portfolio through Microsoft partner channel.
- Monitor partner and partner's customer satisfaction
- Drive joint sales engagement with partners to deliver on team-based revenue quota
- Manage Partner pipeline.

**November 2001 to
December 2002**

- **Arrow Attach Distribution**
- **Key Accounts Manager**

Key Activities

- To provide sales, technical information and advice to existing and potential clients.
- Reporting to the National Sales Manager and working as part of a busy team, with the responsibilities that include preparation of technical quotations and customer liaising, to our clients throughout Johannesburg region.
- To promote the sales of company's products and services to existing and potential customers
- Looking after customers from a pre-sales technical perspective, resolving issues ensuring client satisfaction.
- To create new opportunities and uncover new accounts not already being serviced by cold calling on prospective accounts, often converting these from a competitor.
- To meet and exceed allocated sales targets by initially acquiring new clients and subsequently growing them, in the Johannesburg market.
- Establish and maintain a high level of customer trust and confidence through proactive account management.
Provide clients with guidance on their long-term sales strategy and goals.
- Design, Spec and quote on full solutions ranging from base components to workstations and enterprise solutions.
- Ensuring that clients can supply excellent product and services with value added support both on product and service levels.

**1 July 1999 to 31
August 2000** **Dealer Centre Manager**

Key Activities

- Ensuring consumables are constantly attainable to dealers as it contributed to 50% of the Dealer Centers revenue.
Provide in- house training on products such as HP, IBM, Compaq and Apple Mac.
- Making sure that rotational stock such as Microsoft Office Suites and Symantec reached Head Office for credit.
- Ensuring the stores layout and its merchandise stimulated and encouraged dealers to purchase, as a poor layout would have had adverse effects on the dealer centers business.
- Constant supply of marketing to material mainly to regular dealers,
- Achieving budgets set for the Dealer Centre.
Staff control of three employees including security.
- One of my greatest tasks given by the Branch Manager was Planning e.g. Setting goals, and developing strategies to achieve them even though I was not knowledgeable on the subject at the time. Translating strategies into detailed operational programs

and assuring that plans are carried out.

PROFESSIONAL STRENGTHS / SKILLS OVERVIEW

Management 2 years at Siltek Distribution Dynamics as the Dealer Centre Manager
[01 years]

Sales & Marketing

- Build customer base – Identify new business opportunities.
- Build customer relations.
- Detailing – Utilize promotional material during each sales call to ensure call effectiveness.

[09 years]

<p>Other</p> <ul style="list-style-type: none"> ▪ • Microsoft Sales and Licensing course • Emotional Intelligence • Effective Partnering • Stress and Life Balance • Microsoft Solutions Selling • Interpersonal Effectiveness • Crucial conversations • Forecasting and Pipeline management • Partner Business planning • Effective Interpersonal Communication • Constructive Confrontation • Executive Conversations • Coaching for Excellence 	<ul style="list-style-type: none"> CS Holdings Conemara CS Holdings Intel Swindon CS Hodilngs Intel Swindon MS Corporate Intel Germany Intel Egypt Intel Swindon Intel Swindon Intel Swindon Intel Swindon
--	---

Parth Brat Yadav

8, Nehru Nagar, Sadat Ghazipur (UP) India
 Email: parth.yadav27@gmail.com
 Mobile: 09410168527

Objective

To utilize my knowledge, skills & experience in the area of agricultural production & research in order to enhance business revenue for the organization oriented towards the mutual growth and learning.

Personal Details

Marital Status : unmarried
Date of Birth : 04th March 1984
Language : English and Hindi

Qualification

1. M.Sc.Ag (Agronomy) from college of agriculture, G.B.P.U.A.&T, Pantnagar,India with 80.77% marks (2007-2009)

Thesis title "Performance of various **Basmati Rice** genotypes under optimum and sub optimum levels of Nitrogen."

2. National Eligibility Test (NET-2010) Qualified.

3. B.Sc.Ag from college of agriculture, G.B.P.U.A.&T, Pantnagar,India with 75.95% marks(2003-2007)

4. Intermediate from Govt. Inter College, Khatima (US Nagar, Uttarakhand) with 69.80% marks (1998-2000).

5. High School from Govt. Inter College, Khatima (US Nagar, Uttarakhand) with 58% marks (1998).

Work History

No	Employer	Designation	Period
1	Animal Breeding Centre, Salon, Rae Bareli (India) unit of Animal Breeding Research Organization of India	Manager-I (Fodder Farm) Based at Raebareli (UP) India	Dec 2009 to Till date
2	Krishna Agri Business Services Haldwani (Nainital)	Flower Procurement & Marketing Manager (Part Time)	Jan, 07 to Dec 2008

Parth Brat Yadav

8, Nehru Nagar, Sadat Ghazipur (UP) India

Email: parth.yadav27@gmail.com

Mobile: 09410168527

PC Knowledge:

- Knowledge of working in fully computerized environment, MS office, Excel, Internet

Work Experiences

Agronomy

- Fodder Seed Production (around 70 MT per year) and their distribution
- Seed processing, seed certification and seed packaging
- Conducted trials related weed management, nutrient management and varieties trials etc
- Field Crop Production
- Fodder Research & Production
- Micro cum precession Irrigation Management
- Agricultural Farm Management

Horticulture

- Polyhouse Cultivation of Vegetables
- Cut Flower Production under protected environment.
- Drip irrigation of orchard
- Training on nursery raising of fruit plants under protected cultivation
- Visit to apple Orchard at Choupatia, Ranikhet
- Management of Aonla and Ber Orchard at present organization.

Others

- Training of farmers
- Front line demonstration on farmer's field
- Training of domestic food processing
- Plant Clinic
- Village attachment
- Field visit of progressive farmers
- Field Survey of sugarcane
- Practical Crop Production (seed production of Rice and Wheat) for one year.
- Training on seed quality control organized by NSC
- Internal Quality Auditor of ISO 9001- 2008 Quality Management System

(Parth Brat Yadav)

BIO-DATA

MJZ 11

1. Name : Dr. RAM JEET SHARMA
 2. Father's Name : Shri Chokhey Lal Sharma
 3. Date of Birth : July 05, 1948
 4. Present Address : Dr. Ram Jeet Sharma
 16, Shakti Nagar, Maholi Road,
 Distt.- Mathura, (U.P.)-281001
Contact No. 09412636032
 5. Permanent Address : Village - Rampur, P.O. Bhangra
 District – Aligarh (U.P.)
 6. Cast/Community : GEN (Hindu, Brahmin)
 7. Qualification : Ph. D.

8. Details of Examination Passed

Name of Examination	Year	College/ University	% of Marks	Div.	Specialization
1. High School	1963	J. I. C. Iglas, Aligarh	58.00	II	Agriculture
2. Intermediate	1965	J. I. C. Iglas, Aligarh	54.50	II	Agriculture
3. B. V. Sc.	1969	GBPUA & T, Pantnagar	75.00	I	Vety. Science
4. M. V. Sc.	1672	GBPUA & T, Pantnagar	75.31	I	Dairy Husb.
5 Ph. D.	1983	GBPUA & T, Pantnagar	84.75	I	Anim. Breeding

9. Experience

Name of Post	Duration From To		Name of Institute	Nature of Duties
Vety. Asstt. Surgeon	Jan. 1970	July 1970	Anim. Husb. Deptt. of U.P. Lucknow	Extension and development
Asstt. Extn. Sp. (Animal Breeding)	Feb. 1972	March 1974	GBPUA&T, Pantnagar	-do-
S.M.S. (Anim. Breeding)	March 1974	March 1986	-do-	Extension and teaching
Assoc. Prof. (Animal Breeding)	March 1986	Oct. 1986	-do-	Teaching and Research
Sr. Res. Officer (Livestock Mgmt.)	Oct. 1986	March 1996	Hill Campus Ranichauri	Teaching, Research and Extension
Professor LPM	March 1996	July 2008	College of Vety. Science Pantnagar	Teaching, Extension and Research
Head, LPM	Dec. 1997	July 05	-do-	Teaching, Extension and Research
Joint Director (Dairy & Poultry)	Aug. 2002	July 2005	-do-	Management of Dairy & Poultry Farm, Pantnagar
Dean, Vety.Sc.	Aug. 2005	July 2008	-do-	Administration

10. Published work

Name of Publication	No.	Name of Publication	No.
A. Book Published	06	G. Seminar & Workshop	29
B. Manuals Published	06	H. Training conducted	43
C. Booklet Published	06	I. Subject taught	20
D. Research Paper	32	J. P.G. students guided	08
E. Hindi Articles	90	K. Project handled	26
F. Leaflet & Folders	16		

11. Publication

Sr.	Authors	Year	Title	Published in
1.	R.J. Sharma, R.P. Chaudhary and R. Roy	29, Feb., 1984	Heterosis in growth traits of Dairy cattle	V th National Congress on Animal Reproduction, Pantnagar
2	R. Roy, S.P.S. Tomer, R.P. Chaudhary and R.J. Sharma	26-29 Feb., 1984	Heterosis in reproductive traits of Dairy cattle	V th National Congress on Animal Reproduction, Pantnagar
3	R.P. Chaudhary, R.J. Sharma and R. Roy	2-29 Feb., 1984	Heterosis in productive traits of crossbred cows.	V th National Congress on Animal Reproduction, Pantnagar
4	R.B. Prasad, R.J. Sharma and M.L. Verma	26-29 Feb., 1984	Productive behaviour and efficiency of artificial insemination in buffalo under rural conditions	V th National Congress on Animal Reproduction, Pantnagar
5	R.B. Prasad, R.J. Sharma and M.L. Verma	26-29 Feb., 1984	Artificial insemination efficiency under rural condition in non discript cows.	V th National Congress on Animal Reproduction, Pantnagar
6	R. Roy, S.P.S. Tomar. R.J. Sharma, V.P. Manglik and R.P. Chaudhary	1984	Factors affecting reproductive and productive traits in different crossbred dairy cattle.	Indian J. Animal Science 55(5) : 385-386
7	R. Roy, S.P.S. Tomar. R.J. Sharma, V.P. Manglik and R.P. Chaudhary	1984	Additive and hetrotic effects in economic traits in Sahiwal X Jersey crossbred cattle.	Indian J. of Animal Sci. 57(4) : 297-300
8	R.J. Sharma	1986	Problems and prospects of on	Practical training in straw treatment for

			farm testing of urea treatment methodology. Training programme on treatment of straws.	Vety. Officer of Indo-Swiss project on animal Husb. A.P.
9	R.B. Prasad and R.J. Sharma	April 1986	Cost of rearing dairy animal	Indian Farmer's Digest :9-10
10	R.J. Sharma and R.B. Prasad and R. Roy.	Oct. 1986	Seasonality of milk production	Indian Farmer's Digest :26-28
11	H.S. Chug, S.K. Tiwari and R.J. Sharma	March 1987	Economics of Piggery	Indian Farmer's Digest :14-18
12	R.C. Rathi and R.J. Sharma	1990	Inheritance of part lactation yield in Sahiwal and its crosses	Livestock Advisor. XV (XII) : 13-17
13	Vir Singh and Ramjeet Sharma	1992	Forest Livestock crop- human relationship and development of sustainable system	Economics in Himalaya
14	R.C. Rathi, R.J. Sharma, Vir Singh and Sarvesh chand Tripathi	1992	Genetic studies of reproductive traits in Sahiwal and its half bred.	Indian J. of Anim . Sci. 7 : 93-95
15	R.J. Sharma, Vir Singh, A.K. Singh and R.C. Rathi	1993	Livestock population, size and production performance : a case study of Garhwal Himalaya	Indian J. of Anim. Res. 27(2) : 111-112.
16	S.C. Tripathi, R.C. Rathi and R.J. Sharma	1992	Clinical trait with vetosterol in anoestrous buffaloes.	Indian J. of Vety. Med. Vol. 12 No. 1, pp. 1,3
17	A.K. Singh and R.J. Sharma	1993	Management practices in dairy animals.	I. F. D. Vol. XXVI N. 8, pp. 37-40
18	A.K. Singh and R.J. Sharma and Vir Singh	1994	Important breeds and breeding performance of rabbits	I. F. D. Vol. XXVII N. 7, p. 2-25
19	A.K. Singh and R.J. Sharma	1994	Preventive measures of clean milk production	I. F. D. Vol. XXVII N. 8, pp. 17-19
20	Vir Singh, R.J. Sharma nad Anil Kumar	1995	Perspective on the utilization of forest	Ecological Carnage in the Himalaya.

			fodders in the mountains.	Etd, Page 151-177
21	Vir Singh, R.J. Sharma and M.L. Sharma	1995	Study on important growth traits of different broiler type rabbit breeds under hill conditions.	Adv. Agri. Res. In Indian, Vol. IV (1995) : 183-187
22	R.J. Sharma, A.K. Singh and Vir. Singh	1995	Study on important growth traits of different broiler type rabbit breeds under hill conditions	Adv. Agric. Res. In India, Vol. IV (1995), 188-195
23	A.K. Singh, C.B. Singh, R.J. Sharma and Vir Singh	1995	Feed testing on Angora rabbits fed on concentrate feed and desmodium leaves.	Adv. Agric. Res. In India, Vol. IV : 188-195
24	C.B. Singh, R.J. Sharma and Vir Singh	Jan. 1996	Broiler Production under Hill conditions	IFD Vol. 29 (1)
25	Ramjeet Sharma	Nov. 1997	Coccidiosis in Angora Rabbits	IFD Vol. 30 (11) : 33-34
26	R.J. Sharma	March 1998	Status of Angora Farming in U.P. Hills	IFD Vol. 31 (3) : 34-36
27	R.J. Sharma	1998	Angora farming in Hills	Paper presented in workshop on "Angora Rabbit farming for Economic Dev. In Hills." Pantnagar
28	R.J. Sharma and A.K. Singh	March 1998	Mortality in angora Rabbit	Paper presented in workshop on "Angora Rabbit farming for Economic Dev. In Hills." Pantnagar
29	D.V. Singh, R.J. Shrama, B.L. Pathak and M.V. Chaudhari	Nov. 24-27 2000	Role of dairy cooperatives in sustaining livestock production	Conference on small holder livestock production system Trichur.
30	R.J. Sharma, D.V. Singh, D. Gujral	Oct. 2001	Strategies for Sustaining high level of productivity in cattle and buffalo	XII th Annual Conference of Society of Physiologists &

			with farmers of Tarai region	National Symposium CSKHPKU, Palanmpur, H.P.: 52
31	T.M. Prabhu, M. Patel, R.J. Sharma	Nov. 2001	Feeding and Nutrition of Wild mammals in free ranging and captive conditions.	INTAS Poly Vet (2001) Vol.-2 (11): 162-166
32	R.J. Sharma and D.V. Singh	Oct. 2003	Dynamic plans for constructive a cost effective animal housing complex.	Livestock International Vo.7(10):2-10

12. Honors & Awards:

1. ICAR Junior Fellowship for M.V. Sc. 1970-72
2. Dr. Rajendra Prasad Award, 1986 for Hindi Book "Dairy Pashu Prajanan Evam Prasuti Vigyan".
3. Dr. Rajendra Prasad Award, 1987 for Hindi Book "Livestock Management & Production".
4. Best Unit Award to IDF & IPF 2004.
5. Best Unit Award IDF 2008.

13. Memberships

- President, Indian Society of Animal Production & Management from 2006 till 31 July 2008.
- President, Rotary Club, Pantnagar, July 07 to June 08.
- President, Srijan Sanskritik Samiti, Pantnagar, July 07 to June 08.
- Patron, Alumni Association, Vety. College, Pantnagar.
- Fellow of National Academy of Veterinary Science (India)
- Chairman, Central Purchase Committee, GBPUA &T, Pantnagar.
- Chairman, Medical Aid Committee, GBPUA &T, Pantnagar.
- Life member of Society of Animal Physiology of India.
- Life member of Society of Animal Production & Management.
- Life member of Society for conservations of Domestic Animal Biodiversity.
- Member of Indian Veterinary Journal.
- Member of Asian Agri History.
- Member of Technical Review Committee of Field Progeny Testing Project of AICRP, Cattle.
- Member of Indian Dairy Association.
- Member, Veterinary Council of India.
- Member, Uttarakhand Livestock Development Board.
- Member, Animal Welfare Board Uttarakhand.

14. Achievements

- Establishment of a Veterinary Hospital under dairy development project in Aligarh.
- Establishment of a Dairy Unit at Hill Campus, Ranichauri
- Establishment of Poultry unit at Hill Campus, Ranichauri.
- Establishment of Rabbitry at Hill Campus, Ranichauri.
- Establishment of the Department of Livestock Production and Management in the Veterinary College of Pantnagar.
- Establishment of labs and Amphitheater in Vety. College, Pantnagar.
- Establishment of labs, Information Center and Department Laboratory and Library in the Department of LPM.
- Establishment of Instructional Farm with all facilities on production and management of Goat, Sheep, Horse, Cattle, Buffalo, Lab & Pet Animals and Pigs.
- Establishment of Vermi Compost Unit at IDF, Nagla.
- Establishment of Fodder Bank in Veterinary College, Pantnagar.
- Establishment of Ice-Cream Plant.
- Started an “*Earn While Your Learn*” programme in the college.
- Renovation of Instructional Dairy Farm.
- Establishment of Nucleus Herd of Murrah Buffalo and Sahiwal cows.
- Establishment of a pig unit.
- Conservation, characterization & multiplication of 2-lines of hill fowl.
- Experience Learning Project on ‘Poly clinics’ ICAR.
- Experience Learning Project on Milk and Meat value addition (ICAR)

15. Special Achievements

- Modernization of Labs and Lecture Halls of the College.
- Experience learning of IGNOU, Milk and Meat Production.
- Surpassed all the records of total milk production; average daily milk production; peak yield of cows at Dairy Farm of Pantnagar University.
- The dairy unit became profitable.
- Set an example of labour workmanship at dairy & poultry farms.
- Best Unit Award in 2004 and 2008.
- At Present five units of college including dairy are either in profit or self sustained.
- Development of good herd of Sahiwal and Murrah buffalo.
- Development 14 courses of M.VSc. & Ph.D. for LPM & Poultry Science Departments.
- Started Ph.D. Programme in LPM and Poultry Sciences.

16. Significant Contribution

Have experience of more than 36 years in the field of extension, research, teaching and administration in different capacities while working in G.B. Pant University of Agriculture & Technology, Pantnagar.

Extension: Worked as In-charge, Vety. Hospital and Subject Matter Specialist of Animal Breeding for a period of 14 years, where artificial insemination, pregnancy diagnosis, handling of infertility and clinical cases were the major activities. Besides this, organizing infertility campus, cattle shows, clinical camps, competitions and training of the farmers were some other activities. I have been associated for giving technical support for modernization of various departments, project personnels / Non – Government Organizations and directly associated with a pilot – Project on technology assessment and refinement through Institution – Village Linkage Programme. Apart from above more than 60 training programmes have already been conducted in which about 800 farmers and extension workers participated.

Research: I engaged in conduction basic as well as applied research on various aspects of dairy and draught animals, poultry, rabbitry, piggery, goatry, sheep production, fodder crops and pasture development. I was involved directly in more than 30 research projects carried out on various aspects of livestock species and fodder production and handled two ICAR projects.

Teaching: I have the experience of teaching of 20 different courses at U.G. and P.G. levels related to Livestock Production Management, Fodder Production and Animal Breeding and Genetics. Besides the course related to wild life and utilization of forest products as animal feed have also been taught. More than 14 new courses for Master's & Ph. D. in LPM and Poultry Sciences have been developed for the department of LPM.

Teaching aids developed

For meeting the challenging needs of the students and to have their overall development, I have published 5 Books, 7 Laboratory Manuals and 50 Overhead Transparencies. With the help of these teaching aids, the guidance and coaching is being provided to the students to prepare them for various types of competitions. As a result of this our students stood first in **All Indian Cattle Judging Competitions** continuously for last four years. Their meritorious performance in all India Competitive Examination qualified them for prestigious national and international fellowships. In addition a vocational type programme, "Earn While Your Learn" has also been initiated with four species of animals & birds (Pig, Poultry, Goat and Dog). Under this programme 18 teams with 36 students each participated and development entrepreneurship skills besides earning profits during their undergraduate carriers. A horse riding school has been established to train the students for various hours riding skills.

The facilities for coaching and guiding students to participate in different competitive examinations have been developed. College is having 16 species of animals for teaching and research purpose. During my tenure as **Joint Director of Instructional Dairy & Poultry farms**, following were the achievements:

1. **The average milk production had crossed the record of last 26 years.**
2. **The mortality of animals reduced substantially from around 20% to less than 5%.**
3. **Record fodder production was achieved at dairy farm.**
4. **The farm recorded first ever profitability in its long history of Establishment.**
5. **Both the farms (IDF/IPF) recorded the upward profitability trend.**

Administration:

- Worked as Incharge Vety. Hospital Dairy Dev. Project, Aligarh for six years, and also as Link officer to Dean, College of Forestry and hill Agriculture for about 12 Years.
- Worked as Professor and Head, Department of Livestock Production and Management for about 8 years.
- Accumulated an administrative experience of more than 21 years
- Retired as Dean, College of Veterinary & Animal Science, G.B. Pant Univ. of Ag. & Tech. Pantnagar in July, 2008 with an experience of 3 years

Place : 16,Shakti Nagar,Matura

Dated :

(R.J. Sharma)

Contact No: 09412636032

From: nathr@jic.co.za
Sent on: Thursday, November 8, 2012 5:35:49 PM
To: Boi.Johannesburg@bankofindia.co.in
Subject: RE: observation on Estina Dairy project
Attachments: Estina - Detailed Break-up of project cost.docx (37.64 KB)

Dear Mr. Prasad,

Please refer to the discussion we had on Estina Dairy Project on 25-10-2012 and the letters thereafter . In this connection please find below in seriatim our reply /clarification for your observations:

1) Acquired farm Land details such as in whose name it is acquired, present nature of land etc to be provided. The Land is acquired in the name of the Company. It is a leased land. It is agricultural land.

2) Project report is not showing details about backward linkages like availability of irrigation sources for crop cultivation in about 1450ha.

It may be observed that an amount of R6.70 Mn has been provided for water management which includes bore well, irrigation/sprinkler system, dam/ponds etc.

3) Basis of Cost of cultivation of various fodder crops to be furnished;

Along with CMA sheets are enclosed giving details of cost of production of various fodder crops like maize, silage, Soya been, oats etc.

4) Cost estimate of the dairy building should be accompanied with the dimension of building and its purpose like the activities to be carried out in main Dairy building, ancillary Dairy building etc;

We are still negotiating with various suppliers and contractors for supply of machines and construction of buildings and other civil works. However, we are enclosing estimated cost of Construction of various buildings based on our negotiations with civil contractors.

5) unit cost of various farm equipments and other equipments to be furnished .

The detailed list of various farm equipment and other equipment, plant and machinery needed to run the project along with cost is enclosed. However, we needed to run the project along with cost is enclosed. However, we are still negotiating with the suppliers and the cost is likely to be finalised shortly. The variance is not expected to be more than 5% to 10%

6) Since it is an Agricultural allied project, It would be of more helpful if the cost benefit ratios/ IRR calculations are given for project period.

It is in the process and shall be furnished shortly.

7) Availability of marketing arrangement/ forward linkages to be brought out in the project report.

The milk shall be marketed through various chain stores like Picknpay, Checkers, etc. The discussions with these are already going on. In addition to this the Government has shown keen interest in purchasing products for schools, correctional services etc. Even tie-up with one of the Government department shall be sufficient to consume our production and also the timely payment shall be ensured. The Provincial Government in which the project is situated (Free State)is very keen in this regard.

8) Detailed CV of the Sole promoter Mr. Kamal Vasram is to be provided.

Shall be provided shortly.

9) List of statutory approvals required for dairy project in RSA;

Shall be provided shortly.

10) Whether key persons mentioned in project will be available on fulltime for both pre and post implementation of the project.

Yes, the key persons are employed on a permanent basis and they will be involved with the project minimum for 5 years. Once the project is implemented, more technical people will be employed to assist the key people and also to get trained by them so that in due course the project should have sufficient skills to run the project smoothly.

11) It would be of more helpful if a meeting with personnel who deals with technical aspect of the project is arranged to have more understanding of the project on hand.

We will arrange a meeting of the Bank with our key persons of the project during the next week.

Regards,

R. Nath

From: Johannesburg Boi [mailto:Boi.Johannesburg@bankofindia.co.in]

Sent: Thursday, November 01, 2012 1:48 PM

To: Ravindra Nath

Subject: FW: observation on Estina Dairy project

MJZ 13

From: nathr@jic.co.za
Sent on: Friday, October 19, 2012 1:06:25 PM
To: abhishek.ba@icicibank.com
Subject: CMA- Estina Dairy Project .xls
Attachments: CMA- Estina Dairy Project .xls (173 KB)

Dear Mr. Bansal,

Please find enclosed the soft copy of CMA as discussed.

Regards,

R. Nath

Please consider the environment before printing this e-mail.

Attention:

This e-mail message is privileged and confidential. If you are not the intended recipient please delete the message and notify the sender.

Any views or opinions presented are solely those of the author.

Scanned by JIC MailMarshal

--

Name	ESTINA DAIRY PROJECT																
	ZAR IN MIO																
	Projections	2012-13	12	Projections	2013-14	12	Projections	2014-15	12	Projections	2015-16	12	Projections	2016-17	12	Projections	2017-18
	Years	Operating months															
Operating Statement																	
1	i. Domestic Sale	-			22 104 000		66 312 000		72 943 200		79 574 400		79 574 400		79 574 400		79 574 400
1	Total Gross Sales	-			22 104 000		66 312 000		72 943 200		79 574 400		79 574 400		79 574 400		79 574 400
2	Less : Excise Duty																
3	Net Sales (1-2)	0			22 104 000	0%	66 312 000	200%	72 943 200	10%	79 574 400	9%	79 574 400	0%	79 574 400		
4	Growth in sales																
Cost of Sales																	
5	Raw Material	7 057 500			8 387 500		8 387 500		8 387 500		8 806 875		8 806 875		9 247 219		
6	Direct Labour	800 000			2 400 000		2 400 000		2 400 000		2 520 000		2 520 000		2 646 000		
7	Repairs and maintainance				600 000		600 000		660 000		726 000		726 000		798 600		
8	Other Mfg. Expenses				500 000		500 000		500 000		550 000		550 000		550 000		
9	Depreciation				6 750 000		6 750 000		6 750 000		6 750 000		6 750 000		6 750 000		
10	Others expenses	625 000			5 290 000		5 790 000		5 790 000		6 294 000		6 294 000		6 514 000		
a	Misc. Expenses	125 000			250 000		250 000		250 000		300 000		300 000		300 000		
b	Electricity & Water	500 000			2 000 000		2 000 000		2 000 000		2 200 000		2 200 000		2 420 000		
c	Harvesting Cost				2 540 000		2 540 000		2 540 000		2 794 000		2 794 000		2 794 000		
d	Packaging/Transportation Cost				500 000		1 000 000		1 000 000		1 000 000		1 000 000		1 000 000		
	Sub Total	8 482 500			23 927 500		24 427 500		24 487 500		25 646 875		25 646 875		26 505 819		
11	Add: Opening Stock	-			-		390 000		390 000		390 000		390 000		420 000		
	Sub Total	8 482 500			23 927 500		24 817 500		24 877 500		26 036 875		26 036 875		26 925 819		
12	Deduct : Closing Stock	-			390 000		390 000		390 000		420 000		420 000		420 000		
	Cost of Production	8 482 500			23 537 500		24 427 500		24 487 500		25 616 875		25 616 875		26 505 819		
	Sub Total (Total Cost of Sales)	8 482 500			23 537 500		24 427 500		24 487 500		25 616 875		25 616 875		26 505 819		
13	Gross profit	-8 482 500			-1 433 500		41 884 500		48 455 700		53 957 525		53 957 525		53 068 581		
	Gross Profit/ Sales	0,00%			-6,49%		63,16%		66,43%		67,81%		66,69%		66,69%		
14	Selling Expenses	0			1 000 000		1 100 000		1 210 000		1 331 000		1 331 000		1 464 100		
15	Administrative Expenses	-			892 500		892 500		981 750		1 079 925		1 079 925		1 187 918		
	Sub Total	8 482 500			4 415 000		26 420 000		26 679 250		28 027 800		28 027 800		29 157 836		

16	Operating Profit before interest	-8 482 500	300 000	39 892 000	46 263 950	51 546 600	50 416 564
	a. Interest on CC.						
	b. Interest on TL	-					
	c. Other interests	0					
17	Total Interest Paid	-	-	-	-	-	-
	Interest Income						
	Net Finance Cost/Income (-)	-	-	-	-	-	-
18	Operating Profit after Interest	-8 482 500	300 000	39 892 000	46 263 950	51 546 600	50 416 564
19	Add: Other non operating Income						
	Sub Total	0	0	-	-	-	-
20	Deduct other non operating expenses						
	a Interest/Dividend/Royalties etc..	0	0	-	-	-	-
	b Other Expenses		0	-	-	-	-
	c Intangibles written off -1						
	Sub Total	0	0	-	-	-	-
21	Net of other non operating Income/Expenses	0	0	-	-2 500 000	-2 500 000	-2 500 000
22	Profit before Tax /Loss (PBT)	-8 482 500	300 000	39 892 000	43 763 950	49 046 600	47 916 564
23	Provision for Taxes			3 756 659	12 253 906	13 733 048	13 416 638
24	Net Profit/Loss (PAT)	-8 482 500	300 000	36 135 341	31 510 044	35 313 552	34 499 926
25	Cash Accruals	-8 482 500	7 050 000	42 885 341	40 760 044	44 563 552	43 749 926
26	Dividend paid + IT on Dividend	-	-	25 000 000	25 000 000	30 000 000	30 000 000
27	Retained Profit	-8 482 500	300 000	11 135 341	6 510 044	5 313 552	4 499 926
28	Retained Cash Profits	-8 482 500	7 050 000	17 885 341	15 760 044	14 563 552	13 749 926
19	RM Content in sales	0%	37%	0	0	0	0
30	PBDIT	0,00	7 050 000	46 642 000	50 513 950	55 796 600	54 666 564
31	PBDIT/Sales	0,00%	31,89%	70,34%	69,25%	70,12%	68,70%
32	Operating Profits/Sales	0,00%	1,36%	60,16%	63,42%	64,78%	63,36%
33	PBT/Sales	0,00%	1,36%	60,16%	60,00%	61,64%	60,22%
34	PAT/Sales	0,00%	1,35%	54,49%	43,20%	44,38%	43,36%
35	Cash Accruals/ Sales	0,00%	31,89%	64,67%	55,88%	56,00%	54,98%

DAIRY PASTERURIZING EQUIPMENT WITH DBM (CAPACITY 20KL)

Milk Reception

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	Raw milk storage tank capacity 10 KL, MOC SS-304	3	\$ 55,611.90	\$ 166,835.70
2	Weighing Balance with weighing bowl capacity 500 kg, MOC - SS-304	1	\$ 22,273.50	\$ 22,273.50
3	Dump tank 1000 Ltr with strainer	1	\$ 11,496.00	\$ 11,496.00
4	Row milk pumps 10 KLPH , SS 304 with 3/4 HP motor	1	\$ 3,808.05	\$ 3,808.05
5	In line filter SS-304	1	\$ 1,293.30	\$ 1,293.30
6	Row milk chiller 10 KLPH	1	\$ 22,273.50	\$ 22,273.50
7	Milk Unloading Pump capacity 10 KLPH	1	\$ 3,951.75	\$ 3,951.75
9	Double Inline Filter	1	\$ 8,334.60	\$ 8,334.60
13	Tanker Unloading SS wire braded hose Pipe	3	\$ 3,592.50	\$ 10,777.50
			TOTAL	\$ 251,043.90

MILK PROCESSING & PACKING SECTION

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	Pasteurized milk pumps 5 KLPH , SS 304 with 2 HP motor	4	\$ 3,161.40	\$ 12,645.60
2	Milk Pasteurizer Capacity 5000 LTR/ HR	1	\$ 143,700.00	\$ 143,700.00
3	Milk clarifier cum Cream Separator(Manual Cleaning)	1	\$ 172,440.00	\$ 172,440.00
4	Double head Pouch packing machine capacity 80 pouch/ min	1	\$ 90,531.00	\$ 90,531.00
5	Crate conveyor Gravity type	3	\$ 1,724.40	\$ 5,173.20
7	Milk Storage tank 5000 Ltr with agitator	3	\$ 46,702.50	\$ 140,107.50
9	Horizontal Milk tank 3 KL	3	\$ 35,925.00	\$ 107,775.00
10	LEAKY POUCH TANK 1000 LTR	1	\$ 11,496.00	\$ 11,496.00
11	SS TABLE WITH SMS UNION FOR PACKING MACHINE	1	\$ 3,592.50	\$ 3,592.50
			TOTAL	\$ 687,460.80

BUTTER & GHEE SECTION

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	CREAM BALANCE TANK SS-304 ,Cap- 100 Ltr	1	\$ 2,586.60	\$ 2,586.60
2	Cream Transfer Pump , 500 Ltr/hr, Motor 0.5 hp	1	\$ 2,586.60	\$ 2,586.60
3	Cream chiller, Cap. 500 lph	1	\$ 12,933.00	\$ 12,933.00
4	Insulated Cream Storage tank with agitator, Capacity - 1350 LTr	3	\$ 34,919.10	\$ 104,757.30
5	Butter churn, Cap. 1000 lts.	1	\$ 64,665.00	\$ 64,665.00
6	Butter trolley- 300 Kg handling capacity	3	\$ 6,466.50	\$ 19,399.50
7	Triple Jacket Butter Melting vat Cap. 500	1	\$ 28,021.50	\$ 28,021.50
8	Ghee kettle (triple jacket) -500 LTR	1	\$ 32,332.50	\$ 32,332.50
9	Ghee balance tank-100 LTr with filter	1	\$ 2,586.60	\$ 2,586.60
10	Ghee Transfer pump, Motor Cap .5 hp	1	\$ 2,586.60	\$ 2,586.60
11	Ghee settling tank cap.500 lts-SS-304	1	\$ 9,340.50	\$ 9,340.50
12	Ghee filling tank cap. 1000 lts with strainer	1	\$ 28,021.50	\$ 28,021.50
14	Tin Sealing machine	1	\$ 1,293.30	\$ 1,293.30
TOTAL				\$ 311,110.50

UTILITIES

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	Ammonia Refrigeration Plant(40 TR x2), consist with condenser , receiver , ice bank tank , chilled water circulation pump etc with a capacity to handle cream chiller and cream ripening vats requirement. (Milk & Ghee) with 50 HP Motors.	1	\$ 581,985.00	\$ 581,985.00
2	Steam boiler with soft ner, Capacity 1500 kg/hr, Coal fired .	1	\$ 258,660.00	\$ 258,660.00
3	Air compressor 20 cfm – Non lubricated	1	\$ 14,370.00	\$ 14,370.00
4	Water treatment plant - MGF/ ACF	1	\$ 35,925.00	\$ 35,925.00
5	Bore well*	2		
7	Misc handling equipment like crate trolley*.	10	\$ 2,874.00	\$ 28,740.00
9	Process piping*	1	\$ 79,035.00	\$ 79,035.00
10	Utility piping *	1	\$ 86,220.00	\$ 86,220.00
TOTAL				\$ 1,084,935.00

CIP SYSTEM

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	CIP SYSTEM FULLY AUTOMATIC	1	\$ 517,320.00	\$ 517,320.00
			TOTAL	\$ 517,320.00

EXTRA ESSENTIAL ITEMS

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	MILK COLD STORE	1	\$ 77,598.00	\$ 77,598.00
2	GHEE & BUTTER COLD STORE FOR GRAINULATION	1	\$ 51,732.00	\$ 51,732.00
3	LAB TESTING EQUIPMENTS	1	\$ 64,665.00	\$ 64,665.00
4	D.G.SET(166 KVA AT .8 POWER FACTOR, 50 CYCLES PER SECOND, THREE PHASE)	1	\$ 129,330.00	\$ 129,330.00
5	ETP(60 KLPD)	1	\$ 90,531.00	\$ 90,531.00
6	MISCLL	1	\$ 10,633.80	\$ 10,633.80
			TOTAL	\$ 424,489.80

INSTALLATION CHARGES

S.No.	Particulars	Qty	Unit Price US\$	Total price US\$
1	Design , Installation , Erection , Commissioning and trial including travel expenses upto SA, Staff pick-up from Airport, Food and lodging provided by Client	1	\$ 172,440.00	\$ 172,440.00

SUMMARY OF COSTS

	TOTAL
1 Milk Reception	\$ 251,043.90
2 Milk Processing & Packing	\$ 687,460.80
3 Ghee & Butter Section	\$ 311,110.50
4 Utilities	\$ 1,084,935.00
5 CIP System	\$ 517,320.00
6 Extra Essential Items	\$ 424,489.80
7 Installation charges	\$ 172,440.00
= GRAND TOTAL	\$ 3,448,800.00

MJZ 17A

From: Ashu Chawla <ashu@sahara.co.za>
Sent on: Friday, June 3, 2011 5:08:53 PM
To: Mansi Saxena <MansiS@sahara.co.za>
Subject: FW:
Attachments: image001.jpg (6.76 KB), may kvasram.docx (12.21 KB)

PLEASE PAY THIS INVOICE FROM LINKWAT

From: Kamal Vasram [mailto:kamal.vasram@estina.co.za]

Sent: Thursday, June 02, 2011 8:01 PM

To: ashu@sahara.co.za

Subject:

Regards,

Kamal Vasram

Office: 011-0216000

Mobile: 0843061414

Fax: 0865518436

IMG [Picture_x0020_1]

MJZ 17B

From: Ashu <ashu@sahara.co.za>
Sent on: Wednesday, November 30, 2011 4:14:00 PM
To: Mansi Saxena <mansis@sahara.co.za>
Subject: FW:
Attachments: November Linkway Trading Pty Ltd.docx (12.85 KB)

From: Kamal Vasram [mailto:kamal.vasram@googlemail.com]
Sent: Wednesday, November 30, 2011 4:14 PM
To: Ashu
Subject:

From: Ashu <ashu@sahara.co.za>
Sent on: Monday, December 5, 2011 5:02:34 PM
To: Mansi Saxena <MansiS@sahara.co.za>
Subject: RE: Payment for today - Linkway
Attachments: image001.jpg (17.42 KB)

DONE

From: Mansi Saxena
Sent: Monday, December 05, 2011 4:44 PM
To: Ashu
Subject: FW: Payment for today - Linkway
Good afternoon Sir,
Please make these payments from Linkway Ned bank account.

Thanks

Regards,

Mansi Saxena | Accounts

Tel: 011 542 1186

Fax: 011 314 2986

IMG [_x0000_i1025]

From: Evan Tak [mailto:evan@sahara.co.za] [mailto:[mailto:evan@sahara.co.za]]

Sent: Monday, December 05, 2011 4:35 PM

To: Mansi Saxena

Cc: RanaSaharaForwarder

Subject: Re: Payment for today - Linkway

Please send to Mr Ashu

Regards

Evan Tak

From: Mansi Saxena <mansis@tamedia.co.za [mailto:mansis@tamedia.co.za] >

Date: Mon, 5 Dec 2011 14:41:19 +0200

To: Evan Tak <evan@sahara.co.za [mailto:evan@sahara.co.za] >

Cc: rana@sahara.co.za <rana@sahara.co.za [mailto:rana@sahara.co.za%3crana@sahara.co.za] >

Subject: Payment for today - Linkway

Good afternoon Sir,

Please make these payments from Linkway Ned bank account:

- 1.) NJR steel R924.50
- 2.) Tooltech R652.82
- 3.) Medal Paints R13220.06
- 4.) House of plumbing R939.28
- 5.) K Vasram R11000 (approved By Mr. Ashu)
- 6.) Sahara Computers R1241.43

Thanks

Regards,

Mansi Saxena | Accounts

Tel: 011 542 1186

Fax: 011 314 2986

IMG [Picture_x0020_2]

Before printing this email, please think about the environment

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of TNA MEDIA. Finally, while TNA MEDIA attempts to ensure that all email is virus-free, TNA MEDIA accepts no liability for any damage caused by any virus transmitted by this email.

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager.

Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

MJZ 17D

From: Kamal Vasram <kamal.vasram@googlemail.com>
Sent on: Thursday, April 4, 2013 8:13:06 PM
To: Ashu <ashu@sahara.co.za>
Subject: Fwd: invoice
Attachments: feb 2013 kvasram.docx (12.37 KB), March 2013 kvasram.docx (12.38 KB)

please find attached invoice for March.

----- Forwarded message -----

From: Kamal Vasram <kamal.vasram@googlemail.com [mailto:kamal.vasram@googlemail.com] >

Date: Mon, Mar 18, 2013 at 9:20 PM

Subject: invoice

To: ashu@sahara.co.za [mailto:ashu@sahara.co.za]

please find invoice for feb attached.

--

This message has been scanned for viruses and dangerous content by MailScanner [<http://www.mailscanner.info/>], and is believed to

MJZ 17E

Linkway Trading PTY LTD

106, 16th Road

Midrand

Services Rendered (NB18490/HD28880)

R47370.00

Total Amount Due

R47370.00

Banking Details:

Bank Name: Standard Bank

Account Name: Kamal Vasram

Account Number: 050041959

Branch Code: 002163

Branch: Standard Bank Durban ABC

Tel no: +2784 3061414

Email Address: kamal.vasram@gmail.com

MJZ 17 F

Linkway Trading Pty Ltd

16th Road Rd, Midrand

Halfway House 1685

Services Rendered

R 11000-00

Total Amount

R11000-00

K.Vasram

111 Shimbali Sands

Navaisha Road

2191

Account Name: K Vasram

Account Number: 050041959

Account type: Cheque

Bank Name: Standard Bank (Durban ABC)

MJZ17G

Linkway Trading PTY LTD

106,16th Road

Midrand

Services Rendered (NB30560/HD20295)

R50855.00

Total Amount Due

R50855.00

Banking Details:

Bank Name: Standard Bank

Account Name: Kamal Vasram

Account Number: 050041959

Branch Code: 002163

Branch: Standard Bank Durban ABC

Tel no: +2784 3061414

Email Address: kamal.vasram@gmail.com

MJZ 17 H

Linkway Trading PTY LTD

106, 16th Road

Midrand

Services Rendered

R11000-00

Total Amount Due

R11000-00

Banking Details:

Bank Name: Standard Bank

Account Name: Kamal Vasram

Account Number: 050041959

Branch Code: 002163

Branch: Standard Bank Durban ABC

Tel no: +2784 3061414

Email Address: kamal.vasram@hotmail.com

MJZ 17 I

Linkway Trading Pty Ltd

16th Road Rd, Midrand

Halfway House 1685

Services Rendered

R 11000-00

Total Amount

R11000-00

K.Vasram

111 Shimbali Sands

Navaisha Road

2191

Account Name: K Vasram

Account Number: 050041959

Account type: Cheque

Bank Name: Standard Bank (Durban ABC)

From: Ashu<ashu@sahara.co.za>
Sent on: Saturday, October 13, 2012 4:38:05 PM
To: naresh.khosla@sesindia.com; khosla_naresh@hotmail.com;
smriti.hinduja@oberoigroup.com
Subject: Fwd: Room Sharing details

Sent from my iPhone

Begin forwarded message:

From: Ashok Narayan <ashok@saharasystems.co.za [mailto:ashok@saharasystems.co.za] >

Date: 13 October 2012 4:36:21 PM SAST

To: Ashu <ashu@sahara.co.za [mailto:ashu@sahara.co.za] >

Subject: Room Sharing details

Sent from my iPhone

Begin forwarded message:

From: M Zwan <zwanemail@gmail.com [mailto:zwanemail@gmail.com] >

Date: October 13, 2012 2:46:56 PM GMT+02:00

To: Ashok Narayan <wallemsa@gmail.com [mailto:wallemsa@gmail.com] >

Subject: Re: Detailed Itinerary

Hi

Herewith rooming list as expected

Non-sharing

1. MJ Zwane
2. TI Motaung
3. A Narayan
4. CN Hadebe
5. ME Mokoena
6. MP Mabaso
7. MM Motaung

Sharing

1. NG Zwane / TB Tshabalala
2. NP Zwane / NL Radebe
3. KF Maleke/ MS Nkutha
4. TP Sondesi / TM Shabalala
5. DM Nkomo/ NA Mvundle
6. NA Mabe / DA Rantsho
7. KJ Boot / TA Sibiya
8. FL Thomo / MC Mosia
9. TJ Matjele / MP Tshabalala
10. TP Dlamini / ST Msimanga

Regards

Inno

Sent from my iPad

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd

89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

From: Ashu<ashu@sahara.co.za>
Sent on: Wednesday, October 10, 2012 7:35:36 AM
To: Sandeep <SandeepD@sahara.co.za>
Subject: FW: Iti India 27 pessenger details
Attachments: Iti India 27 pessenger details.docx (18.12 KB)

From: Naresh Khosla [mailto:naresh.khosla@sesindia.com]
Sent: Wednesday, October 10, 2012 7:34 AM
To: Ashu
Subject: Iti India 27 pessenger details

Dear Sir,

Pls find attached the confirmation im giving to mann travels.

Pls check the prices once.

Ill try to negotiate if he agrees to conduct the Kindom of dreams within 8-10 K to avoid any hassles.

Pls revert to confirm.

I will confirm for –

a. Drop from T3 to New delhi Rly station vehicle required at 4:30Am on 16th Oct for rs 7500+tax +parking charges.

b. 2 days Agra tour bus required at 8Am on 18th and drop back to Obrois Gurgaon at 3PM on 19th Oct. Rs 45000+Tax+parking charges.

Delhi tour on the 20th Oct bus required at 8AM till 9PM. –

Up to 12 hours and 120kms.- Rs.18000/-

Extra per km. Rs.75/-

Extra per hour Rs.800/- (garage to garage)

c. Luxury Volvo required to drop the group from Obrois Gurgaon to T3 terminal airport at 10:30AM to depart at 11:00AM on 21st Oct- Rs 7500+Tax+Parking.

d. Luxury Volvo required at Mumbai at Intercontinental The lalit at 8:00AM for a whole day city tour and drop at airport at 10:30PM on 22nd oct.

Up to 12 hours and 120kms.- Rs.18000/-

Extra per km. Rs.75/-

Extra per hour Rs.800/-

Regards,

Naresh

Itinerary for India trip for 24 guests

16th Oct : : 04h25 AM Arrival at Delhi and proceed to railway station

Luxury bus to take everyone to drop off at station

- Luxury Volvo required at 4:20Am at T3 terminal airport to drop to New Delhi Rly station. –16th October

16th Oct : 06h55 AM Departure for Dehradun by Shatabdi Express

:

16th Oct : 12h30 Noon Arrival at Dehradun station and check in hotel

Madhuban

: 14h00 Lunch at Mr Gupta house

15h00 Depart to Shivpuri for river rafting

:

17th Oct : 12h30 Depart from rishikesh to rly station

:

17th Oct : 22h30 From railway station (HOTEL PICKUP) proceed for Oberoi

Hotel

18th Oct : 08h00 Breakfast at Hotel

: 09h00 Departure from hotel for Agra by Luxury bus

18th Oct : 13h00 Arrival at Amar Vilas check in and after that proceed for

Local tour to Taj Mahal

18th Oct : 19h00 Dinner at restaurant near Hotel

19th Oct : 09h00 Departures from Agra for Delhi after breakfast

Luxury Volvo bus required for the Agra trip at 8AM at Obrois Gurgaon and drop back to Obrois Gurgaon.- 18th and 19th October. –Rs 45000

: 13h00 check in at hotel at Gurgaon
: 16h00 Departure for Kingdom of dreams
20st Oct : 08h00 Breakfast at Hotel
09h00 Leave hotel for local tour in Delhi
Lotus Temple and shopping mall
: 13h00 Lunch outside and going towards Palika Bazaar, India
Gate, Parliament, Presidential House
Luxury Volvo required for Delhi tour on 20th October before 7:30AM till 9PM
Up to 12 hours and 120kms.- Rs.18000/-
Extra per km. Rs.75/-
Extra per hour Rs.800/-(garage to garage)
21st Oct : 11h00 Breakfast proceed for airport to fly to Mumbai
: 11h30 Proceed for Delhi airport to fly to Mumbai
Luxury Volvo required to drop the group from Obrois Gurgaon to T3 terminal airport.- Rs 7500
: 14h00 Departures by Jet airways 9W352 (Lunch Inflight)
21st Oct : 17h00 Arrival at Mumbai hotel pickup to Intercontinental and
Relax for the rest of the evening
22nd Oct : 08h00 Breakfast at Hotel
: 09h00 Check out from hotel and proceed for day tour going
Gateway of India, Lunch outside nearby and going
Towards In-orbit Mall Shopping and Dinner and
After that straight proceed for airport to fly to back
Home
Luxury Volvo required at Mumbai at Intercontinental The lalit at 8:00AM for a whole day city tour and drop at
airport at 10:30PM
Up to 12 hours and 120kms.- Rs.18000/-
Extra per km. Rs.75/-
Extra per hour Rs.800/-

--
This message has been scanned for viruses and
dangerous content by MailScanner [<http://www.mailscanner.info/>] , and is
believed to be clean.

From: Naresh.khosla@sesindia.com<naresh.khosla@sesindia.com>
Sent on: Tuesday, April 14, 2015 7:32:12 AM
To: Abhishek Jain <abhijain10688@gmail.com>
CC: Ashu <ashu@sahara.co.za>
Subject: Fwd: Trip to Delhi

Pls ensure the foll.

- A. Pls make the booking from 20th to 24th in the name of Mr M A Osmany (Taj Club
- B. We have to make the Taj hotel payments so ensure to pay one day before in cash.
- C. One PSO and One driver with 7 Series will be with him.
- D. Get the Kingdom of Dreams tickets of the Guest with PSO A DAY IN ADVANCE.
- E. Send one PSO one day before to arrange tickets at Taj Mahal who will handover the tickets and come back.
- F. PSO and drivers will arrange for the fuel and parkings.
- G. get the booking done at iTC Bukhara for 8 pm on Monday for 4 guests.
- H. Take confirmation for emirates cars from me and handover to the PSO with the guest.

Thanks

Naresh

Sent from my iPad

Begin forwarded message:

From: Ashu <ashu@sahara.co.za>
Date: 13 April 2015 6:20:58 pm IST
To: "naresh.khosla@sesindia.com" <naresh.khosla@sesindia.com>
Subject: FW: Trip to Delhi

Hi Sirs,

They will arrive on Monday 20th April for 4 Nights:

Monday:

- * Emirates Car to Taj Palace Hotel
- * Lunch at Hotel
- * Car to take them to DLF Emporium
- * Dinner 8pm Bukhara at ICT Hotel
- * Car 1pm to 11pm

Tuesday:

- * Breakfast at Taj hotel
- * Visit Connaught Place
- * Visit Indian Center in Gurgaon -Kingdom of Dreams.
- * Early Night
- * Car 9am to 8pm

Wednesday:

- * Depart 7am to Agra
- * Visit Taj Mahal
- * Lunch at ICT Hotel Agra
- * Dinner at Taj Hotel, Masala Art

Thursday

- * They can spend day shopping
- * Dinner to be advised
- * Car 10 to 10

Friday

- * Breakfast at Taj Hotel
- * Emirates Car to Airport

--

This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

--

This message has been scanned for viruses and dangerous content by **MailScanner**, and is believed to be clean.

--

This message has been scanned for viruses an

MJ2 21

From: Halima Allana <halima@travelexcellence.co.za>
Sent on: Thursday, September 11, 2014 5:46:28 PM
To: Ashu <ashu@sahara.co.za>
CC: 7 <sameera@travelexcellence.co.za>
Subject: E TICKETS
Attachments: Surya Kant Singhala 13Sep.pdf (117.36 KB), Zwane 13 Sep.pdf (125.01 KB), Rajesh Gupta 13 Sep.pdf (129.46 KB), image002.jpg (8.41 KB), image001.jpg (2.06 KB)

Dear Ashu Bhai

Please see attached E Tickets.

Thanking you.

Warmest Regards

Halima Allana
Your Personal Travel Agent

Travel Excellence

Shop 51, Signet Terrace, 140 Gembok Street, Lenasia, Johannesburg 1820.

Tel : (27) 11 852 3701

Fax : (27) 086 551 0340

Cell : 073 233 8855

BB : 26DCF3B1

Email : Halima@travelexcellence.co.za

www.travelexcellence.co.za

Please note that all rates quoted are subject to change at anytime up until full payment has been received and final documentation issued.

Travel Excellence Terms and Conditions.E & OE

Travel Excellence acts as an agent only and are not liable for any loss, damage, accident, delay or inconvenience caused by the principal. On collection of your travel documents, you will be requested to sign a Form of Acceptance of the above conditions. A copy of the above terms and conditions is available on request. All quotes are subject to availability and currency fluctuations at the time of payment.



Signet Terrace
 Shop 51 Opp Nandos Play Gym
 Cnr Gemsbok & Guinea Fowl Avenue
 Lenasia, Johannesburg, South Africa
 Tel: (27) 11 852 3701/8
 Fax: (27) 086 551 0340
 Mobile: (27) 732 338855
 Email: info@travelexcellence.co.za
 Web: www.travelexcellence.co.za

Date:

Thursday, 11 September 2014

Agency Reference Number:

2HFQ80

Your Travel Itinerary

Travellers

Frequent Flyer Numbers

* ZWANEMOSEBENZIOSEPH(Adult - ADT)

Saturday, 13 September 2014

Flight	EK766 - Em irates	HK - Confirmed
	Confirmation Number For Emirates	BM4VW
Class	A - First	Non Stop
Departs	22:20 O R Tambo International Arpt, Johannesburg South Africa	JNB Terminal A
Arrives	08:20 Dubai Intl Arpt, Dubai United Arab Emirates * Sunday, 14 September 2014	DXB Terminal 3
Flying Time	8:00	Carbon Emission: 748.00 kgs
Equipment	Boeing 777-300ER	
Services	Non-Smoking	
Meal	Meal	
Comments	*Baggage Allowance : Adult-50K *Contact airline to confirm <u>baggage allowance</u> .	

	Ticket Number	Seat	Special Meals
* ZWANEMOSEBENZIOSEPH	1765459303938(Electronic)	2F	

Sunday, 14 September 2014

Flight	EK616 - Em irates	HK - Confirmed
	Confirmation Number For Emirates	BM4VW
Class	A - First	Non Stop
Departs	09:45 Dubai Intl Arpt, Dubai United Arab Emirates	DXB Terminal 3
Arrives	14:40 Delhi Indira Gandhi Intl, Delhi India	DEL Terminal 3
Flying Time	3:25	Carbon Emission: 319.46 kgs
Equipment	Boeing 777-200	
Services	Non-Smoking	
Meal	Meal	
Comments	*Baggage Allowance : Adult-50K *Contact airline to confirm <u>baggage allowance</u> .	

	Ticket Number	Seat	Special Meals
* ZWANEMOSEBENZIOSEPH	1765459303938(Electronic)	1E	

Tuesday, 16 September 2014

Flight	EK511 - Em irates		HK - Confirmed	
	Confirmation Number For Emirates		BM4VW	
Class	A - First		Non Stop	
Departs	11:00	Delhi Indira Gandhi Intl, Delhi India	DEL	Terminal 3
Arrives	12:45	Dubai Intl Arpt, Dubai United Arab Emirates	DXB	Terminal 3
Flying Time	3:15		Carbon Emission: 303.88 kgs	
Equipment	Boeing 777-300ER			
Services	Non-Smoking			
Meal	Meal			
Comments	*Baggage Allowance : Adult-50K *Contact airline to confirm <u>baggage allowance</u> .			

	Ticket Number	Seat	Special Meals
* ZWANE/MOSEBENZIJOSEPH	1765459303938(Electronic)	2E	

Wednesday, 17 September 2014

Flight	EK85 - Em irates		HK - Confirmed	
	Confirmation Number For Emirates		BM4VW	
Class	A - First		Non Stop	
Departs	16:10	Dubai Intl Arpt, Dubai United Arab Emirates	DXB	Terminal 3
Arrives	20:45	Zurich Airport, Zurich Sw itzerland	ZRH	
Flying Time	6:35		Carbon Emission: 615.54 kgs	
Equipment	Boeing 777-300ER			
Services	Non-Smoking			
Meal	Meal			
Comments	*Baggage Allowance : Adult-50K *Contact airline to confirm <u>baggage allowance</u> .			

	Ticket Number	Seat	Special Meals
* ZWANE/MOSEBENZIJOSEPH	1765459303938(Electronic)	1K	

Saturday, 20 September 2014

Flight	EK86 - Em irates		HK - Confirmed	
	Confirmation Number For Emirates		BM4VW	
Class	A - First		Non Stop	
Departs	22:15	Zurich Airport, Zurich Sw itzerland	ZRH	
Arrives	06:20	Dubai Intl Arpt, Dubai United Arab Emirates * Sunday, 21 September 2014	DXB	Terminal 3
Flying Time	6:05		Carbon Emission: 568.79 kgs	
Equipment	Boeing 777-300ER			
Services	Non-Smoking			
Meal	Meal			
Comments	*Baggage Allowance : Adult-50K *Contact airline to confirm <u>baggage allowance</u> .			

	Ticket Number	Seat	Special Meals
* ZWANE/MOSEBENZIJOSEPH	1765459303939(Electronic), 1765459303938(Electronic)	2K	

Sunday, 21 September 2014

Flight EK765 - Emirates
Confirmation Number For Emirates
Class A - First
Departs 14:40 Dubai Intl Arpt, Dubai United Arab Emirates
Arrives 20:50 O R Tambo International Arpt, Johannesburg South Africa
Flying Time 8:10
Equipment Boeing 777-300ER
Services Non-Smoking
Meal Meal
Comments *Baggage Allowance : Adult-50K *Contact airline to confirm baggage allowance.

HK - Confirmed
BM4VW
Non Stop
DXB Terminal 3
JNB Terminal A
Carbon Emission: 763.58 kgs

	Ticket Number	Seat	Special Meals
* ZWANE/MOSEBENZIOSEPH	1765459303939(Electronic), 1765459303938(Electronic)	1K	

Important Notice For Travellers With Electronic Tickets:

Carriage and other services provided by the carrier are subject to conditions of carriage, which are hereby incorporated by reference. These conditions may be obtained from the issuing carrier.

Kind regards,

Halima Allana | Travel Consultant

Tel: (27) 11 852 3701/8 | Fax: (27) 086 551 0340 | Email: halima@travelexcellence.co.za
All transactions processed are subject to our Standard Terms and Conditions.

Subject: Mr Tony Meeting ZWANE @ 11am Fri 31 Jan - No.5
Location: No.5

Start: Fri 2014/01/31 11:00 AM
End: Fri 2014/01/31 11:30 AM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Tony Gupta

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

MI2 24

Subject: Mr Tony meeting Zwane + DG 4pm 1 Fri Feb - No.5
Location: No.5

Start: Fri 2013/02/01 4:00 PM
End: Fri 2013/02/01 6:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Tony Gupta

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

From: Tony Gupta
Sent: Wednesday, 13 March 2013 9:13 AM
To: Ashok Narayan; Ashu; Evan Tak
Subject: Accepted: Meeting with Zwane MEC Agric

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

MJZ 26

From: Tony Gupta
Sent: Friday, 05 April 2013 9:37 AM
To: Ashok Narayan; Ashu; Evan Tak
Subject: Accepted: Meeting with Zwane MEC

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

Subject: Mr. Tony Meeting with Zwane & Peter @1pm-3pm Tues 27 Aug - at SAHARA
Location: SAHARA

Start: Tue 2013/08/27 1:00 PM
End: Tue 2013/08/27 3:00 PM
Show Time As: Tentative

Recurrence: (none)

Meeting Status: Not yet responded

Organizer: Tony Gupta

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

Guest	Guest Address	Guest Name	Guest Email	Guest Phone	Guest Cell Number	Guest RSVP	Guest Call	Guest No. of Guests	Guest D.O.A.	Guest D.O.D.	Guest No. of Nights	Guest Suite	Guest Room Type
1	Dr. M. Barrow	Dr. M. Barrow	barrowm@burlington.com	011 806 1772	0627254840	Attending		2-2 adults 1 Mr & 1 child	3rd May	2nd May	2 nights	1	1. Family room ensuite, 2. Family no lounge dining
2	Dr. MM Bhadoo	Dr. MM Bhadoo	bhadoo@btconnect.net	011 484 4489	06211404466	Attending	Wife is only coming for Wednesday and Thursday	2-2 guests	30th April	3rd May	2 nights	1	1k Cascares
3	Dr. MR Jithan	Dr. MR Jithan	jithanm@btconnect.net	011 482 4892		Attending		2-2 guests	3rd May	3rd May	2 nights	1	1k Cascares
4	Dr. MR Sumanth	Dr. MR Sumanth	sumanth@btconnect.net	011 728 3126		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
5	Dr. K. K. K. K.	Dr. K. K. K. K.	k.k.k.k@btconnect.net	011 712 0000		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
6	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 794 7710		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
7	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0627770292		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
8	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 653 9187		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
9	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0627777885		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
10	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 822 2322	0623545711	Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
11	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 250 6900	0624649500	Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
12	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0722080390		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
13	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 12 342 6392	06229260531	Attending	Confirm details on Monday	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
14	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 683 0370	0617230614	Attending	Confirm details on Monday	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
15	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 11 439 1700		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
16	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 11 784 8618		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
17	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0624664426		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
18	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 011 526 2678		Attending	Call back on Monday	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
19	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	07 894 6813	0627785774	Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
20	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 12 342 5398		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
21	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0317063551		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
22	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 11 689 0900		Attending	Confirm details on Monday	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
23	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 482 8198		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
24	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0622926579		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
25	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 0721 408 2121		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
26	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 0721 408 2121		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
27	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 11 308 2000		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
28	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 502 2290		Attending	Call on Friday	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
29	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 653 5800		Attending	Call back tomorrow	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
30	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	0624649500	0624649500	Attending	7pm will confirm tomorrow	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
31	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 806 1770		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
32	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	021 871 7653		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
33	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 011 871 2700	0625075911	Attending	Confirm on the 27/04/2013	2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
34	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	+27 12 342 5398		Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
35	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 714 - 9111	0789900175	Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares
36	Dr. E. E. E. E.	Dr. E. E. E. E.	e.e.e.e@btconnect.net	011 714 - 9111	011742331 direct	Attending		2-2 guests	30th April	3rd May	3 nights	1	1k Cascares

MJZ 29

From: Ashu<ashu@sahara.co.za>
Sent on: Monday, July 22, 2013 2:36:46 PM
To: Cathrine-LeeH <Cathrine-LeeH@Jic.co.za>
Subject: FW: Request for use of Chopper - change in date

From: Ashok Narayan
Sent: 22 July 2013 02:24 PM
To: Ashu
Subject: Request for use of Chopper - change in date
Ashu bhai : Change in plan. The date is now July 25, Thursday instead of July 24.

From: Ashok Narayan
Sent: Monday, July 22, 2013 9:56 AM
To: Ashu
Subject: Request for use of Chopper on July 24, 2013

Ashu bhai,

This is a request for use of the Chopper on Wednesday, July 24th .

No. of persons: 4 to 5; Names: Mr. Tony, Mr. Zwane, Mr. Richard, Ashok, Mr. Duduzane (optional)

We plan to fly from Grand Central to Harrismith at 10am to reach there by 11am. Mark will receive us at Harrismith in the Viano.

Thereafter, we will drive by car from Harrismith to Qwaqwa which is about 45 Kms away.

We will return to Harrismith at about 1pm and will do an aerial survey of Qwaqwa with the Chopper before flying back to JHB.

We expect to be back in JHB between 2.30pm and 3pm

Regards,

Ashok

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa
Private Bag X180, Halfway House, 1685, South Africa

From: Ashu <ashu@sahara.co.za>
Sent on: Monday, March 11, 2013 7:16:30 AM
To: Ashok Narayan <ashok@sahara.co.za>
Subject: RE: FINAL INVITATION

Just add Lucknow before Uttar Pradesh and then print and get it sign and send me the signed copy please

-----Original Message-----

From: Ashok Narayan
Sent: 11 March 2013 07:14 AM
To: Ashu
Subject: Fwd: FINAL INVITATION
Sir. Pls check if this is OK before I get it signed
Sent from my iPhone

- PLEASE NOTE -

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. Please note that any views or opinions presented in this email are solely those of the author and do not necessarily represent those of Sahara Holdings (Pty) Ltd. Finally, while Sahara Holdings attempts to ensure that all email is virus-free, Sahara Holdings accepts no liability for any damage caused by any virus transmitted by this email.

Sahara Holdings (PTY) Ltd
89 Gazelle Avenue, Corporate Park, Midrand, South Africa Private Bag X180,
Halfway House, 1685, South Africa

March 11, 2013

**Mr. Shivpal Yadav
State Minister – Public Works & Irrigation
Uttar Pradesh, India**

Dear Honorable Minister,

India and South Africa have close and cordial relations based on our deep historical linkages. The relationship has acquired a strategic dimension with extensive economic and commercial exchanges. Our areas of cooperation are well diversified with both trade and investment showing robust growth over the last several years despite recessionary pressures in other parts of the World. A number of bilateral agreements have been concluded between our two countries since the assumption of diplomatic relations in 1993 in diverse areas.

It is our endeavor to expand and strengthen these ties. In this connection, I would like to cordially invite you to visit South Africa to explore potential areas of mutual co-operation in the areas of irrigation and Public Works. There appear to be considerable opportunities in these areas, in which a lot of work has been done in your State in India. We are also deeply interested in the cooperatives sector which has made a lot of headway in your State particularly in the areas of small savings including women empowerment, minor works and development of rural infrastructure. I look forward to meeting you in South Africa at your earliest convenience.

Kindly advise us of your itinerary to enable us make the necessary arrangements for your visit.

Best Regards,

**M. J. Zwane
MEC Agriculture
Free State Province, South Africa**

cc. Mr. Virendra Gupta, High Commissioner of India in South Africa



agriculture & rural development

Department of
Agriculture and Rural Development
FREE STATE PROVINCE

March 8, 2013

Mr. Shivpal Yadav
State PWD Minister
Uttar Pradesh, India

Dear Sir,

India and South Africa have close and cordial relations based on our deep historical linkages. The relationship has acquired a strategic dimension with extensive economic and commercial exchanges. Our areas of cooperation are well diversified with both trade and investment showing robust growth over the last several years despite recessionary pressures in other parts of the World. A number of bilateral agreements have been concluded between our two countries since the assumption of diplomatic relations in 1993 in diverse areas.

It is our endeavor to expand and strengthen these ties. In this connection, I would like to cordially invite you to visit South Africa to explore potential areas of mutual co-operation in the areas of irrigation and Public Works. There appear to be considerable opportunities in these areas, in which a lot of work has been done in your State in India. We are also deeply interested in the cooperatives sector which has made a lot of headway in your State particularly in the areas of small savings including women empowerment, minor works and development of rural infrastructure. I look forward to meeting you in South Africa at your earliest convenience.

Best Regards,

M. J. Zwane
MEC Agriculture
Free State Province, South Africa

GuptaLeaks: How captured ambassador lobbied the Dutch

2017-06-11 06:36

News24



The government official that helped the Guptas obtain permission to land a private jet at Air Force Base Waterkloof has been using his position as South Africa's ambassador to the Netherlands to negotiate business deals on behalf of the controversial family.

New information from #GuptaLeaks indicates that Bruce Koloane, who got his diplomat job after being suspended as chief of state protocol at the Department of International Relations and Co-operation (Dirco), also forwarded information on the base directly to Gupta lieutenant Ashu Chawla around the time of the 2013 Waterkloof debacle.

The #GuptaLeaks also show that:

- Koloane, appointed as ambassador to the Netherlands in August 2014, met with Dutch businessmen in The Hague in 2015 to negotiate a deal with a manufacturer of greenhouse systems on the Guptas' behalf;
- Koloane's friends were allowed to stay at the Guptas' upmarket private game lodge in Limpopo around the time of the negotiations with the Dutch greenhouse company;
- Koloane sent Chawla documents on a prospective coal mining site in KwaZulu-Natal in the midst of the Waterkloof fallout; and
- He attended the Gupta wedding at Sun City and stayed at the resort for three nights.

THE DUTCH DEAL

Correspondence between Koloane, the owners of Dutch company KPG Greenhouses and Rajesh “Tony” Gupta suggests Koloane used his position as ambassador to help the Guptas clinch business deals in the Netherlands.

In July 2015, KPG Greenhouses’ Marco van ’t Hart sent an email to Koloane’s official embassy email address and CCed Herman van der Kroef, the Department of Trade and Industry’s representative to the Netherlands, in the email.

“Thank you for visiting our company in Maasland. In the meeting you asked if we would consider to sell our company for at least 50% and if we would be interested to start a production site in South Africa,” he wrote.

It is clear from the email that Koloane and Van der Kroef were representing someone else’s interests during their visit to the company, situated a 30-minute drive away from the South African embassy in The Hague’s city centre.

“...for this your investor can better talk too Mr Koppert himself (sic),” wrote Van der Kroef, referring to KPG Greenhouses’ owner, André Koppert.

A day later, Koloane forwarded the email to Tony Gupta, the youngest Gupta brother, saying, “As promised”.

Koloane’s bidding set in motion protracted negotiations between Tony Gupta and Koppert, although it is not clear from the emails whether a deal was clinched.

Later in July 2015, Koppert emailed Tony Gupta to enquire about the family’s intentions and Gupta replied: “Dear Mr Andre, thx for your mail. Our group is very diversely invested eg OAKBAY resources, Sahara computers, JIC mining services, The new age newspaper etc. we are looking to invest in agriculture sector (hydroponic) so we are looking to takeover or invest in your company also... (sic).”

But Koppert apparently was not keen to sell such a large stake in his company.

He did, however, suggest that KPG Greenhouses and the Guptas explore opportunities together to invest in a greenhouse manufacturing facility in South Africa.

Tony Gupta, though, was not overly excited by this offer, responding in late July 2015: “Honorable Mr. Koppert, thx for your mail and sorry to delay my reply. I will not be keen for your below mention idea... Once again thanks (sic).”

Tony Gupta and Koppert kept in touch throughout August and September to try to set up a meeting, but it is not clear from the emails whether they ever did.

News24 contacted Van ’t Hart on WhatsApp this week. He said he was in a meeting, but did not respond to later queries. Koppert did not respond to phone calls or messages.

‘BROTHER TONY’

A month after Koppert and Gupta had exchanged emails, Koloane again made contact with a member of the Gupta business network, this time to help two of his friends score a weekend stay at the Guptas' luxury Clifftop Lodge in the Welgevonden private game reserve in Limpopo.

"Please find forwarded an email confirming arrival dates for my friends from the USA. Brother Tony has asked that I forward you the info so that you can make arrangements at the Lodge for a game visit. (One couple) Please check with him on this matter and confirm reservation with me by email and please copy Chelsea Jennings as well (sic)," Koloane wrote to Chawla in August 2015, using his Yahoo email account.

A few days later, Chawla responded to Koloane with an email that included a PDF document for the booking at the lodge, saying: "Dear sir. As discussed here is the booking attached for your reference (sic)."

The document indicates that Jennings and her partner stayed at Clifftop for two nights in September 2015. Their stay included three meals and two safaris and from the booking it appears that they were not charged.

Koloane's relation to Jennings is unclear from the emails.

News24 sent queries via WhatsApp to a cellphone number she included in an earlier email to Koloane. The messages appear to have been read, but Jennings did not respond.

COAL ASSET

In October 2013, barely six months after Koloane helped the Guptas secure the Waterkloof landing, he received documents from one Funokwakhe Cedric Xulu detailing a study done on a prospective coal mining site near Empangeni, KwaZulu-Natal.

The study was conducted at Xulu's request by Pietermaritzburg scientist Chris Whyte, and details the viability of coal mining in the Mpisi prospecting area.

Koloane subsequently forwarded the study and other documents on the Mpisi coal reserve to Chawla.

"Dear Ashu. Please find attached a geological report for a coal asset as discussed with Tony," wrote Koloane.

The #GuptaLeaks trove shows that Chawla eventually forwarded the documents to Tony Gupta in March 2014.

Whyte confirmed he had compiled the study and was commissioned by Xulu. He said he had no idea the report would end up with the Guptas.

Xulu did not respond to an SMS and did not answer his cellphone.

BACK TO WATERKLOOF

The #GuptaLeaks contain further shocking details about Koloane's direct communication with Chawla during the planning of the Waterkloof landing of the chartered Jet Airways plane carrying guests to the Sun City wedding of the Gupta brothers' niece, Vega.

In February 2013, Chawla emailed Koloane, then chief of state protocol: "As discussed can you please get me the following info regarding the Waterkloof airport. We would need the following information for us to plan any operations to Waterkloof airport. All charts for operation (airfield charts, SID/STARs if any, ILS/VOR/NDB approach charts) under Instrument Flight Rules (IFR) (sic)."

On March 20, former air force official Christine Anderson sent Koloane an email discussing operational matters at Waterkloof: "AFB Waterkloof ILS/VOR (WKV) is out of service from 4 March 2013 until the end of April 2013 for a new system. In bad weather aircraft must plan to divert. SID/STARs will not be able to perform when ILS/VOR is unserviceable (sic)."

Koloane then forwarded her message to Chawla.

According to the string of emails, a "flight information manual" for Air Force Base Waterkloof was also sent to Chawla by a Sahara Computers employee called Sandeep. But this exchange only occurred in June of that year, after Vega Gupta's wedding, and it is not clear whether this document originated from Koloane.

A spreadsheet containing the names of about 260 guests for Vega Gupta's wedding at Sun City also suggests that Koloane attended the lavish affair, and spent three nights at one of the resort's hotels with an unknown guest.

According to the document, which appears to reflect invitees who had RSVPed by April 22, "Vusi B Koloane" was marked as "attending". The spreadsheet indicates he and a partner were to stay at Sun City for three nights.

News24 made numerous attempts to obtain comment from Koloane and from Dirco spokesperson Clayson Monyela, but no responses were forthcoming.

- *Scorpio is the Daily Maverick's new investigative unit. If you'd like to support its work, [click here](#).*
- *The amaBhungane Centre for Investigative Journalism is an independent non-profit. Be an amaB supporter to help it do more. [Sign up for its newsletter to get more](#).*

news24

DAILY MAVERICK
Scorpio



amaBhungane

#GUPTALEAKS

MJZ 34

From: Wdrsal <wdrsal@gmail.com>
Sent on: Saturday, January 30, 2016 5:55:17 PM
To: Ashu Chawla <ashu@sahara.co.za>
Subject: Re: Sponsorship

Support whatever he wants

On 29 Jan 2016, at 17:47, Ashu Chawla <ashu@sahara.co.za [mailto:ashu@sahara.co.za] > wrote:

From: vusi koloane [mailto:vusi321@yahoo.co.uk [mailto:vusi321@yahoo.co.uk]]

Sent: 29 January 2016 05:35 PM

To: ashu@sahara.co.za [mailto:ashu@sahara.co.za]

Subject: Sponsorship

Dear Ashu

This year marks 20 years since I married my wife and plan to host a Golf tournament in December 2016 in Pietermaritzburg as part of my celebrations. This is besides the party I will have at home with family. I am writing to you to request your support in sponsoring some prizes that I could use during the Golf Tournament. Should you be in a position to help, an indication of the type of prizes you might be able to sponsor would help in the planning phase.

I look forward to hearing from you.

Best regards

Bruce

HOME

#GUPTALEAKS: HOW ESKOM WAS CAPTURED



#GuptaLeaks
by amaBhungane & Scorpio

with NEWS24

SHAREFACEBOOKTWITTERGOOGLE+EMAIL

An explosive cache of emails from inside the Gupta empire has provided evidence of how the family captured the president, the government and key state-owned entities. This is the story about one of their most important conquests: Eskom.

In 2015, as Brian Molefe and his key lieutenant Anoj Singh moved across to Eskom, the Guptas turned their attention to the power utility's R40-billion primary energy budget.

The feast was about to begin.

May 2014-September 2014: The Negotiations

To understand how the Guptas captured Eskom, one needs to go back to May 2014, when a company called Goldridge came looking for an Eskom coal contract.

At the time, the Guptas were well-known, having landed both literally and in the public discourse at Waterkloof airforce base in 2013. However, the Guptas' fledgling mining companies, Goldridge and Tegeta, were still unknown entities.

Minutes from the meeting held at Megawatt Park on May 9 2014 show that there was some confusion about who actually owned their Brakfontein coal mine – Tegeta or another Gupta-owned mining company, Goldridge. It was Tegeta.

It was Ayanda Nteta, now Eskom's acting head of fuel sourcing, who pointed out during that first meeting that "Eskom prefers dealing with companies that are 50%+1 black-owned" which Tegeta was not.

At the time, almost 50% of Tegeta was owned by Oakbay Investments, and indirectly Gupta brothers Atul and Ajay and their wives Chetali and Shivani.

Another 21.5% was owned by Bhatia International, a controversial Indian coal company that only a few months before had been charged by India's Central Bureau of Investigations with allegedly supplying substandard quality coal to India's version of Eskom, complete with forged lab results.

Only the remaining 30%, held by Aerohaven Trading and Oakbay chief executive Ronica Ragavan, was considered black-owned.

Throughout 2014, Eskom officials did not seem overly interested in the coal resources Tegeta had to offer, as minutes of various Eskom meetings reveal. Goldridge had offered the same resource to Eskom in 2012, which Eskom declined.

Still Eskom's coal procurement officials agreed to play along and do another round of tests.

The results were not promising: only a small seam of coal from Brakfontein mine known as "seam 4 lower" was considered suitable.

At a meeting in September 2014, Tegeta "asked if there is any way Eskom can accommodate them as they are only looking to supply [a] small amount of coal" from their stockpile.

Nteta responded that "the power stations that could potentially take coal from Brakfontein have all their needs met for this financial year".

Tegeta persisted, asking about "the possibility of moving some coal in the interim". Eskom did not budge.

But the Guptas were not going to take no for an answer.

November 2014-January 2015: Enter the Gupta-controlled Board

AmaBhungane understands from sources familiar with the negotiations that Eskom's coal procurement officials held out as long as they could, but by January 2015, they were receiving pressure "from above" to sign a contract with the Gupta-owned mine.

By this point, Eskom also had a new board. In December 2014, public enterprises minister Lynne Brown replaced eight members of Eskom's board.

Six out of the eight new appointees – Ben Ngubane, Mark Pamensky, Nazia Carrim, Maria Cassim, Devapushupum Naidoo and Romeo Khumalo – were either family of or had business ties to the Guptas and their business partners, according to the Public Protector's report.

On January 23 2015, Tegeta came with a new offer. Although Eskom tests found that Brakfontein's blended product (seam 4 upper and lower) was unsuitable, Tegeta offered to supply the blended product at R15/GJ.

Eskom told Tegeta that the price was too high and to come back with a new offer. Instead of lowering their price, Tegeta came back a week later with reasons why it needed a higher price.

Minutes from the meeting show that Tegeta's chief executive Ravindra Nath told Eskom "they have increased their BBBEE ownership and a higher price would be needed to finance the BBBEE partners".

This was not true – Tegeta only acquired new black shareholders six months later when Salim Essa and Duduzane Zuma were brought on board.

Minutes show that Nath also tried to argue that "changes in environmental law as well as royalties justified the need for a higher price".

Eventually, Eskom agreed to accept Tegeta's offer to supply 65,000 tons per month of blended coal for five years at R13.50/GJ, roughly R277/ton.

It is unlikely that Eskom officials were aware that around the same time, questions about Brakfontein's coal were being raised in court.

As part of a case brought by a former mining contractor against Goldridge, an expert geology report was submitted to court that concluded that "...Brakfontein coal deposit could never support a mine of economic importance".

"Theoretically the poor quality [coal] can be mixed with another coal supply source to produce an acceptable Eskom quality coal feed, but [this] is a pipe dream," geologist Gerhard Esterhuizen wrote in his report.

The pipe dream was about to be put to the test.

February 2015-March 2015: The Guptas demand more

The Guptas had finally been promised their first Eskom coal contract, but it is apparent they were not satisfied with their relatively modest contract of 65,000 tons/month.

Just four days after Eskom relented and agreed to take Brakfontein's coal, Tegeta's chief executive wrote back to Eskom's general manager of fuel sourcing, Johann Bester, with a new request:

- Increase the amount of coal supplied from 65,000 tons a month to 100,000 tons a month, starting in October,
- Increase the contract from five years to 10 years, and
- Allow Tegeta a grace period of three years before it needed to become 50%+1 black-owned.

Minutes show that during negotiations, Eskom had requested first right of refusal to coal from the as-yet-unopened part of the coal mine known as Brakfontein Extension.

Tegeta was now seeking to convert Eskom's first-right-of-refusal into a cold, hard contract.

Bester sat on the request for a few days and then wrote back on February 12:

- Eskom would still only agree to take 65,000 tons a month; come October Tegeta could offer Eskom another 35,000 tons a month from Brakfontein Extension, but it would be up to Eskom to decide if it wanted or needed the coal.
- Eskom would still only agree to a contract of five years but there would be an option to extend for another five years when the contract ran out.
- On the BEE requirements, Eskom would agree to a grace period, as it had done with other suppliers, provided that Tegeta remained 50%+1 black-owned for rest of the contract.

Considering that Tegeta's first coal contract was still not signed – a contract that was awarded without a competitive bidding process – this was an unusually generous concession from Eskom. Tegeta was not happy though. Nath immediately forwarded Eskom's letter to Tony Gupta and Salim Essa, saying:

I am not very happy with the wording "Eskom shall [have] an option to enter into an offtake agreement for the additional coal". Further, 'option to extend for further five years'. This shows that there is no commitment on the part of Eskom.

It is worth taking a minute to consider this – Tegeta had already used their connections to pressure Eskom to take low quality coal. Now, by refusing to more than triple the contract from roughly R1-billion to R3.8-billion on the basis of a single letter, Eskom was deemed to be showing "no commitment".

Commitment to what, exactly?

The reply that came from Gupta and Essa is not included in the #GuptaLeaks. But the following day, an emboldened Tegeta wrote back, this time to Nteta, who reported to Bester.

"Kindly recollect our discussions in which I mentioned that we want a 10 years' contract to satisfy our funders as the loan period is going to be more than 7 years... for the sustainability of the mines we request you to kindly consider the following changes favourably."

Nath included his proposed changes to the wording of the contract, which would include a 10-year contract and a guaranteed 100,000 tons a month, starting in October.

At this stage, there's clear evidence that Eskom was aware that Tegeta's Brakfontein coal mine did not represent the best value-for-money for Majuba power station.

A list of coal suppliers disclosed in the unredacted version of the Denton's Report shows that in 2015, Majuba power station had seven suppliers – Tegeta delivered the lowest quality coal yet commanded the highest rand per gigajoule rate.

For example, while Tegeta scored R13.50 per GJ, another Delmas-based mine, Kuyasa Mining, was paid R10.41 per GJ. And while Kuyasa as well as four other Majuba suppliers reached Eskom's target of being 50%+1 black-owned, Tegeta had still not concluded their promised BEE deal.

It is not clear from the #GuptaLeaks what happened over the next two weeks, but on March 9, Eskom relented – Nteta wrote back to Tegeta confirming that Eskom would take 113,000 tons of coal from Brakfontein, starting in October 2015.

The following day, Eskom and Tegeta signed the Brakfontein contract worth R3.8-billion over 10 years.

An unexplained footnote to this saga is that the day after the Brakfontein contract was signed, Eskom's board suspended four senior executives, including chief executive Tshediso Matona and Matshela Koko, group executive for commercial and technology.

Of the four suspended, only Koko would eventually be reinstated.

March 2015: Problems emerge

Tegeta was due to start delivering coal on 1 April 2015, provided that its coal first passed a combustion test at Eskom's Research, Testing and Development lab in Germiston – this was not as simple as it sounds since Tegeta's blended coal had failed to pass two previous tests.

The results of the combustion test, conducted by Eskom's special-purpose built lab, were delivered two days after the contract was signed. The report, which forms part of an ongoing investigation by Treasury, concluded that Brakfontein's coal was "not suitable for all power stations".

Of the 14 power stations in Eskom's fleet, the coal was considered "not acceptable" for 10, while four were considered "marginal". Majuba, where Brakfontein's coal was contracted to go, was one of the power stations marked "not acceptable".

In particular, the report warned that Tegeta's plan to blend higher and lower quality coal was risky, saying: "...producing a consistent blend ... is difficult to maintain. This can result [in] producing a blend with a hardgrove [index] which is worse than the one analysed, and also surpassing the ... ash and CV rejection limit."

In other words, the coal from Brakfontein mine was too marginal, the risk of the coal quality dipping below the rejection limit on a regular basis too high.

At this point, Eskom should have told Tegeta the deal was off. Instead, Eskom ignored its own technical experts and okayed Tegeta to start delivering coal to Majuba.

March 2015: Ben's Board

By this point, the Guptas were also starting to throw their weight around with the Eskom board.

On March 19, Nazeem Howa, then-chief executive of Oakbay Investments, sent Salim Essa a statement that he had drafted for the Eskom board to send out announcing that it had decided to relieve chairman Zola Tsotsi of his duties.

In the email Howa refers to the statement as "a first draft", saying to Essa:

"Let me have your thoughts and I will work to polish further."

Although Tsotsi would only step down two weeks later, it appears the Guptas were not only given advanced warning that the Eskom chairman would resign, but had taken the liberty of drafting a statement for the new chairman, Ben Ngubane.

On Thursday, Tsotsi said he was "not surprised" that the Guptas were privy to information about his removal:

"I suspected my removal was orchestrated by them. In fact, the Guptas told me a couple of weeks before, at the State of the Nation Address [February 12], that if I would not co-operate with them that they will see to it that I am removed as they were the ones who made sure that I was retained as chairman."

Tsotsi said that at the time he was not aware that his replacement, Ngubane, and several members of the Eskom board had connections to the Guptas.

The #GuptaLeaks show that Ngubane and Essa were already well-acquainted, being business partners in Gade Oil and Gas, a company that tried to gain oil concessions in Central African Republic in 2013.

Two weeks later, the day after Tsotsi resigned, Howa sent Essa an "amended version of the statement for Ngubane, "for your approval".

The statement that Ngubane released on behalf of the Eskom board later that day differs substantially from Howa's final draft, but Howa's fingerprints are clear in a few of his sentences that survived.

One of Howa's phrases that did not make it into the final statement was that the board "will not tolerate incompetence, tardiness, any dereliction of duty from any member of the Eskom team, saying:

"We know that there is no alternative but to implement several radical solutions."

Things were about to get a lot more radical at Eskom.

April 2015-June 2015: Enter Molefe and Singh

With Eskom chief executive Tshediso Matona on suspension, Minister Brown announced that she would be moving Transnet chief executive Brian Molefe across to Eskom. Coming with him would be Transnet chief financial officer Anoj Singh.

Invoices show that Singh had already made four trips to Dubai by this point, where he stayed in the luxury Oberoi Hotel, enjoyed spa treatments and was chauffeured around in a limo – all paid for by the Guptas' Sahara Computers.

Although there's no record of Molefe visiting the Guptas in Dubai, the Public Protector's State of Capture report detailed 58 phone calls between Molefe and Ajay Gupta starting soon after Molefe joined Eskom.

The arrival of Molefe and Singh at Eskom ushered in a new era for the Guptas' mining ambitions.

When Tegeta started delivering coal to Eskom's Majuba power station in April 2015 production was slow – just 54,041 tons in the first month – but deliveries soon ramped up and by July, Tegeta was delivering and being paid for more than 100,000 tons; far more than the 65,000 tons Eskom agreed to take for the first six months of the contract.

Considering that Tegeta had scored a 10-year contract without participating in a competitive bidding process, this was a major triumph.

But Tegeta now wanted more.

In a new proposal sent to Eskom in June, Tegeta proposed that come October, its mine would deliver 200,000 tons of coal to Eskom, up from the already inflated 113,000 tons agreed to in the contract.

Eskom agreed, provided that Tegeta's coal passed the required quality tests. However, as production volumes increased at Brakfontein mine so too did the problems.

A technical report commissioned by Treasury and based on documents from Eskom shows that in August 2015, 34% of Tegeta's stockpiles were rejected because the quality did not meet Eskom's specifications.

Eskom insists it did not pay Tegeta for stockpiles that were rejected, but the records provided to Treasury show that Tegeta was still paid for well over 65,000 tons of coal it was contracted to deliver – R35.3m for 122,617 tons in July, R33.2m for 112,207 tons in August, R42m for 139,386 tons in September.

August 2015: Problems emerge

By the end of August 2015, Eskom could not ignore the problems with Tegeta's coal.

On August 31, Koko – who had recently been reinstated to his position as group executive of technology and commercial – suspended Tegeta's contract as well as two independent laboratories that were testing Tegeta's coal.

The suspension of its contract came at an inopportune time for Tegeta. Just three days before Tegeta had written to Eskom with yet another offer, this time to supply an additional 150,000 tons of coal a month – Tegeta would source the coal from other mines and blend it, not as a middleman per se, but a “value-adding trader”.

For most junior coal suppliers, the suspension of a coal contract would be a major crisis. Tegeta seemed undeterred. On September 4, Tegeta increased their offer to supply coal as a value-adding trader to 200,000 tons.

At the same time, Nath wrote back to Koko explaining that despite accredited independent laboratories rejecting numerous samples of being too high in sulphur, Tegeta's own in-house tests found the sulphur levels to be acceptable.

There is no indication in the #GuptaLeaks that Tegeta sent the result of the in-house tests to Eskom. Despite this, Nath's letter seems to have sufficed. The following day, Koko lifted Tegeta's suspension “whilst [Eskom] continues its investigation”.

Koko would later claim in an interview that their investigation found that one of the labs was at fault, saying: “...We had conclusive proof that this lab was fabricating results ... that is why we suspended them,” Koko told *Carte Blanche* in June 2016.

However, an October 2015 report by Dr Chris van Alphen, Eskom's chief adviser on coal quality, lays the blame squarely on Tegeta and its apparent inability to produce a consistent blend of coal.

According to a technical report prepared for Treasury's investigation, when three labs analysed what were supposed to be identical samples of Brakfontein's coal from August 2015, the results varied so dramatically that one technician remarked: “They do not look like the same coals never mind the same samples.”

For Tegeta it was business as usual, but the episode also resulted in four Eskom employees being suspended including Dr Mark van der Riet, Eskom's most senior coal scientist who was tasked with investigating the discrepancies in Brakfontein's coal qualities.

Almost two years later, Van der Riet remains on suspension. After Van der Riet and his union representative approached the Labour Court, Eskom finally agreed to hold an internal disciplinary hearing later this month.

“If Mark's matter is such a serious matter why has it taken more than a year for Eskom to deal with it? Eskom seems to be using delaying tactics, hoping the employee will eventually resign,” Numsa's Bonny Nyangwa said on Wednesday.

Eskom's official line is that Van der Riet's 22-month suspension is not linked to his role in investigating Brakfontein's coal qualities.

Nyangwa disputes this, and confirmed that Eskom added new charges against Van der Riet earlier this month: breaching Eskom's confidentiality policy by allegedly forwarding information about the Brakfontein investigation to his personal email address.

September 2015: Tegeta ups the game

Even after Tegeta's contract was reinstated, Brakfontein's coal continued to periodically fail lab tests, according to Treasury's technical report.

In September 2015, for instance, 38% of Tegeta's stockpiles were rejected, most for having excessively high sulphur levels, the cause of toxic sulphur dioxide air pollution.

There's no evidence that Eskom was deeply concerned by this development. Instead, starting October, Tegeta increased deliveries to Majuba power station to more than 200,000 tons a month.

Keep in mind that this was during summer, when Eskom's coal requirements have always been lower. Despite this, Tegeta was now delivering three times what was originally agreed to in the January 2015 negotiations with Eskom.

For the next several months, Tegeta reaped the rewards despite there being no evidence that any other mines were given an opportunity to bid to supply extra coal to Majuba.

At the same time Tegeta was also pushing Eskom to agree to their long-standing proposal to become a "value-adding trader". Finally, at the end of September, Eskom official Thabani Mashego pushed back.

In a tone that the Guptas must have been unused to hearing, Mashego told Tegeta chief executive Ravindra Nath in an email:

"Eskom will be going out on open enquiry to fulfil their coal shortfall requirements going forward. Tegeta is therefore advised to respond to such enquiries, which will be advertised in the print media and the Eskom Tender Bulletin shortly."

Nath wrote back the next day, essentially instructing Eskom to sign the contract.

"[W]e have to advise that on the basis of the letter and the subsequent meeting thereafter we have already tied up the coal offtake and it is not possible to come out of it. We therefore request you to arrange for the contract in this regard."

It is not clear whether Eskom capitulated and signed this contract – this is one of the many questions that Eskom chose not to answer. Either way, Tegeta did not need this off-take agreement – it was about to become a major coal supplier to Eskom.

April 2015-December 2015: Next Target: Optimum

It is worth taking a step back for a minute to understand how the Glencore-owned Optimum coal mine became a target in Tegeta's rapidly expanding coal empire.

Hidden in the #GuptaLeaks is a letter addressed to Glencore's chief executive Clinton Ephron. Dated April 13, the letter was from Dam Capital, representing the little-known Endulwini Consortium, and contained an offer to buy Optimum Coal as well as Optimum's Richards Bay export allocation for \$200-million.

"We have commenced putting together a consortium of South African investors, led by Black people, with an established presence in the mining industry," the letter reads, "[t]he identity of whom will be disclosed as we reach an agreement that the assets are available for sale."

No more is heard from Endulwini or Dam Capital in the cache of leaked emails, and it is not clear if the Guptas were the anonymous investors referred to in the letter.

What we do know from the Public Protector's report is that in July, Glencore received an almost identical offer to buy Optimum Coal from KPMG representing an anonymous client.

When Glencore questioned KPMG it discovered the bid had come from Oakbay.

Glencore refuses to comment on the Dam Capital offer, and we know from the Public Protector's report that it rejected the similar overtures by KPMG.

Soon though, Glencore was facing new problems from Eskom as newly appointed Eskom chief executive Brian Molefe took a hardline approach, refusing to renegotiate the price Eskom paid for Optimum's coal.

At R150/ton Optimum was sinking deeper and deeper into financial trouble. In August, Glencore placed the mine in business rescue in a bid to stave off liquidation, but Molefe remained unmoved.

Instead it is alleged that Molefe and Eskom chairman Ben Ngubane tried to persuade mines' minister Ngoako Ramatlhodi to cancel Glencore's other mining rights in a bid to force Glencore to capitulate.

On August 7, after Optimum's mining licence was briefly suspended and then reinstated by the Department of Mineral Resources, a Gupta lieutenant, Ashu Chawla, received an email from someone only identified as "Business Man" using the email address "infoportal1@zoho.com".

Attached to the email was a letter Optimum's business rescue practitioners had sent to Eskom's senior executives regarding Optimum's mining right suspension.

The letter itself is not particularly explosive, but what is apparent is that someone with access to confidential information in Eskom was leaking it to the Guptas.

"Business Man" features in the #GuptaLeaks again in November when Matshela Koko forwarded two emails from his private Yahoo email address to "Business Man", both containing confidential Eskom information.

In one, Koko asks "Business Man" to pass the Eskom documents on to "the Boss" – the email was then forwarded to "Western", another anonymous email address that appears to be a proxy for one of the Gupta brothers.

In the second email Koko passed on a sensitive legal opinion exposing how weak Eskom's position was in their ongoing battle with Optimum Coal. Again, "Business Man" and "Western" passed these on to Chawla.

A day later, Koko sent a particularly vitriolic letter to the business rescue practitioners, threatening to review all of Glencore's other Eskom contracts – it is not clear how, but the #GuptaLeaks show that Tony Gupta was given an advanced copy of Koko's letter.

A few days later, the business rescue practitioners signed a term sheet with the Guptas, formally entering negotiations to sell Optimum Coal.

We can also see from the #GuptaLeaks that on December 2, when mines minister Mosebenzi Zwane failed to board his official flight from Zurich to Dubai, he was allegedly on board the Guptas' Bombardier jet, ZS-OAK, along with Tony Gupta and Salim Essa.

The former Public Protector's report concluded that Zwane had played a central role during the negotiations in Zurich where Glencore agreed to sell Optimum to the Guptas.

What her report was unable to explain however was how the minister got from Zurich to Dubai – from the #GuptaLeaks we now have evidence that Zwane spent the next two days in India with the Guptas before flying back to Dubai and catching his official flight back to Johannesburg.

December 2015: The R1.68-billion prepayment

By early December, the Guptas were finally about to get their hands on Optimum Coal.

Thanks to Koko, insisting at the last minute that Glencore sell the entire Optimum Coal Holdings portfolio, Tegeta would not only be buying the loss-making Optimum Coal Mine, but also Koorfontein Mines and a 5.5m-ton/year export allocation at Richard's Bay.

Tegeta now needed to find a way to pay for it. The problem was that Tegeta would not be paying the R2.15-billion purchase price to Glencore, but to a consortium of three banks which had loaned money to Glencore during a period of several years.

On December 8, Tegeta chief executive Ravindra Nath met with First National Bank, Investec and Rand Merchant Bank and put a proposal on the table: Tegeta would

settle an undisclosed portion of the debt now and the rest would be paid to banks in 11 monthly instalments.

The banks politely but firmly declined and told Tegeta they wanted the full debt settled.

Around the same time, Tegeta also called a meeting with Koko. We know about this meeting because it is referred to in a letter sent to Koko on December 9 and disclosed in the #GuptaLeaks.

Based on the letter we can deduce that Eskom agreed in principle to give Tegeta a massive R1.68-billion upfront payment for future coal deliveries from Optimum Coal.

It appears from the #GuptaLeaks that Tegeta wanted to use their yet-to-be acquired mine to secure a sizeable chunk of money from Eskom – money that could then be used to pay the purchase price of Optimum.

Tegeta appears to have been so confident of receiving the payment that Koko was requested “to kindly send us a written confirmation regarding the payment for supply of coal amounting to R1,680,000,000 (Rand one billion six hundred and eighty million)”.

Nath finished off his letter by attaching the Guptas' lawyers bank details to the bottom of the page.

It is not clear from the #GuptaLeaks if Tegeta received the R1.68-billion prepayment it requested. On the same day Koko received the prepayment request, Zuma fired Nhlamhla Nene as finance minister, triggering the political equivalent of a nuclear bomb ripping through the markets.

By Monday 14 December, sanity had prevailed and the Guptas' hand-picked finance minister Des van Rooyen was shifted out of Treasury.

It is possible that the entrance of Pravin Gordhan as finance minister put any plans of a R1.68-billion prepayment on hold. But the Optimum deal was by no means off the table.

On December 16, Eskom CFO Anoj Singh flew to Dubai – the trip, paid for by the Guptas, cost AED20454 (R71,610). In January, Koko followed suit, staying at the Oberoi Hotel for two nights at the Guptas' expense.

The #GuptaLeaks provide no detail on whether Singh or Koko met with the Guptas during this time or what they spoke about if they did. However, based on the largesse that was about to flow in the Guptas' direction, we should be deeply concerned by meetings such as these.

January 2016: A red-carpet welcome

Although Tegeta would only formally take ownership of Optimum Coal in April, from January 1, Tegeta was running the mine for its own profit or loss.

Tegeta was now supplying Majuba power station from their Brakfontein mine, Hendrina power station from Optimum, and Komati power station from Koornfontein mine.

The great mystery of the Guptas' bid to grab Optimum was how they planned to turn a mine that was haemorrhaging R100-million a month and turn it into a profitable venture.

The assumption was that Eskom's reluctance to renegotiate the price of R150/ton that Optimum received would fall away as soon as the Guptas took over the mine.

But Eskom's refusal to renegotiate the price had become such a cornerstone of Eskom's fight with Glencore that there was no way to change the price now.

The dilemma was quickly solved because by January, Eskom had conveniently cleared the way for Optimum to start supplying coal to Arnot power station in Mpumalanga.

In 2015, Eskom had taken the decision not to renew Exxaro's cost-plus contract to supply Arnot as the price Eskom paid for the coal had become unsustainably high, sometimes exceeding R1,000/ton.

That decision may have made financial sense. What made less sense was Eskom's decision to terminate a second Arnot contract, this time with Mafube, a joint venture between Exxaro and Anglo American that mines coal just north of the N12 highway and supplies it via a long conveyor belt system to Arnot power station.

Eskom's Denton's report shows that in July 2015, Mafube provided the cheapest coal on Eskom's books at a fixed price of R132/ton. The coal was not great quality, but since 2004 the mine had delivered 1.18m tons a year to Arnot power station.

According to Denton's report the contract was due to run until the end of 2023. Exxaro's spokesperson Mzila Mthenjane will only say that the contract came to an end.

However, Exxaro's own annual report refers to "Eskom's decision to terminate the Mafube supply agreement", and according to a source familiar with the operations, the contract was cancelled without reason in December 2015.

By the end of January, a steady stream of 30-ton coal trucks was running from Optimum mine to Arnot power station roughly 60km away.

And while Optimum received R150/ton for coal delivered to Hendrina power station, Optimum scored R470/ton for coal delivered to Arnot power station, excluding transport costs. The cost of transporting the coal – another R60/ton or R1,800/truck – was paid by Eskom.

Eskom maintains that the coal delivered to Arnot justified a higher price on the basis that the coal had a lower abrasiveness index – this version is disputed by numerous sources familiar with the on-the-ground operations.

Later, when demand for coal at Arnot rose, and Optimum no longer had enough coal to supply both contracts, Eskom appears to have obligingly reduced the amount of coal Optimum was required to deliver to Hendrina power station, freeing up additional coal for the more lucrative Arnot contract.

January 2016-February 2016: Brakfontein goes on sale

Around the same time, Tegeta announced it would sell Brakfontein mine with its Eskom contract to Shiva Uranium, a subsidiary of the Guptas' listed company Oakbay Resources and Energy – Tegeta would transfer Brakfontein and all its contracts to Shiva and in exchange Tegeta would receive shares in Shiva worth R2.1-billion.

On February 24, Oakbay's shareholders approved the deal, and Brakfontein became part of the newly formed Shiva Coal. However, even though the mine changed hands, Eskom kept paying Tegeta for the coal.

AmaBhungane discovered this after submitting a PAIA request to Eskom for a list of Eskom's coal suppliers and their percentage of black ownership – the list we received in March this year did not include Oakbay or Shiva.

In terms of the Public Finance Management Act, Eskom has to pay the rightful owner of the coal it receives. However, Eskom's own records show that Tegeta continued to receive payments for Brakfontein's coal for months after the mine was sold.

Sources say that as of last month Tegeta was still receiving the payments for Brakfontein's coal.

When we queried this with Eskom in a meeting in April, Ayanda Nteta, the outspoken executive from the 2014 meetings, told us: "In terms of Brakfontein, my understanding is that Shiva Uranium has bought in shares in terms of Brakfontein so there was a flow through... The contract we have is with Tegeta, that's why ... Shiva wouldn't be listed."

In fact, Shiva did not buy the shares in Brakfontein or Tegeta. Instead the circular is explicit that Shiva bought the mine with its contract. Shiva is now the rightful owner of the coal, but instead Eskom is continuing to pay Tegeta.

"We will look into that. Our legal people understand in terms of the flow through and who bought the shares," Nteta said.

Eskom has failed to respond to any follow-up questions on the issue. Questions were also sent to Oakbay Resources & Energy two weeks ago – chairman George van der Merwe responded last week confirming that Shiva had bought the Brakfontein mine with its contract but offered no explanation for why Tegeta was still being paid.

February 2016: Briefly empowered, always empowered

It is hard to imagine why a JSE-listed company like Oakbay would allow Eskom to pay another company for its coal. The answer may lie in Eskom's requirement that its coal suppliers be 50%+1 black-owned.

"We have a shareholder compact which targets us to spend at least 40% of our total procurement on black suppliers. Coal being the biggest commodity, the more we can do it on coal the easier it gets," Edwin Mabelane, Eskom's head of procurement, told amaBhungane.

When the original Brakfontein contract was signed in 2015, it contained a suspensive condition – Tegeta needed to reach Eskom's black empowerment target of 50%+1 by 2018 and remain empowered for the rest of the contract.

"In terms of [Tegeta's] contract, they were given a certain period; we said to them, 'You have a [10-year] contract, you need to move to black-owned within a certain amount of time,'" Nteta confirmed.

In November 2015, just before Tegeta bought Optimum Coal, Tegeta reached that target when Duduzane Zuma and Salim Essa became shareholders through Elgasolve and Mabengela Investments respectively.

As a result, Tegeta's black-owned shareholders own 775 shares versus the 774 shares held by Oakbay and several off-shore companies – through a byzantine share structure the majority of control still rests with members of the Gupta family and two Gupta-controlled companies registered in Dubai.

However, this raises an interesting question: if Shiva takes possession of the contract as it is legally entitled to do, would Shiva be required to become 50%+1 black-owned by next year?

And if Shiva failed to become majority black-owned, would Eskom be entitled to cancel the contract even though it is still scheduled to run until 2025?

In other words, for the Brakfontein contract, does once empowered (albeit briefly) mean always empowered?

Currently, Shiva is 41% black-owned thanks to Tegeta and another Duduzane Zuma-owned company, Islandsite Investments 255. However, due to the complicated share structure, more than 50% of the Shiva is owned by members of the Gupta family.

April 2016: Eskom asks Treasury for even more

It has been well-established that throughout 2016, Tegeta raked in almost R1-billion from their "emergency" contract supplying coal to Arnot power station.

Unfortunately, the #GuptaLeaks provide no further detail on the Guptas' dealings with Eskom beyond the early negotiations in 2016.

In April 2016, Eskom delivered on part of the prepayment Koko promised when, in a late-night special tender committee meeting, Eskom agreed to prepay Tegeta R587-million for coal. Eskom's decision came just hours after the consortium of banks refused to provide Tegeta with a R600-million bridging loan.

In August, Treasury refused Eskom's request to extend Tegeta's contract to supply Arnot power station by another R855-million over six months.

However, Treasury gave conditional approval to Eskom to sign a R7-billion expansion to the Koorfontein contract to supply Komati power station for the next seven years, provided that there were no other potential suppliers. Eskom appears to have ignored this condition and handed the contract to Tegeta two weeks later.

By this point, Brakfontein's deliveries to Majuba power station were back down to the contractual 113,000 tons of coal a month.

A few days later, Eskom returned to Treasury with a new request – Brakfontein had more coal to offer and Eskom wanted to extend the contract by another R2.9-billion.

During the interview in April this year, Eskom explained that the request for a R2.9-billion expansion of the Brakfontein contract was as a result of Eskom's earlier agreement from June 2015 to increase deliveries to Majuba power station to 200,000 tons of coal a month.

"What Eskom decided to do was [to be] more proactive – because actually it was agreed on prior and we should have just continued – we opted to inform National Treasury to say, 'By the way we were supposed to get [a certain number of tons] and this [additional amount] was supposed to kick in in October. We would like to now exercise this requirement,'" Nteta said.

What Eskom was asking for was to increase the already inflated contract from R3.8-billion to R6.7-billion. Treasury balked and told Eskom it could not support Eskom's decision to take further coal from Brakfontein until the year-long Treasury investigation was completed.

2017: Eskom on the ropes

We're now in mid-2017 and the empire that the Guptas built at Eskom is crumbling. Brian Molefe has been removed as chief executive, Matshela Koko is under investigation and unlikely to return to his position as acting chief executive.

Meanwhile both Parliament and Treasury are demanding answers to know why Eskom rolled out red-carpet treatment for the Guptas.

By our calculation the Guptas have received contracts worth R11.7-billion from Eskom for coal alone.

None of these contracts was awarded as the outcome of a competitive bidding process, and the R11.7-billion does not include the contracts that Tegeta inherited when it bought Optimum Coal, nor does it include invoices totalling R419-million for

management consulting and advisory services delivered to Eskom by Trillian Capital Partners, a company majority owned by Salim Essa.

Last week, we wrote to Eskom asking how it planned to deal with allegations contained in the #GuptaLeaks considering that Eskom's former chief executive (Molefe), Eskom's former acting chief executive (Koko), Eskom's chief financial officer (Singh), Eskom's chairman (Ngubane) and half of Eskom's board were named and potentially implicated by the emails.

Eskom chose not to respond to the three pages of questions we sent; instead spokesperson Khulu Phasiwe said Eskom supports minister Lynne Brown's decision to institute an investigation via the Special Investigating Unit into all the allegations against Eskom and will fully co-operate with the investigation.

"As you may be aware, the Minister of Public Enterprises Lynne Brown said ... that she is in the process of instituting an inquiry into these allegations with the aim of getting to the bottom of these matters once and for all.

Eskom supports the establishment of this enquiry, and will co-operate with the investigators once that process gets underway.

In addition, the National Treasury has also been investigating these contracts since July 2015, and as the Treasury has informed Scopa ... it is happy with the level of co-operation it is getting from Eskom in getting to the bottom of these allegations."

The Gupta family's lawyer did not respond to similarly detailed questions, but told amaBhungane that the Guptas could not comment on the #GuptaLeaks until they had a copy of the leaks in their possession.

news24

DAILY MAVERICK

Scorpio



amaBhungane

#GUPTALEAKS

MJZ 36

INVOICE

Mr. Raghuraj Pratap Singh
Sahara Computers

DEL

South Africa

Travel Agent :

Company : Sahara Computers

PAN No. :

Billing : Entire bill to CCA awtd, normally being provided by Mr. Sanjay Grover.

Room No. : 2401

Guests : 1

Arrival : 09-DEC-15 14:54:00

Departure : 12-DEC-15 12:00:00

Bill No. :

Rate : AED

Printed On : 12-DEC-15 11:09:42

Cashier : FOAKHAN

Page : 1 of 2

Date	Description	Reference	Debit	Credit
09/12/15	Limousine Sale <i>BMW 7 Series used by Mr. Mosebenzi Josej</i>	BMW 7 Series used by Mr. Mosebenzi Josej	825.00	
09/12/15	Limousine Sale <i>Towards arrival transfers</i>	Towards arrival transfers	275.00	
09/12/15	Inroom Dining Food	Room# 2401 : CHECK# 0179996	80.00	
09/12/15	Inroom Dining Food	Room# 2401 : CHECK# 0170004	210.00	
09/12/15	Accomodation Charge		6,500.00	
09/12/15	Tourism Dirham Fee		20.00	
09/12/15	Rooms Municipality Fee		650.00	
09/12/15	Rooms Service Charge		650.00	
10/12/15	Inroom Dining Food	Room# 2401 : CHECK# 0170027	375.00	
10/12/15	Accomodation Charge		6,500.00	
10/12/15	Tourism Dirham Fee		20.00	
10/12/15	Rooms Municipality Fee		650.00	
10/12/15	Rooms Service Charge		650.00	
11/12/15	Inroom Dining Mineral Water	Room# 2401 : CHECK# 0170087	60.00	
11/12/15	Inroom Dining Tobacco	Room# 2401 : CHECK# 0170101	20.00	
11/12/15	Umai Food	Room# 2401 : CHECK# 0121211	308.00	

INVOICE

Mr. Raghuraj Pratap Singh
Sahara Computers

DEL

South Africa

Travel Agent :

Company : Sahara Computers

PAN No. :

Billing : Entire bill to CCA awtd, normally being provided by Mr. Sanjay Grover.

Room No. : 2401

Guests : 1

Arrival : 09-DEC-15 14:54:00

Departure : 12-DEC-15 12:00:00

Bill No. :

Rate : AED

Printed On : 12-DEC-15 11:09:42

Cashier : FOAKHAN

Page : 2 of 2

Date	Description	Reference	Debit	Credit
11/12/15	Inroom Dining Food	Room# 2401 : CHECK# 0170149	100.00	
11/12/15	Accomodation Charge		6,500.00	
11/12/15	Tourism Dirham Fee		20.00	
11/12/15	Rooms Municipality Fee		650.00	
11/12/15	Rooms Service Charge		650.00	
12/12/15	Limousine Sale	Departure car to Al Maktoum Airport.	375.00	
	<i>Departure car to Al Maktoum Airport.</i>			

Total in AED	26,088.00	0.00
Balance in AED	26,088.00	



**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

PRIVATE BAG x 59, PRETORIA, 0001, Tel (012) 444 3979, Fax (012) 444 3145

PRIVATE BAG x 9111, CAPE TOWN, 8000 (021) 462 2310, Fax (021) 461 0859

Enquiries:

Memorandum from the Parliamentary Office

Minister

National Assembly question for written reply: Question 940

Date:

Recommended / Not Recommended

Mr D Msiza

Acting Director General: Department of Mineral Resources

...../...../2016

NA QUESTION FOR WRITTEN REPLY



**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

QUESTION NUMBER: 940

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 08 April 2016

INTERNAL QUESTION PAPER NUMBER: 10

940. Mr T J Brauteseth (DA) to ask the Minister of Mineral Resources:

Has (a) he and/or (b) his Deputy Minister ever (i) met with any (aa) member, (bb) employee and/or (cc) close associate of the Gupta family and/or (ii) attended any meeting with the specified persons (aa) at the Gupta's Saxonwold Estate in Johannesburg or (bb) anywhere else since taking office; if not, what is the position in this regard; if so, in each specified case, (aaa) what are the names of the persons who were present at each meeting, (bbb)(aaaa) when and (bbbb) where did each such meeting take place and (ccc) what was the purpose of each specified meeting? NW1068E

ANSWER

The Minister has not met with any member, nor close associate of the Guptas. He has also not attended a meeting with a specified person at the Gupta's Saxonworld Estate in Johannesburg.

Ministry

Reply

Approved/not approved

Mr MJ Zwane, MP

Minister of Mineral Resources



**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

Date Submitted:-...../...../2016

**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

NA QUESTION FOR WRITTEN REPLY

QUESTION NUMBER: 287 : C0582E

**DATE OF PUBLICATION IN INTERNAL QUESTION PAPER:
INTERNAL QUESTION PAPER NUMBER:**

287. Mr JS Malema (EFF) to ask the Minister of Mineral Resources:

(a) What was the purpose of his recent trip to Switzerland, (b) who was part of the delegation and (c) how much did the trip cost the department? NW294E

Reply

- (a) To promote mining and investment opportunities in South Africa**
- (b) Minister was accompanied by an official from the department.**
- (c) R347 000, 00.**

Approved/not approved

**Mr MJ Zwane
Minister of Mineral Resources**

Date Submitted: 05/05/2016



**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

PRIVATE BAG x 59, PRETORIA, 0001, Tel (012) 444 3979, Fax (012) 444 3145

PRIVATE BAG x 9111, CAPE TOWN, 8000 (021) 462 2310, Fax (021) 461 0859

Enquiries: Melusi.nkabinde@dmr.gov.za

Memorandum from the Parliamentary Office

Minister

National Assembly question for written reply: Question 477

DDG: MR

Date:

Recommended / Not Recommended

Mr D Msiza

Acting Director General: Department of Mineral Resources

...../...../2017



**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

NATIONAL ASSEMBLY QUESTION FOR WRITTEN REPLY

QUESTION NUMBER: 477

ADVANCE NOTICE NO: NW533E

DATE OF PUBLICATION IN INTERNAL QUESTION PAPER: 10 March 2017

INTERNAL QUESTION PAPER NUMBER: 02

**477. Adv A de W Alberts (FF Plus) to ask the Minister of Mineral Resources:
†**

- (1) Whether, with reference to his reply to question 1155 on 5 May 2016, any of the directors of Oakbay accompanied him to Switzerland to facilitate the transaction between Oakbay and Glencore, as he indicated in his reply as to the purpose of his visit to Switzerland; if not,**
- (2) whether he facilitated the transaction on his own without any representative of Oakbay; if so, which role (a) he as Minister and (b) the director(s) played in negotiations with Glencore;**
- (3) whether he personally has any direct or indirect interests in Oakbay or Optimum or had any in the past; if so, what are the relevant details?**

NW533E

Reply

- (1) Minister was accompanied by an official from the Department.**



**MINISTRY OF MINERAL RESOURCES
REPUBLIC OF SOUTH AFRICA**

(2) I did not facilitate any transaction. I went there to promote mining and address company issues relating to investment climate in the country in general and to mitigate imminent of retrenchment

(3) No, I don't have any interest in Oakbay or Optimum

Approved/Not Approved

**Mr MJ Zwane, MP
Minister of Mineral Resources**

Date Submitted:-...../...../2017

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

Case no /2016

In the matter between:

MINISTER OF FINANCE - Applicant

And

OAKBAY INVESTMENTS (PTY) LTD First respondent

OAKBAY RESOURCES AND ENERGY LTD –Second respondent

SHIVA URANIUM (PTY) LTD – Third respondent

TEGETA EXPLORATION AND RESOURCES (PTY) LTD – Fourth respondent

JIC MINING SERVICES (PTY) LTD – Fifth respondent

BLACKEDGE EXPLORATION (PTY) LTD – Sixth respondent

TNA MEDIA (PTY) LTD – Seventh respondent

THE NEW AGE – Eighth respondent

AFRICA NEWS NETWORK (PTY) LTD – Ninth respondent

VR LASER SERVICES (PTY) LTD - Tenth respondent

ISLANDSITE INVESTMENTS ONE HUNDRED AND EIGHTY (PTY) LTD – Eleventh respondent

CONFIDENT CONCEPT (PTY) LTD– Twelfth respondent

JET AIRWAYS (INDIA) LTD (INCORPORATED IN INDIA) – Thirteenth respondent

SAHARA COMPUTERS (PTY) LTD – Fourteenth respondent

ASSA BANK LTD - Fifteenth Respondent

FIRST NATIONAL BANK LTD - Sixteenth Respondent

STANDARD BANK OF SOUTH AFRICA LIMITED - Seventeenth Respondent

NEDBANK LIMITED - Eighteenth Respondent

GOVERNOR OF THE SOUTH AFRICAN RESERVE BANK - Nineteenth Respondent

REGISTRAR OF BANKS - Twentieth Respondent

DIRECTOR OF THE FINANCIAL INTELLIGENCE CENTRE - Twenty-First Respondent

FOUNDING AFFIDAVIT

I, the undersigned,

PRAVIN JAMNADAS GORDHAN

solemnly affirm that:

1. I am the Minister of Finance, and in that capacity also head of the National Treasury of South Africa, and the applicant in this matter. I was appointed to this position in December 2015 (having previously served in the same capacity for over five years from 2009 to 2014).
2. The contents of this affidavit are, save where the context indicates otherwise, within my personal knowledge or derived from records and information under my control. They are true and correct. Where I make legal submissions this is based on advice by my legal representatives.
3. This is an application for declaratory relief arising from a dispute relating to powers of intervention by Government in relation to the closing of private clients' accounts by registered banks. This dispute has arisen in circumstances which have considerable importance for the operation of the banking sector of the South African economy, and its regulation by Government. The related controversy has received both national and international attention, and it is clearly in the public interest, the interest of the affected clients and relevant banks, and employees of both that it be authoritatively resolved.
4. The first to fourteenth respondents are registered companies in the Oakbay group of companies (collectively, "Oakbay"). Their names, registered offices and principal places of business within the jurisdiction of this Court are reflected in the notice of motion. To avoid prolixity these details are not repeated here.
5. The fifteenth to the eighteenth respondents are registered South African banks (collectively, "the banks"). Their names, registered offices and principal places of business are likewise reflected in the notice of motion.
6. The nineteenth respondent, the Governor of the South African Reserve Bank ("Reserve Bank"), is cited by virtue of any interest he may have in this application. The twentieth respondent, the Registrar of Banks, is cited by virtue of any interest he may have in this application, in particular pursuant to the provisions of sections 4 and 7 of the Banks Act 94 of 1990. The twenty first respondent, the Director of the Financial Intelligence Centre, is similarly cited pursuant to any interest he may have in the application pursuant to the Financial Intelligence Centre Act 21 of 2001 (FICA).
7. In April 2016 it was publicly announced on behalf of Oakbay, controlled at the time by the Gupta family, that their banking accounts had been closed by the banks. Oakbay also announced that its auditors, KPMG, and its sponsor on the Johannesburg Stock Exchange, Sasfin, have similarly terminated their relationships with Oakbay.
8. According to a series of public statements by Oakbay, its executives thereafter engaged in urgent approaches to their bankers with a view to clarifying the basis on which they each took the individual decision to close Oakbay's accounts. At the same time Oakbay made public statements contending that the banks had acted irregularly, and indeed improperly, in closing the accounts.
9. Oakbay also proceeded to direct representations and demands to me as the Minister of Finance. In short, Oakbay demanded that on behalf of Government I intervene with the banks to achieve a reversal of their decisions. In a first letter to me dated 8 April 2016, Oakbay contended that "the unexplained decision of a number of banks, and of our auditors, to cease working with us", was "the result of an anti-competitive and politically-motivated campaign designed to marginalise our businesses. We have received no justification whatsoever to explain why ABSA, FNB, Sasfin, Standard

Bank and now Ne veA decided to close our business accounts. ... As the CEO I now hope to draw a line under the corporate bullying and anti-competitive practices we have faced from the banks."

10. I attach a copy, marked "A". Naturally these serious allegations were a source of concern, particularly in view of the number of jobs (7 500) stated by Oakbay to be at risk.

11. A further letter followed on 17 April 2016 (attached, marked "B"). It offered "our deepest apology and regret" if the first letter had come across other than an appeal for assistance to save jobs. It asked to be advised "about any possible assistance you are able to offer us in these trying times". The letter was closely followed by two open letters, one to the CEOs of the banks and one in similar terms to me, on behalf of two "employee representatives".

12. In my capacity as Minister of Finance, I was concerned to explore any respect in which I could properly, in terms of law, address the situation arising from Oakbay's serious allegations concerning the banks, and the job losses it predicted as imminent. To that end a meeting was arranged on 24 May 2016 with Oakbay representatives, senior Treasury officials and myself. Prior to the meeting, I had taken steps to obtain independent legal advice by senior counsel in important respects relevant to the apparent issues. This advice was provided in an opinion by senior and junior counsel dated 25 April 2016. I attach a copy, marked "C".

For brevity I do not repeat at length the contents of that legal advice. I ask that annexure C be regarded as incorporated herein. In short, counsel advised that the National Executive (comprising Cabinet and such individual Ministers as may be appointed by the President) are governed by the Constitution and national legislation. They are accordingly entirely "creatures of statute" with only such powers as the law itself confers on them.

Nothing in law, the opinion advised, authorised governmental intervention with the banker-client relationship arising by contract. The opinion also emphasised the obligations imposed by the Basel Committee on Banking Supervision at the Bank of International Settlements on South African banks. The Committee had imposed an international duty regarding know-your-customer (KYC) standards. I was further advised that required KYC policies and practices "not only contribute to a bank's overall safety and soundness", but also "protect the integrity of the banking system by reducing the likelihood of banks becoming vehicles for money-laundering, terrorist financing and other unlawful activities." (These aspects are addressed more fully in paras 17-19 of the opinion.)

These principles, I was further advised, are given effect to in domestic law by the FICA. In addition, the Banks Act imposes reporting duties, requires the Registrar of Banks under certain circumstances to disclose information reported to him to third parties, and contemplates that any concerns regarding the banking sector be communicated by the Registrar to *inter alios* the Minister of Finance (paras 19-21 of the opinion).

14. South African banks not complying with their Basel or domestic duties are furthermore subject to fines by foreign and domestic authorities, and to steps being taken against them outside and inside South Africa.

15. On 24 May 2016, following my meeting with Oakbay's CEO, Mr Nazeem Howa, I wrote to him. I attach a copy of the letter, marked "D". I again ask that it and its attached *aide memoire* be regarded as incorporated herein. My officials and I sought to provide assistance by attaching an information document explaining in outline the regulatory framework governing the banking and financial sectors.

I also drew attention to sources of further information, both nationally and internationally. The letter reiterated the legal impediments to any registered bank discussing client-related matters with me or any third party. I stressed that "the Minister of Finance cannot act in any way that undermines the regulatory authorities". I encouraged Oakbay to achieve a determination of its contentions by approaching a court. Finally I requested Oakbay to desist from its attacks on the integrity of National Treasury, in the public interest.

16. Also on 24 May 2016 I received a letter from Oakbay, attached marked "E".

Oakbay here significantly places on record that on its own legal advice, any legal approach by it challenging the closure of the accounts or the basis on which this had been effected "may indeed be still-borne". It is further apparent that Oakbay recognised that "as case law suggests, [any legal approach] will fail in a court of law". The letter however both asserts a continued intention by Oakbay to "appeal to you for assistance", and a suggestion that the banks had closed the accounts without "any indication of any wrongdoing on our side ... we have done nothing wrong".

17. In view of Oakbay's persistence in its stance, I sought further advice from senior and junior counsel. I attach a copy of their additional opinion, dated 29 May 2016 as annexure "F".

18. On 28 June 2016, I received a further Oakbay letter, this time from the CEO of Sahara, the fourteenth respondent, again apologising for public statements made in the media but also again pressing me "to serve the national purpose". I attach a copy marked "G".

19. The continued assertions by Oakbay that, as Minister of Finance, I should intervene in, or exert pressure upon, the banks regarding their closure of the Oakbay accounts is harmful to the banking and financial sectors, to the regulatory scheme created by law, and the autonomy of both the governmental regulators and the registered banks themselves. It is well known that the international financial environment has been extremely difficult since 2008. The proper conduct of the financial regulatory scheme is clearly in the public interest.

So too are the jobs of the affected individuals (which Oakbay has variously estimated at 6 000, 7 500 or 15 000), for which I as Minister of Finance would always have a considerable concern, as well as the serious allegations detailed above contending that the banks have acted irregularly and indeed quite improperly in terminating the accounts.

As I have indicated, my encouragement to Oakbay that its contentions be established in a court of law have been resisted. Oakbay indeed placed it on record that its own "detailed" legal advice from several sources was that it had no basis to challenge the banks' decisions. (Inconsistently with this, as will become apparent, Oakbay has more recently suggested that it may well yet seek to turn to the courts, evidently at a time of its choosing).

This notwithstanding, as will be apparent from the foregoing, Oakbay has persisted in its allegations, and the dispute regarding my capacity in particular to intervene with the banks has continued.

20. Given Oakbay's failure to approach the courts, or any commitment to do so, on 28 July 2016 I wrote both to the Registrar of Banks (the twentieth respondent) and to the director of FIG (the twenty first respondent). I attach copies of these letters marked "H" and "I". I should note that I had previously received a letter from the nineteenth respondent, dated 26 April 2016, in which the Governor of the

Reserve Bank raised his independent concerns regarding the deleterious effect on the banking sector of the contentions made by Oakbay. I attach a copy marked "J".

21. To my letters "H" and "I" I received the response I annex marked "K".

22. It is evident that, notwithstanding the assertion by Oakbay on 24 May 2016 that it holds the "view that we have done nothing wrong" and that "no bank has given us any indication of any wrongdoing on our side", each of the banks has considered itself under a legal duty pursuant to the international and domestic statutory instruments applying to it to report over a significant period matters regarding the conduct of Oakbay accounts such as to fall within the purview of these instruments.

23. That Oakbay itself is aware of this is apparent from the following public statement made by Mr Howa in an interview with *Carte Blanche* (an investigative television production) screened by M-Net on 19 June 2016. Mr Howa divulged that one of the banks closing accounts had given the following reasons, when requested by Oakbay to do so:

"Without waiving our rights not to furnish reasons for our decision [and] without inviting any debate about the correctness of our decisions, I point out that the law, inclusive of South Africa's Companies Act, Regulation 43 [sic], Prevention of Organised Crime Act, Prevention and Combating of Corrupt Activities Act and the Financial Intelligence Centre Act, as well as the USA's Foreign Corrupt Practices Act and UK's Bribery Act, prevent us from having dealings with any person or entity who a reasonably diligent (and vigilant) person would suspect that such dealings could directly or indirectly make us a party to or accessory to contraventions of that law."

24. Should Oakbay challenge the proposition that any or all of the banks was indeed bound by law to report under FICA in such terms, it is open to Oakbay in terms of section 29(4)(c) or (d) of FICA to require the banks to disclose to this Court the full contents each of the reports in question. If the banks have acted lawfully and within the parameters of their statutory duty these should evidence the bases on which each reporting bank has concluded that the dealings in question could directly or indirectly make that bank a party to or accessory to contraventions of law. Conversely, the full reports, if disclosed pursuant to FICA, would confirm whether there is any substance to the serious contentions advanced by Oakbay that the banks have acted improperly in closing the accounts.

25. Similarly, I am advised, it is open to the banks in answering this application to disclose such reports in terms of the same provisions.

26. On 25 July 2016 my office received a further letter from Mr Howa, a copy of which I attach marked "L". I responded on 10 August 2016 in the terms apparent from annexure "M", stressing the need for a satisfactory answer from Mr Howa in writing by Friday 12 August 2016. To this Mr Howa replied on 17 August 2016 (a copy of which I attach marked "N"), simply to the effect that he was "currently out of the country", and that he would not meet this timeframe. I received no further communication, until an email dated 9 September 2016, a copy of which I attach marked "O".

In this Mr Howa expressed the view that it would be "preferable" again to meet, ostensibly to consider a "full file of correspondence" (which, despite my previous request, he still had not produced). He stated that the meeting would add "considerable flavour" to the correspondence. I gave careful consideration (taking into account legal advice) to the appropriateness of another meeting, for the purpose intended by Mr Howa. There has been no such further meeting. Oakbay still has failed to produce the

documentation to which Mr Howa has referred, and still has not provided the satisfactory answer (referred to above).

27. Previously, on 4 August 2016, I had received a letter with an attached certificate from the Director of the FIC. I attach a copy, marked "P1" and "P2". This reflects the increasingly serious state of affairs which has arisen. This is illustrated by the number and scale of reported transactions linked to Oakbay. Just one example is the reporting of an amount of R1,3 billion as a suspicious transaction, in terms of the FICA, relating to Optimum Mine Rehabilitation Trust.

Indeed, as appears from the further attached letter of 27 June 2016 (annexed, marked "Q") from attorneys acting for the business rescue practitioners of Optimum, "with the written approval of the Department of Mineral Resources" R1,3 billion was intended to be transferred from the account closed by Standard Bank to the Bank of Baroda. For this the further approval of the Reserve Bank was sought. I am not aware as to whether the transfer to the Bank of Baroda was effected from the closed Optimum account held by Standard Bank. This is a matter that may be clarified by the Reserve Bank and Standard Bank.

28. It is important that payment of funds to a mining rehabilitation trust in principle qualifies for a tax deduction in the hands of a taxpayer. In turn the mining rehabilitation trust is exempt from tax. If those funds from the trust were to be spent on anything other than genuine mining rehabilitation, it will expose the fiscus not only to the loss of tax revenue and also put the burden of mining rehabilitation on the fiscus.

29. Given the circumstances I have described, the grant of the declaratory orders sought is called for, in the public interest. The continued public assertions that registered banks within the regulatory environment in South Africa acted for no adequate reason, irregularly and indeed for improper reasons in closing accounts are harmful to the reputation for integrity of South Africa's financial and banking sectors.

So too is the continued uncertainty arising from Oakbay's simultaneous disinclination itself to seek a court's ruling. That uncertainty is prejudicial, as stated, to financial stability and the standing of the South African regulatory authorities, the operation of the banking and financial sectors, the South African economy at large and the employees whose interests Oakbay invokes.

30. I accordingly ask for an order in terms of the notice of motion. I respectfully submit that it would be both in the public interest and in the interests of justice for this application to be heard and determined on as expeditious a basis as is possible. In this regard, I understand that a request will be directed to their Lordships the Judge President and the Deputy Judge President.

PRAVIN JAMNADAS GORDHAN

I certify that this affidavit was signed before me at PRETORIA on this the 13th of October 2016 by the deponent who acknowledged that he knew and understood the contents of this affidavit, and solemnly affirmed the truth of thereof.

**CERTIFICATE IN TERMS OF SECTION 39 OF FINANCIAL INTELLIGENCE
CENTRE ACT, 2001 (ACT NO 38 OF 2001)**

I the undersigned,

MURRAY STEWART RODON MICHELL

An official of the Financial Intelligence Centre ("FIC"), hereby states that:

1. The Financial Intelligence Centre (Centre), was established in terms of section 2 of the Financial Intelligence Centre Act 38 of 2001 ("the Act")
2. Section 3 of the Act states that the principal objective of the Centre is to assist in the identification of the proceeds of unlawful activities, the combating of money laundering activities and the financing of terrorist and related activities.
3. I am appointed under section 6 of the Act as the Director of the Centre.
4. My responsibilities as the Director are defined in section 10 of the Act and includes:
 - 4.1 the performance by the Centre of its functions and
 - 4.2 taking all decision of the Centre in exercise of its powers in performance of its functions, except those decisions taken in consequence of a delegation or instruction in terms of Section 16 of the Act.



5. A function of the Centre is to receive suspicious transaction reports, reported / sent to the Centre as contemplated in Section 29 of the Act.
6. On 28 July 2016 I received a request for information from the Minister of Finance; the request is attached as Annexure A.
7. I studied the request and:
- 7.1 was satisfied that there was legal merit and relevance in the request as it relates to the Centre's mandate, powers and functions and
- 7.2 noted that the request did not contain data discriminators in relation to the persons or entities mentioned in the request.
8. The Centre used the following data discriminators to identify the information specified in this certificate relating to persons or entities associated with the persons or entities mentioned in the request:

Ident. Number	Surname	Initials	Full Name	
6602056061184	GUPTA	AK	AJAY KUMAR	
6806145105080	GUPTA	AK	ATUL KUMAR	
7004042051081	GUPTA	C	CHEALI	
7005101418186	GUPTA	S	SHIVANI	
7208056345087	GUPTA	RK	RAJESH KUMAR	
7710240935087	GUPTA	A	ARTI	
8607146112184	GUPTA	V	VARUN	
9408046139081	SINGHALA	S	SRIKANT	(Minor)
9511156045087	SINGHALA	S	SASHANK	(Minor)

Company Name	Registration Number
Aeon Diamonds	2003/017679/07
Afripalm Managed Services	2007/026575/07
Afripalm Resources	2006/011933/07
Comair	1987/006783/06
Confident Concept	2006/023982/07
Cyret Technologies	2008/014823/07
Green Fig Trading 5	2005/021117/07
Infinity Media Networks	2011/003219/07
Islandsite Investments 254	2007/035464/07
JIC Engineering Services	2007/005004/07
JIC Mining Services Africa	2007/011186/07
JIC Mining Services Asia	2007/008414/07
Moetapele Projects	2006/021771/07
Northam Platinum	1977/003282/06
Sahara Computers	1997/015590/07
Sahara Media Holdings	2006/013459/07
Sahara Press	2006/010256/07
Shiva Uranium	1921/006955/06
Sunzi Equity Investments	2004/014322/07
Surya Crushers	2012/037510/07
Theo Cement	2006/028825/07
Theo Investments	2006/031859/07
Tna Media	2010/006569/07
Uni Africa Holdings	2004/015237/07
Vusizwe Media	2008/023317/07
Woodlane Consortium	2007/031952/07

9. By virtue of the powers vested in me as the Director of the Centre under section 39 of the Act, and subject to section 38(3) in respect to protecting the identity of the reporter, I hereby confirm that the

information set out below was reported or sent to the Centre in terms of
Section 29 of the Act:

Row No.	Date	STR Number	Subjects Reported	Value Reported
1	2012-12-10	STR/00040/20121210/VE	Ajay Kumar Gupta	
2	2013-05-17	STR/00155/20130517/VE	Ajay Kumar Gupta	859,933
3	2013-05-17	STR/00167/20130517/VE	Atul Kumar Gupta	961,932
4	2013-05-17	STR/00179/20130517/VE	Rajesh Kumar Gupta Shubhangi Gupta	961,932
5	2013-05-20	STR/00061/20130520/VE	Atul Kumar Gupta	31,009
6	2013-07-11	STR/00161/20130711/VE	Atul Kumar Gupta	948,150
7	2014-02-06	STR/00224/20140206/VE	Atul Kumar Gupta	961,932
8	2014-02-07	STR/00043/20140207/VE	Atul Kumar Gupta	38,000,000
9	2014-04-10	STR/00102/20140410/VE	TEGETA RESOURCES (PTY) LTD	38,000,000
10	2014-07-24	STR/00391/20140724/VE	JNT CHAWLA-A/GUPTA-RK Rajesh Kumar Gupta	5,000,000
11	2014-12-12	STR/00093/20141212/VE	OAKBAY RESOURCES AND ENERGY (PTY) LTD	32,045
12	2014-12-15	STR/00026/20141215/VE	Atul Kumar Gupta	2,000,000
13	2015-02-06	STR/00441/20150206/VE	SHIVA URANIUM LTD	1,070,749
14	2015-03-16	STR/00221/20150316/VE	SAHARA COMPUTERS (PTY) LTD Ajay Kumar Gupta Atul Kumar Gupta Rajesh Kumar Gupta	6,000,000 1,550,000
15	2016-01-26	STR/00131/20160126/VE	ANNEX DISTRIBUTION (PTY) LTD	
16	2016-02-04	STR/00213/20160204/VE	Atul Kumar Gupta	1,242,386
17	2016-02-05	STR/00573/20160205/VE	SAHARA HOLDINGS (PTY) LTD Atul Kumar Gupta	17,133,000 Multiple Transactions
18	2016-02-05	STR/00589/20160205/VE	SAHARA HOLDINGS (PTY) LTD Atul Kumar Gupta	Multiple Transactions
19	2016-02-07	STR/00007/20160207/VE	SAHARA HOLDINGS (PTY) LTD	4,250,000

Row No.	Date	STR Number	Subjects Reported	Rand Value Reported
20	2016-02-07	STR/00008/20160207//E	SAHARA HOLDINGS (PTY) LTD	
21	2016-02-09	STR/00009/20160209//E	Rajesh Kumar Gupta Atul Kumar Gupta	11,475,000
22	2016-02-26	STR/00595/20160226//E	SAHARA COMPUTERS (PTY) LTD Rajesh Kumar Gupta Atul Kumar Gupta Chetali Gupta	18,146,000 Multiple Transactions
23	2016-02-29	STR/00626/20160229//E	ANNEX DISTRIBUTION (PTY) LTD	Multiple Transactions
24	2016-03-04	STR/00338/20160304//E	ISLANDSITE INVESTMENTS ONE HUNDRED AND EIGHTY (PTY) LTD Atul Kumar Gupta	Multiple Transactions
25	2016-03-07	STR/00015/20160307//E	OAKBAY INVESTMENTS (PTY) LTD ISLANDSITE INVESTMENTS ONE HUNDRED AND EIGHTY (PTY) LTD Arti Gupta Atul Kumar Gupta Chetali Gupta Rajesh Kumar Gupta	Multiple Transactions
26	2016-03-17	STR/00474/20160317//E	SAHARA DISTRIBUTION (PTY) LTD	Multiple Transactions
27	2016-03-17	STR/00084/20160317//E	CORRECT MARKETING C C	
28	2016-03-18	STR/00013/20160318//E	SAHARA HOLDINGS (PTY) LTD SAHARA COMPUTERS (PTY) LTD Atul Kumar Gupta	5,000 Multiple Transactions
29	2016-03-31	STR/00149/20160331//E	MABENGALA INVESTMENTS (PTY) LTD Rajesh Kumar Gupta	Multiple Transactions
30	2016-03-31	STR/00158/20160331//E	Atul Kumar Gupta	Multiple Transactions
31	2016-03-31	STR/00158/20160331//E	MABENGALA INVESTMENTS (PTY) LTD Rajesh Kumar Gupta	Multiple Transactions
32	2016-03-31	STR/00172/20160331//E	Atul Kumar Gupta	Multiple Transactions
33	2016-03-31	STR/00187/20160331//E	OAKBAY INVESTMENTS (PTY) LTD Arti Gupta Atul Kumar Gupta Chetali Gupta Rajesh Kumar Gupta	Multiple Transactions
34	2016-03-31	STR/00357/20160331//E	TNA MEDIA (PTY) LTD Atul Gupta	Multiple Transactions

Row No.	Date	STR Number	Subjects Reported	Rand Value Reported
35	2016-03-31	STR/00367/20160331//E	TNA MEDIA (PTY) LTD Atul Gupta	Multiple Transactions
36	2016-03-31	STR/00385/20160331//E	SURYA CRUSHERS (PTY) LTD Varun Gupta	Multiple Transactions
37	2016-03-31	STR/00275/20160331//E	NEWSHELF 960 (PTY) LTD	Multiple Transactions
38	2016-03-31	STR/00158/20160331//E	MABENGALA INVESTMENTS PTY LTD	10,000,000
39	2016-03-31	STR/00187/20160331//E	OAKBAY INVESTMENTS(PTY) LTD	374,713,699
40	2016-04-01	STR/00338/20160401//E	ISLAND SITE INVESTMENTS ONE HUNDRED (PTY) LTD Arii Gupta Atul Kumar Gupta Chetali Gupta Rajesh Kumar Gupta	158,278,904
41	2016-04-05	STR/00374/20160405//E	BLACKEDGE EXPLORATION (PTY) LTD	Multiple Transactions
42	2016-04-06	STR/00360/20160406//E	CONFIDENT CONCEPTS (PTY) LTD Rajesh Kumar Gupta Varun Gupta	Multiple Transactions
43	2016-04-07	STR/00011/20160407//E	Varun Gupta	282,074
44	2016-04-07	STR/00166/20160407//E	SHIVA URANIUM LIMITED Atul Kumar Gupta Varun Gupta	125,848,620
45	2016-04-07	STR/00276/20160407//E	INFINITY MEDIA NETWORKS (PTY) LTD Atul Kumar Gupta Varun Gupta	24,115,385
46	2016-04-08	STR/00429/20160408//E	INFINITY MEDIA NETWORKS (PTY) LTD Atul Kumar Gupta Varun Gupta	6,938,305
47	2016-04-11	STR/00011/20160411//E	Atul K Gupta	531,570
48	2016-04-11	STR/00302/20160411//E	SAHARA DISTRIBUTION (PTY) LTD Atul Kumar Gupta	100,000
49	2016-04-11	STR/00314/20160411//E	SAHARA COMPUTERS (PTY) LTD Atul Kumar Gupta	5,018,417
50	2016-04-11	STR/00348/20160411//E	SAHARA SYSTEMS (PTY) LTD Atul Kumar Gupta	2,000,000

Row No.	Date	STR Number	Subjects Reported	Value Reported
51	2016-04-11	STR/00503/20160411//E	SAHARA DISTRIBUTION (PTY) LTD Atul Kumar Gupta	4,992,558
52	2016-04-12	STR/00389/20160412//E	Arti Gupta	86,579
53	2016-04-12	STR/00396/20160412//E	Chetali Gupta Atul Kumar Gupta	119,766
54	2016-04-12	STR/00405/20160412//E	SAHARA CONSUMABLES (PTY) LTD Atul Kumar Gupta	4,016,374
55	2016-04-12	STR/00460/20160412//E	ANNEX DISTRIBUTION (PTY) LTD Atul Kumar Gupta	3,657,164
56	2016-04-13	STR/00034/20160413//E	SAHARA COMPUTERS (PTY) LTD Atul Kumar Gupta Chetali Gupta	41,833,304
57	2016-04-13	STR/00374/20160413//E	TNA MEDIA (PTY) LTD Atul Gupta	7,999,992
58	2016-04-19	STR/00432/20160419//E	UNI AFRIKA HOLDINGS (PTY) LTD Atul Gupta	Multiple Transactions
59	2016-04-21	STR/00090/20160421//E	ISLANDSITE INVESTMENTS ONE UNDRED (PTY) LTD Arti Gupta Atul Kumar Gupta Chetali Gupta Rajesh Kumar Gupta	172,464,887
60	2016-04-21	STR/00607/20160421//E	CONFIDENT CONCEPTS (PTY) LTD Rajesh Kumar Gupta Varun Gupta	78,859,600
61	2016-04-21	STR/00586/20160421//E	ANNEX DISTRIBUTION (PTY) LTD SAHARA COMPUTERS (PTY) LTD SAHARA HOLDINGS (PTY) LTD	876,001
62	2016-04-21	STR/00455/20160421//E	OPTIMUM COAL MINE PTY LTD	1,372,756,090
63	2016-04-21	STR/00511/20160421//E	KOORNFONTEIN MINES (PTY)	1,207,859,627
64	2016-04-22	STR/00908/20160422//E	ANNEX DISTRIBUTION (PTY) LTD SAHARA COMPUTERS (PTY) LTD SAHARA HOLDINGS (PTY) LTD	256,476
65	2016-05-06	SAR-160506-0000129	OAKBAY RESOURCES AND ENERGY (PTY) LTD	327,421,132
66	2016-05-06	SAR-160506-0000130	SHIVA URANIUM LTD	327,421,132

Row No.	Date	STR Number	Subjects Reported	Value Reported
67	2016-05-11	STR-160511-0000323	OPTIMUM MINE REHABILITATION TRUST	1,341,426,552
68	2016-05-11	STR-160511-0000325	OPTIMUM VLAKFONTEIN MINING AND EXPLORATION PTY LTD	410,237
69	2016-05-11	STR-160511-0000351	OPTIMUM OVERVAAL MINING AND EXPLORATION PTY LTD	418,989
70	2016-05-11	STR-160511-0000435	OPTIMUM COAL TERMINAL PTY LTD	173,244,916
71	2016-05-18	SAR-160506-0000130	SHIVA URANIUM LTD	510,064,228
72	2016-06-03	STR-160603-0000380	OAKBAY INVESTMENTS (PTY) LTD	407,332,455
Total Value				2,891,974,102

10. In terms of section 39 of the Act, a certificate issued by an official of the Centre that information specified in the certificate was reported or sent to the Centre in terms of Section 28, 29 or 30(2) or 31 is (subject to Section 38(3)) on its mere production in a matter before court admissible as evidence of any fact contained in it of which direct oral evidence would be admissible.

Issued under my hand at CAPE TOWN on 04 August 2016.



MURRAY STEWART RODON MICHELL
DIRECTOR: FIC



MJZ 41

From: Nazeem Howa <nazeemh@tnameia.co.za>
Sent on: Tuesday, February 2, 2016 7:56:48 AM
To: tony@sahara.co.za; duduzani.zuma@gmail.com
Subject: zwane questoins
Attachments: zwane questoins.docx (22.39 KB)

Sirs

Â

I need some help on some of the answers.Â I think we should also prepare for a question of his role around the waterkloof landing.Â Â Perhaps I can sit with someone his side to help me polish and add to the answers.

Â

Lets chat when you have a chance to review.

1. South Africa's mining industry is arguably facing its toughest test ever, plagued by depressed commodity prices, increasing costs, continuing industrial, social and political action, high wage and electricity increases, power disruptions, dwindling global demand – the list goes on.

Yes, you are correct. It certainly appears to be a perfect storm. But us not forget about our need to drive black economic emancipation as one of our deliveries. Most of these factors are not of our own making, however, while saying that these are all factors we will have to deal with if we wish to minimise the impact on our economy. My predecessor left me a wonderful base to build on and has been really inspirational in driving the sector. Before I took office, the previous minister held a retreat of industry leaders which made lots of commitments. Since taking office, and fully understanding the gravity of the situation I have been engaging in one-on-ones with the primary rights owners and leaders of other stakeholders to find common ground. The primary purpose of each engage is to agreed on steps to save jobs. The much written-about Optimum intervention is as a result of one such engagement and I am happy to report that we saved 3000 jobs due to that meeting. I won't hesitate to step in if a similar situation arises involving any other companies in a similar position. Given the tough situation 2016 has to be a year of action, not talking.

2. Given this perfect storm, you have been described as unsuited to the role of Minister of Mineral Resources given your inexperience

South Africa is in the throes of transformation. A similar outcry happened when Trevor Manuel was appoint Finance Minister – the first person not from a traditional background. So we have become accustomed to criticism when we open the way for new blood. But sometimes, fresh eyes will find fresh solutions. Hopefully, that will be the case in this instance. More seriously, I am surrounded by a wonderful team with deep experience of the industry. Through my engagements, I am getting to understand the issues, several of which require a back to basics commonsense response. Let us also not forget that I have my predecessor, and his predecessor sitting in cabinet with me and as we run government as a collective we are able to draw on each others experience and knowledge base as required.

3. Critics has slammed your appointment as proof of governments alarming lack of urgency in dealing with SA's ailing mining sector and its ambiguous regulatory framework.

One must take note of critics, but one should not be detracted from your end goal by the noise. Government must be judge on its outcomes, not the perceptions of armchair critics. With my first hundred days in office upon us, I plan to use next week's mining indaba to share our plans with the industry and to hear their feedback. From all our engagements, it is my view that we have a solid way forward with clear milestones which can provide an indicator of our success.

4. Your appointment seem to be really irregular? You were silently moved from MEC for Agriculture to Mining Minister. What do you think the President saw in you to give him the confidence to appoint you?

I have seen these reports in the media. Our government is a transparent organ with loads of checks and balances. In any case, appointing ministers is the pre-rogative of the President and if he has identify a role he believes I can play in the interests of South Africa, whom am I to question his judgement. However, it is critical that I deliver on the potential he has identified in me and I will make every effort to ensure that I over-deliver on his and the country's requirements.

5. Analysts say the mining industry is at its lowest ebb ever and this can be directly attributable to legislation, policies, ideology, corruption, inefficiency, political demagoguing, organisations not adhering to the constitution and draconian labour legislation. What is your comment?

Some of these issues have come up in my industry-wide consultations. There are obviously some value to many of the comments and we are carefully sifting through what we have heard. However, one needs to be carefully balancing all of this against the vested interests at play in our industry. Our legislation goes through a hugely transparent process, including public comments which we listen to very carefully before anything becomes law. We will always keep the best interests of ordinary South Africans in mind when we draft legislation and because of the varied vested interests it is often very difficult to achieve total unanimity. That is not to say I am ignoring the comments coming through the engagements, but one has to balance all our needs and ensure at the end of the day we act in South Africa's interests. Corruption is a serious issues across both the private and public sector. As government we are acting very firmly to deal with it wherever it exists, but we need the private sector to play its part as well. In every relationship there is a corruptor and a corruptee. Let us deal with both sides. On the issue of labour laws, I certainly believe our modern constitution and legislation provides a health balance of managing the interests of all sectors. And of course we have recourse to wonderful institutons such as the CCMA, Labour Court, High Court, Appeal Court and of course the Constitutional Court. Not many countries can boast of this modern approach.

6. The MPRDA Bill has been referred back to Parliament by the President on the basis of constitutional concerns. The COM raised the same constitutional concerns that were raised by the President during the consultation process, yet the department proceed. Can one assume that the department is paying lipservice to consultation with the industry?

*Not at all. Of course, we have a different understanding of the issues. As part of our accountability processes, draft legislation goes through many steps. The President has referred it back to parliament and we will use this process to review and fix if required. We certainly take very seriously comments from whatever sector they come from. **THIS PROBABLY NEEDS MUCH MORE TECHNICAL RESPONSE FROM DMR.***

7. There seems to be no real plan to stem mine job losses despite the retreat in August 2015? Now we are told number at risk is around 32 000. Are you able to silence critics who say all that is happening is talkshops without any action.

*Sometimes one does not understand the world around one. My intervention in the Optimum-Tegeta matter draw lots of criticism despite saving 3000 jobs (10 percent of those at risk). It seems that if you are in government, you are damned if you do and damned if you don't. But having said that, saving jobs is not only government's job. Everyone has to come to the table. **FOR EXAMPLE, SOME POINTS FROM INDABA SPEECH AROUND JOB CREATION HERE PLEASE.***

8. Can you provide some clear examples of concrete steps you have taken to reverse the damage done to the industry

SOME POINTS FROM INDABA SPEECH HERE PLEASE.

9. You have met with several CEO's. What is the common thread coming out of those meetings.? Have any of the CEO's made any undertakings? What are some of these undertakings.

NEED SOME HELP HERE PLEASE

10. What about the rumours of your being captured by the Guptas and your appointment was made for you to do their bidding?

The statements probably talk to the challenges of black economic emancipation. As government leaders we meet with all sorts of people, from all walks of life. As ministers, we daily engage with leaders of old business, new business and those hoping to get into business. I engage as vigourously with all these sectors, including the Guptas. It would be wrong of me to treat the Guptas a pariahs simply because of the coverage of them in the media. If there was any evidence of wrong doing, I would have to review my position. But until such time, I will conduct myself in the best interests of South Africa. I certainly believe the purchase of Optimum by a black-owned consortium of which the Guptas form part is a major step forward towards broadening the ownership structures in our industry. I wish there could be many more such initiatives from black-owned companies so we can change the complexion of the mining industry.

11. What is your relationship with the Guptas

They are business people active in several sectors of our economy. My relationship with them is based on the need for public-private partnerships as I would with other business people wishing to grow our economy. I have an open door policy and not once have I declined to meet with any business person.

12. Many would say you appointment was payback by the Guptas for the support you gave them around Vrede.

The Guptas have never been a part of the Vrede dairy project. I know that several newspapers have done everything they can to link the Guptas to the project for reasons I do not really understand. The project came out of my concern about the price of milk, a basic and precious commodity for our people. I was very worried about the fact that the cost of product was around R3 a litre, whilst at supermarkets it cost over R12 a litre. We thought that we could start a co-operative which could eventually be part-owned by local residents. I had some interests from some of the best milk producers out of India to help get things started, but the negative media coverage saw them change their minds. We certainly believe that this reversal was not in the best interests of South Africa as we must find ways to make basic foodstuff cheaper for our people.

13. Is Vrede a real project?

I need some detail here on achievements of the project.

14. Why did you decide to meet with Glencore's Ivan Glassenberg? Would you make the same concession for other mine owners?

My meeting with Ivan was part of my ongoing series of meetings with CEOs of mining companies. I have previously met with Anglo, Exxaro, Harmony, Rio Tinto, Glencore and Tegeta, on a one-on-one basis to discuss strategies we can jointly implement to reverse the challenges that face our industry. With Ivan, the agenda was more pointed as Optimum was in business rescue and there was a very real danger of the deal not proceeding. My only intervention was around the need to save jobs, not around any of the commercial terms of the agreement. As I have said before, we are in desperate times, and I will make no apology for taking steps to save jobs. I certainly believe that is a critical part of my mandate given the state the industry is in.

From: Nick Lambert <NLambert@bellpottinger.com>
Sent on: Tuesday, February 16, 2016 7:47:16 PM
To: Santosh Choubey <santosh@sahasasystems.co.za>; Nazeem Howa <nazeemh@tamedia.co.za>
CC: Media Profile <teammedia2016@gmail.com>; List-SouthAfrica <List-SouthAfrica@bellpottinger.com>
Subject: Re: Switzerland question / Peter Lorimer article

Thanks. Sounds good.

Nick

From: Santosh Choubey
Sent: Tuesday, 16 February 2016 17:46
To: Nazeem Howa
Cc: Nick Lambert; Media Profile; List-SouthAfrica
Subject: Re: Switzerland question / Peter Lorimer article

Hi Nick,

Will discuss this in the call tomorrow.

Thanks

On Tuesday, 16 February 2016, Nazeem Howa <nazeemh@tamedia.co.za [mailto:nazeemh@tamedia.co.za]> wrote:

The ministers team have denied the confirmation, if it makes sense.

They say they were misquoted very badly. The minister confirmed that he did not travel with us at a public gathering

From: Nick Lambert [mailto:NLambert@bellpottinger.com]
Sent: Tuesday, 16 February 2016 1:28 PM
To: Media Profile <teammedia2016@gmail.com>
Cc: List-SouthAfrica <List-SouthAfrica@bellpottinger.com>
Subject: Switzerland question / Peter Lorimer article

Santosh,

Just reading through James Lorimer's published article, we do need to reconcile a couple of issues in there in our master Q&A, one of which is this content:

Then it is revealed that the new Minister of Mineral Resources, Mosebenzi Zwane, who has a history of what one could politely call "facilitation" of Gupta family interests flies over to Switzerland with the Guptas to negotiate the Optimum sales deal. A Gupta factotum denies this happened, the Minister's staff confirms it. The similarity to a walking duck is unmistakable.

Do we know how/why the Minister's staff are confirming something that we have denied?

Best, Nick

Private & Confidential / Disclaimer: This document is private and confidential and remains the property of Bell Pottinger. Its contents may not be copied, forwarded or duplicated in any form or by any means without the permission of Bell Pottinger. Bell Pottinger is made up of Bell Pottinger Private Limited, a limited company registered in England & Wales with registered number 08024999 and Bell Pottinger LLP, a limited liability partnership registered in England & Wales with registered number OC380478, together with their subsidiaries. Our registered office is at 6th Floor, Holborn Gate, London WC1V 7QD. A list of the members of Bell Pottinger LLP is open for inspection at our registered office.

Private & Confidential / Disclaimer: This document is private and confidential and remains the property of Bell Pottinger. Its contents may not be copied, forwarded or duplicated in any form or by any means without the permission of Bell Pottinger. Bell Pottinger is made up of Bell Pottinger Private Limited, a limited company registered in England & Wales with registered number 08024999 and Bell Pottinger LLP, a limited liability partnership registered in England & Wales with registered number OC380478, together with their subsidiaries. Our registered office is at 6th Floor, Holborn Gate, London WC1V 7QD. A list of the members of Bell Pottinger LLP is open for inspection at our registered

NJZ 44

From: Nazeem Howa <nazeemh@tmamedia.co.za>
Sent on: Friday, February 12, 2016 5:03:46 PM
To: Media Profile <teammedia2016@gmail.com>
Subject: RE: FW: Oakbay / Optimum Announcement
Attachments: image001.gif (2.39 KB)

Similar to the questions from Mining Weekly, please can you provide the facts that will enable us to answer these questions.

Many thanks,
Phillip

Phillip Peck
Senior Consultant - Financial and Corporate
T +44 20 3772 2581 [tel:%2B44%2020%203772%202581]
M +44 7990 563 392 [tel:%2B44%207990%20563%20392]

IMG [0]
6th Floor, Holborn Gate, 330 High Holborn
London WC1V 7QD www.bellpottinger.com [http://www.bellpottinger.com]

----- Forwarded message -----

From: Franz Wild (BLOOMBERG/NEWSROOM): <fwild@bloomberg.net [mailto:fwild@bloomberg.net] >
Date: 12 February 2016 at 11:26
Subject: Re:Oakbay / Optimum Announcement
To: corpcomm@oakbay.co.za [mailto:corpcomm@oakbay.co.za]
Dear Yolanda,

Many thanks for your response. Please see my questions below.

- 1) It has been reported that the running costs of Optimum are about three times higher than what Eskom is paying for supply from the mine. How is Tegeta Exploration & Resources going to keep the mine running if it is running at a loss?
That is not correct. Although we have had very limited information due to a seriously curtailed due diligence, your information is certainly not correct. However, due to very strict confidentiality, I would suggest that you address this question to Glencore.
- 2) Eskom has said that Optimum is now supplying Arnot. Could you specify at what price and what the volumes are? Has Optimum bid for Arnot's long-term supply contract?
We had a one-month contract in January. For that period, we supplied 15% of Eskom's requirements. The rest of the volume we are led to believe was supplied by six other companies. Our agreement with Eskom is subject to confidentiality, but Eskom Chief Executive Brian Molefe said at a media conference that none of the seven current suppliers were being paid more than R500 and this was at a significant discount to the rate charged by Exxaro. This information should please be confirmed by Eskom.
We have not applied for the long-term supply agreement so we are not in the running despite newspaper reports to the contrary.
- 3) Is Tegeta seeking further coal contracts or in talks to acquire other assets? We are a company on the move and our M&A team is constantly on the hunt for new opportunities. A little known fact is that together with Optimum we bid for two other businesses and failed.

Date: Thu, Feb 11, 2016 at 2:01 PM
Subject: Re:PRESS RELEASE: Court ruling in favour of Oakbay Investmen
To: haranathg@tnamedia.co.za [mailto:haranathg@tnamedia.co.za]
Hi,

Please can we speak with Nazeem about the Optimum approval. You must be pretty happy.

Regards,

Franz
Sent from Bloomberg Professional for Android

----- Original Message -----

From: Haranath Ghosh
At: 09-Feb-2016 17:14:09
PRESS RELEASE

Court ruling in favour of Oakbay Investments and the Gupta Family

Johannesburg, South Africa – Tuesday 9th February 2016: Oakbay Investments, the Gupta family, The New Age, ANN7 and other subsidiary companies today were granted an interdict by the Gauteng North High Court against the Economic Freedom Fighters (EFF) and its leader Julius Malema.

The applicants asked the court for relief in view of the inflammatory statements issued by the EFF with their implicit threat of violence to the staff and property of Oakbay Investments subsidiary companies and the Gupta family.

In the main affidavit, CEO of Oakbay Investments Nazeem Howa said he and the applicants had a "substantial interest in having the freedom" to exercise their constitutionally entrenched right to participate in the commerce and trade of the republic and were entitled to continue to do so despite the threats issued by the EFF.

The court has ruled in favour of the applicants upholding their rights and those of the Gupta family as South African citizens to remain in South Africa and carry out business operations.

Howa made reference to the statements of Malema last week who at a press conference stated that the safety of the journalists working for The New Age and 24-hour news channel ANN7 could not be guaranteed at EFF events and further adding that the Guptas should leave South Africa.

Malema also referred to a letter written to the leadership of the EFF requesting explanation and withdrawal of the statements made by Malema and its Gauteng regional spokesperson who further threatened that "the Guptas must heed the call of EFF leader Julius Malema to vacate South Africa... otherwise, the predictability of what could happen to them and any of their properties, becomes a highly volatile matter. No one can guarantee their safety in this Gauteng".

Howa said the statements contained an "unequivocal and clear message" that the EFF intended to use their members and resources to disrupt the businesses of the applicants and would stop by "no means to violently prevent the applicants from conducting their businesses on a day to day basis.

"Not only are these threats imminent and calling on violence but it further infringes on the constitutional rights of the applicants," Howa said.

He said it was obvious from all the statements and correspondence that the EFF refused to withdraw any of the comments and threats of "imminent violence".

"They rely on unfounded and slanderous allegations in order to incite violence. They convinced their supporters that the applicants are fraudsters and criminals without one single shred of evidence," Howa said.

"We are left with no choice but to approach this court for the relief sought, namely an interdict to protect our assets, business, employees and their families," Howa said.

Judge Willem Louw agreed and granted the interdict based on all the conditions requested by the plaintiffs.

Atul Gupta, speaking on behalf of the Gupta family, said:

“The Guptas have been in South Africa since 1993 and are a proudly South African family. Some of the family’s children were born and raised in South Africa. Oakbay Investments employs more than 4500 people in South Africa, and growing, and reinvests all profits in the country. The Gupta family will continue to invest in South Africa, promote South Africa and create jobs for South Africans.”

Moegsien Williams, Editor-in-Chief of The New Age newspaper, said: “our employees have the right to go to work and do their jobs without the threat of violence. We welcome today’s ruling and hope that the EFF will cease its threats and intimidation of our staff immediately.”

-ENDS-

Notes to Editors

For more information, please contact: garyn@tamedia.co.za [<mailto:garyn@tamedia.co.za>]

About Oakbay Investments and the Gupta family

Oakbay Investments has invested more than R10 billion in South Africa and has paid over a R1.5 billion in corporate taxes to the South African National Treasury. Oakbay Investments is 100% transparent - all numbers have been verified by one of the world’s most respected accountancy firms.

The Gupta family has a 23-year history of strong business performance and turnaround skills. This strong performance has come almost entirely via successful activity in the private sector, with less than 1% of the Group’s revenue coming from government contracts.

Sector diversification has also enabled Oakbay companies to deliver consistent growth and job creation throughout times of both economic boom and bust.

For example, 47,000 jobs have been lost in South Africa’s mining sector between 2012 and 2015. In contrast, Oakbay’s mining companies have created 3500 of jobs in the sector.

A full set of the of the company's affidavit is available on Oakbay's website: <http://oakbayinvestments.co.za/press> [<http://oakbayinvestments.co.za/press>]

Contact:
Yolanda Zondo
Oakbay Investments
072 734 4869
corpcomm@oakbay.co.za [<mailto:corpcomms@oakbay.co.za>]

Private & Confidential / Disclaimer: This document is private and confidential and remains the property of Bell Pottinger. Its contents may not be copied, forwarded or duplicated in any form or by any means without the permission of Bell Pottinger. Bell Pottinger is made up of Bell Pottinger Private Limited, a limited company registered in England & Wales with registered number 08024999 and Bell Pottinger LLP, a limited liability partnership registered in England & Wales with registered number OC380478, together with their subsidiaries. Our registered office is at 6th Floor, Holborn Gate, London WC1V 7QD. A list of the members of Bell Pottinger LLP is open for inspection at our registered office.

EXCLUSIVE: Gupta PR firm knew about bank probe weeks before Zwane dropped bomb

Matthew le Cordeur | Fin24  07:15 22/09/2016

Cape Town - A public relations firm that represents the Gupta-owned Oakbay Investments knew about the recommendations for a judicial inquiry into South Africa's banks at least seven weeks before they were controversially published by Mineral Resources Minister Mosebenzi Zwane, Fin24 can reveal.

Zwane was severely rebuked by the ANC and the presidency after announcing on 2 September that the inter-ministerial committee set up by Cabinet to probe why South Africa's banks blacklisted Gupta-owned businesses recommended that a judicial inquiry be set up.

Fin24 can now reveal that Bell Pottinger, the Guptas' UK-based spin doctors, were in possession of Zwane's "findings" as early as July 15 when they tried to leak a copy of the document to the media. The firm further recommended that Fin24 speak directly to Zwane and provided us contact details for the minister.

This raises fresh questions about Zwane's proximity to the Gupta family and their businesses, and the origins of the controversial inter-ministerial committee statement. Shortly after his appointment, Zwane travelled to Switzerland and met Glencore CEO Ivan Glasenberg to discuss the Guptas' purchase of Glencore's Optimum coal complex.

Zwane said the purpose of the meeting was to save jobs. In December 2015, Tegeta Exploration & Resources, which is partly owned by the Guptas and President Jacob Zuma's son Duduzane, bought Optimum.

Bell Pottinger sent Fin24 a picture of a page from a confidential document containing the IMC's recommendations to Cabinet on 15 July, indicating that they had "a scoop" for us.

Spokesperson Nick Lambert said in a WhatsApp exchange over five days that his source indicated that Zwane would be happy to speak to Fin24, and provided two cellphone numbers for the minister. Fin24 reached out to the minister's spokesperson Martin Madlala.

Madlala told Fin24 in July by telephone that it was a matter for Cabinet to decide on and referred Fin24 to Zuma for comment. The spokesperson later told Fin24 that Zuma had indicated to Zwane that he should not to speak out on the matter at the

time.

Lambert again recommended we speak to Zwane directly and not the spokesperson, which Fin24 decided not to do. Because there was no proof of the document's authenticity or official confirmation thereof, Fin24 decided not to run with the story.

This week Bell Pottinger confirmed that it had been in possession of the document at the time, but said the source that provided them with the document was not the Guptas and that they had never met or spoken to Zwane before.

"Its source was not the Gupta family as News24 implies and Bell Pottinger has never met with or spoken to Minister Zwane or any of his advisors," Bell Pottinger said in an emailed response to questions on Tuesday. (See the full response at the end of the story.)

Approached for comment on Wednesday, Oakbay Investments CEO Nazeem Howa told Fin24 in an email response that "any questions regarding Bell Pottinger should be directed to Bell Pottinger".

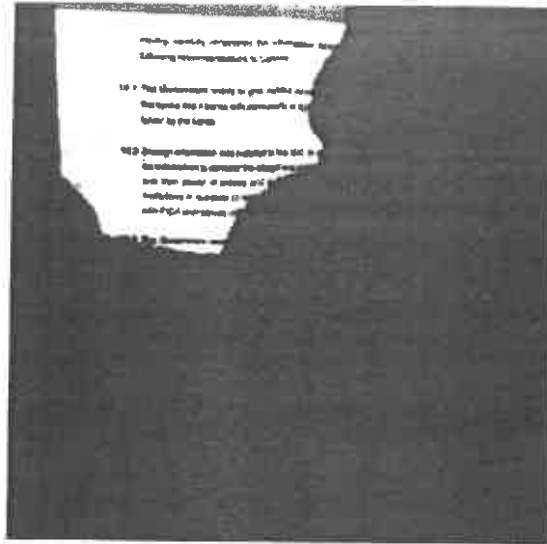
Attempts to reach Madlala for comment via email and telephonically failed on Wednesday.

READ: Guptas' blacklisting pushes committee to seek judicial inquiry into banks

Zwane, who chaired the inter-ministerial committee, rocked the country and the ANC with a statement published late on 1 September, in which he stated Cabinet approved that a judicial inquiry be considered to:

- look into the current mandates of the Banking Tribunal and the Banking Ombudsman;
- look into the current Financial Intelligence Centre Act (Fica) and the Prevention of Combating of Corrupt Activities Act in relation to the banks' conduct;
- reconsider South Africa's clearing bank provisions to allow for new banking licences to be issued;
- look into the establishment of a state bank of South Africa with the possible corporatisation of the Post Bank being considered as an option.

READ: Cabinet not looking to probe banks - Presidency



The extract of the encrypted document sent to Fin24 on 15 July.

READ: FULL STATEMENT: Call to probe banks

Zwane said in the September statement that "evidence presented to the IMC (inter-ministerial committee) suggested that all of South Africa's economic power vests in the hands of very specific institutions, institutions who have shown that their ability to act unilaterally is within their mandate and is protected.

"These institutions are owned by private shareholders and report to National Treasury who in turn do not need to act on information provided to it."

He said the inter-ministerial committee conducted a number of meetings with various banks, financial institutions and insurance companies as well as with representatives of Oakbay Investments.

"Although the Minister of Finance was a member of the constituted IMC, he did not participate in its meetings," Zwane said.

Cabinet later confirmed that Gordhan chose not to participate in interviews with banks, insurance companies and Oakbay. Gordhan told Parliament he had advised the Guptas to approach the courts if they were unhappy with the decision of the banks to close their accounts.

**READ: Zwane wanted Sarb role changed after Gupta blacklisting - report
Actions a result of reckless media statements – Zwane**

Zwane also said "evidence presented to the IMC indicated that all of the actions taken by the banks and financial institutions were as a result of innuendo and potentially reckless media statements, and as a South African company, Oakbay had very little recourse to the law".

The presidency almost immediately distanced itself and Cabinet from Zwane's call for a judicial inquiry into the banking sector.

The presidency said Zwane's remarks were issued in his personal capacity, and not on behalf of the task team or Cabinet.

"Minister Zwane is a member of the task team. He does not speak on behalf of Cabinet and the contents of his statement do not reflect the position or views of Cabinet," presidency spokesperson Bongani Ngqulunga said.

"The unfortunate contents of the statement and the inconvenience and confusion caused by the issuing thereof, are deeply regretted."

The presidency also moved to quell fears of the public and investors.

"The Presidency wishes to assure the public, the banking sector as well as domestic and international investors of government's unwavering commitment to the letter and spirit of the country's Constitution as well as in the sound fiscal and economic fundamentals that underpin our economy."

The ANC called on Zuma to discipline Zwane for his "ill-discipline", calling his statement "outrageous, appalling and shocking".

I won't resign – Zwane

Zwane maintained in a grilling in Parliament on 7 September that Cabinet was dealing with the matter on the banks and the Gupta family.

"Since that incident (the closure of the Guptas' bank accounts), many have come forward saying they've 'suffered' at the hand of banks," Zwane said. "Many South Africans have been subjected to this kind of abuse."

He said he would not resign in response to an urgent question from David Maynier of the Democratic Alliance allowed by Speaker Baleka Mbete ahead of the official oral questions posed to ministers in the economics cluster.

He said he appreciated the question that had been asked, "but there's a separation of powers and this matter - whether I resign or not - the matter belongs to the Cabinet. As a result, the Honourable Maynier cannot ask me whether I'll resign or not."

Full statement by Bell Pottinger on Tuesday

"There has been significant media coverage of the closure of Oakbay's bank accounts. Oakbay has supported the IMC's recommendation for a Judicial Commission of Inquiry into the banks as it believes this would provide the Big Four banks with an ideal opportunity to reveal the reasons for the account closures. Oakbay has reached out to a number of politicians on the issue of the banks' unilateral closure of their accounts, including Pravin Gordhan, and believes justice needs to be done.

"Bell Pottinger has encountered widespread sympathy for the way Oakbay has been treated and did not seek to obtain this information, but was made aware of it. Given its relevance to the issue of Oakbay's closed accounts, the public interest and the ongoing media coverage of the story, Bell Pottinger contacted Fin24/News24 to put the information into the public domain.

"It is no secret that Bell Pottinger has advised Oakbay Investments on its corporate communications since March this year. Bell Pottinger abides by strict professional ethics. Its source was not the Gupta Family as News24 implies and Bell Pottinger has never met with or spoken to Minister Zwane or any of his advisors."

Read Fin24's top stories trending on Twitter:

Media Statement

To all media

1 September 2016

STATEMENT OF THE CHAIRPERSON OF THE INTER-MINISTERIAL COMMITTEE SET UP BY CABINET TO CONSIDER THE IMPLICATIONS OF THE DECISIONS OF CERTAIN BANKS AND AUDIT FIRMS TO CLOSE THE ACCOUNTS OF AND/OR WITHDRAW AUDITING SERVICES FROM OAKBAY INVESTMENTS

On 13 April 2016, Cabinet established an Inter-Ministerial Committee (IMC) to consider allegations that certain banks and other financial institutions acted unilaterally and allegedly in collusion, when they closed bank accounts and/or terminated contractual relationships with Oakbay Investments. The IMC was chaired by myself as the Minister of Mineral Resources.

The situation warranted close scrutiny by Government because of the impact that the actions would have, not only on job losses for 7500 South Africans but also the impact that it would have on investor confidence.

The IMC conducted a number of meetings with various banks, financial institutions and insurance companies as well as with representatives of Oakbay Investments. Although the Minister of Finance was a member of the constituted IMC, he did not participate in its meetings.

A Report of recommendations was tabled at Cabinet. After discussion of the Report,

Cabinet has now resolved as follows:-

- a. To recommend to the President that given the nature of the allegations and the responses received, that the President consider establishing a Judicial Enquiry in terms of section 84(2)(f) of the Constitution;
- b. To consider the current mandates of the Banking Tribunal and the Banking Ombudsman. Evidence presented to the IMC indicated that all of the actions taken by the banks and financial institutions were as a result of innuendo and potentially reckless media statements, and as a South African company, Oakbay had very little recourse to the law. Looking into these mandates and strengthening them would go a long way in ensuring that should any other South African company find itself in a similar situation, it could enjoy equal protection of the law, through urgent and immediate processes being available to it as it required by the Constitution;
- c. To consider the current Financial Intelligence Centre Act and the Prevention of Combatting of Corrupt Activities Act regarding the relevant reporting structures set out therein as evidence presented to the IMC was unclear on whether the various banks and financial institutions as well as the Reserve Bank and Treasury complied with these and other pieces of legislation. The IMC was also briefly ceased with the implications of legal action against any of these entities and the potential impact that would have on the volatility of the Rand as well as the measures that could be put in place to protect the economy. This was not something that fell within the mandate of the IMC and should therefore be considered by the Judicial Enquiry;
- d. To re-consider South Africa's clearing bank provisions to allow for new banking licences to be issued and insodoing, to create a free market economy. The IMC was presented with evidence suggesting that the South African banking system is controlled by a handful of clearing banks which ensured that every other local or international bank participating in the South African banking sector would need to go through these clearing banks in order to have their transactions cleared, thereby

creating an oligopoly. Evidence was also presented that these institutions may have placed undue pressure on banks that sought to assist the company by subjecting them to unwarranted auditing processes. It is unclear why the Reserve Bank will not issue new banking licences to other banks and this would need to be given careful attention by the Judicial Enquiry as it did not fall within the purview of the IMC; and

e. The establishment of a State Bank of South Africa with the possible corporatisation of the Post Bank being considered as an option. Evidence presented to the IMC suggested that all of South Africa's economic power vests in the hands of very specific institutions, institutions who have shown that their ability to act unilaterally is within their mandate and is protected. These institutions are owned by private shareholders and report to National Treasury who in turn do not need to act on information provided to it.

It was further agreed that the IMC would monitor the process of finalising these matters and would report back to Cabinet on their progress.

For further media enquiries, kindly contact Mr Martin Madlala on 0635054199
Martin.Madlala@dmr.gov.za

Ends-

Issued by the Department of Mineral Resources

MJZ 47

Guptas vs Banks: Zwane's statement issued in his personal capacity - The Presidency

Bongani Ngqulunga |
02 September 2016

Minister does not speak on behalf of cabinet, unfortunate contents are deeply regretted

STATEMENT OF MINISTER OF MINERAL RESOURCES IS NOT GOVERNMENT POSITION

2 September 2016

The statement issued by the Minister of Mineral Resources, Mr Mosebenzi Zwane yesterday on 1 September 2016, on the work of the task team established to consider the implications of the decisions of certain banks and audit firms to close down the accounts and withdraw audit services from the company named Oakbay Investments, was issued in his personal capacity and not on behalf of the task team or Cabinet.

Minister Zwane is a member of the task team. He does not speak on behalf of Cabinet and the contents of his statement do not reflect the position or views of Cabinet, the Presidency or government. The unfortunate contents of the statement and the inconvenience and confusion caused by the issuing thereof, are deeply regretted.

The Presidency wishes to assure the public, the banking sector as well as domestic and international investors of Government's unwavering commitment to the letter and spirit of the country's Constitution as well as in the sound fiscal and economic fundamentals that underpin our economy.

Statement issued by Dr Bongani Ngqulunga, The Presidency, 2 September 2016

Zwane statement reckless - ANC

2016-09-03 21:02

Kaveel Singh, News24

Johannesburg – The ANC has slammed Mineral Resources Minister Mosebenzi Zwane for his statements regarding a judicial commission of inquiry into the banking sector over the Gupta saga.

“This type of ill-discipline has brought the name of government into disrepute. We call on President Zuma to discipline Minister Zwane because [it is] this kind of reckless and careless statement that sends wrong signals about our cabinet,” ANC spokesperson Zizi Kodwa said.

Kodwa lambasted Zwane’s comments saying it was “outrageous, appalling and shocking”. He called on President Jacob Zuma to discipline Zwane.

“The action must be a lesson that no one again must make this public statement unmandated which has got a negative impact both on the economy and the perceptions of national leadership.”

Kodwa also questioned if Zwane was being influenced by people outside of cabinet.

Zwane, who chaired an inter-ministerial committee set up by Cabinet to probe why South Africa’s banks blacklisted Gupta-owned businesses, said in a statement that a judicial inquiry be considered to look into:

- The current mandates of the Banking Tribunal and the Banking Ombudsman;
- Consider the current Financial Intelligence Centre Act (Fica) and the Prevention of Combating of Corrupt Activities Act in relation to the banks’ conduct;
- Reconsider South Africa’s clearing bank provisions to allow for new banking licences to be issued; and
- Look into the establishment of a state bank of South Africa with the possible corporatisation of the Post Bank being considered as an option.

The announcement by Zwane was feared to cause further market turmoil, currency weakness and make a sovereign ratings downgrade more likely.

However, the Presidency said on Friday that Zwane’s remarks were issued in his personal capacity and not on behalf of the task team or Cabinet.

“Minister Zwane is a member of the task team. He does not speak on behalf of Cabinet and the contents of his statement do not reflect the position or views of Cabinet,” Presidency spokesperson Bongani Ngqulunga said.

“The unfortunate contents of the statement and the inconvenience and confusion caused by the issuing thereof, are deeply regretted,” he added.

PRO-GUPTA DELEGATES

Nedbank CEO reveals details of Gupta intervention

Faith Muthambi, who was not part of the interministerial committee, met Nedbank's CEO on the closure of the Gupta bank accounts

13 DECEMBER 2016 - 05:54 GENEVIEVE QUINTAL



Faith Muthambi. Picture: GCIS/NTSWE MOKOENA

Nedbank CE Mike Brown has revealed that Communications Minister Faith Muthambi was part of the interministerial committee delegation he met with to discuss the closure of Gupta bank accounts.

Muthambi, who was not appointed by the Cabinet to the committee, is known to be a strong supporter of President Jacob Zuma.

Her participation in the meeting with Nedbank adds to questions around the standing of the committee.

Finance Minister Pravin Gordhan, who was appointed by the Cabinet to participate, refused to do so.

The minister has applied to the High Court in Pretoria for a declaratory order that ministers cannot intervene in the relationship between banks and their clients.

The committee was appointed after the country's four major banks ceased doing business with Gupta-owned Oakbay, amid allegations that the family was using its relationship with Zuma to secure business and other favours.

A number of the banks did not agree to a meeting with the ministerial committee as there was uncertainty about the legality of the committee.

In an affidavit supporting the minister's application, Brown detailed the meeting between Nedbank and the committee.

His affidavit included an e-mail in which Brown's personal assistant requested the names and titles of the government officials who had attended the meeting on May 6.

Zarina Kellerman, from the Department of Mineral Resources and secretary of the committee, sent a list of names that included Muthambi, Mzwanele Manyi and a second adviser, Sandile Nene.

Manyi, who is running a campaign in support of the Guptas, was meant to have attended the meeting in his capacity as an adviser to Muthambi, but did not. This was not clarified in the affidavit.

Kellerman's e-mail also stated that Labour Minister Mildred Oliphant attended the meeting, but Brown disputed this in his affidavit.

Nedbank on Tuesday said it was unaware of the names of the attendees who joined the meeting and had therefore asked Kellerman to provide a full list.

"The list we received was attached to the affidavit and incorrectly reflected Minister Olifant as being present at the meeting. The list may therefore have contained additional errors but Nedbank focused on the aspect of whether or not there was a quorum," it said.

Muthambi's spokesman, Ayanda Holo, on Monday could not immediately respond to questions about why the minister attended the meeting.

The Gupta family sought Gordhan's intervention when the big four banks closed the family's company accounts. Gupta family members are friends and benefactors of Zuma and some of his family.

Brown, in his affidavit, said Mineral Resources Minister Mosebenzi Zwane had assured him the purpose of meeting was "not to represent any particular family or company", but told him about the potential job losses the closing of the accounts would cause.

He claimed Zwane had suggested Nedbank consider stepping in to "save jobs" considering that members of the Gupta family had resigned from the companies.

"The overall impression I came away with was that the purpose of the meeting was to determine whether there was a co-ordinated decision amongst the major South African banks to terminate the accounts of persons affiliated with the Gupta family, and whether Nedbank would consider engaging with the relevant entities as their primary banker," Brown said.

Nedbank is supporting Gordhan's application on the basis that no sphere of government or minister has the power to intervene when a bank chooses to terminate its relationship with a client. If the government were allowed to intervene it would have "severe prejudicial consequences" for banks and for SA in general, Brown said.

"Government has no competence in law to interrogate why a bank terminated its relationship with a client in general, or to inquire whether a bank has terminated its relationship with a client in order to give effect to anti-money laundering legislation and anti-bribery and corruption legislation in particular."

ABSA BANK LTD	Fifteenth Respondent
FIRST NATIONAL BANK LTD	Sixteenth Respondent
STANDARD BANK OF SOUTH AFRICA LIMITED	Seventeenth Respondent
NEDBANK LTD	Eighteenth Respondent
GOVERNOR OF THE SOUTH AFRICAN RESERVE BANK	Nineteenth Respondent
REGISTRAR OF BANKS Respondent	Twentieth
DIRECTOR OF THE FINANCIAL INTELLIGENCE CENTRE	Twenty-First Respondent

ANSWERING AFFIDAVIT OF THE EIGHTEENTH RESPONDENT (NEDBANK)

I, the undersigned,



MICHAEL WILLIAM THOMAS BROWN

do hereby make oath and state -

- 1 I am an adult male and the Chief Executive Officer of Nedbank Limited ("Nedbank"). Nedbank is the Eighteenth Respondent in the above application. Nedbank is a commercial bank, registered as such under the auspices of the Banks Act, 1990 and operating under the supervision of the South African Reserve Bank.



- 32 Minister Zwane asserted that the IMC meeting was confidential in nature. I am advised that there is no basis in law for Minister Zwane's statement that the meeting was to be confidential. In any event, I was under the impression that the proceedings were being recorded for transcription purposes.
- 33 In broad terms, what transpired at the meeting was as follows:
- 33.1 At the outset of the meeting, Minister Zwane assured me that the purpose of the meeting (and the IMC) was not to represent any particular family or company, but rather to resolve the apparent issues of investor confidence and reported potential job losses that had emerged, which ostensibly numbered in the thousands.
- 33.2 I confirmed that, due to client confidentiality, I was not at liberty to discuss any client specific matters and, further, that any news reports regarding the termination of banking relationships did not emanate from Nedbank who had maintained strict client confidentiality.
- 33.3 I then detailed the generic underlying principles which may be considered by a bank when deciding to terminate its relationship with any client, and the overriding principles surrounding the regulatory environment within which South African banks operate. (I shall say more about these principles below.)
- 33.4 During the meeting, and notwithstanding the Minister's assurances regarding the mandate of the IMC, several questions were posed in relation to the specific circumstances surrounding Nedbank's termination of its relationships with persons and entities related to the Gupta family (which at the time included the Affected Respondents)

 13 

and questioning the seemingly "*unanimous*" decision by South African banks to close accounts. Minister Zwane, while acknowledging that Nedbank was not the primary transactional bank for the various entities, suggested that Nedbank consider stepping in "*to save jobs, considering the relevant family [had] resigned from these companies*". I reiterated that Nedbank was not in a position to discuss client-specific matters. I also confirmed that Nedbank had decided to terminate the relevant relationships independently, without reference to (or consultation with) any other bank(s).

33.5 The overall impression I came away with was that the purpose of the meeting was to determine whether there was a co-ordinated decision amongst the major South African banks to terminate the accounts of persons affiliated with the Gupta family, and whether Nedbank would consider engaging with the relevant entities as their primary banker.

33.6 At the conclusion of the meeting, Minister Zwane commented on some banks which had apparently declined to appear before the IMC, noting his surprise that they had refused to attend "*a meeting with government*" as they receive their licences from government.

34 On 1 September 2016 Minister Zwane released a press statement (annexure "MB 12") stating that:

34.1 the IMC had held various meetings with various banks, financial institutions, insurance companies and representatives from the First Respondent;

Handwritten signature and initials, possibly "J. J." with a date "14" written below the signature.