

In the matter between:-

STEFANUTTI STOCKS CYCAD PIPELINES

JOINT VENTURE

Applicant

And

RAND WATER BOARD

First Respondent

T JULIUS CONSTRUCTION (PTY) LIMITED

Second Respondent

FAST MOVE ELECTRICAL CC

Third Respondent

MINISTER OF WATER AFFAIRS AND

FORESTRY

Fourth Respondent

LEGAL SUMMARY

The applicants sought an urgent interdict against the award of a tender which was awarded by the first respondent. The relief is sought pending the outcome of a review application to be brought by the applicants.

The respondents challenged the locus standi of the applicants on two grounds. Firstly, the respondents argued that the applicant was a joint venture and lacked locus standi. The applicants countered that objection and successfully argued that the joint venture was akin to a partnership and therefore has locus standi. The latter argument was accepted by the Court. The second point raised by respondent, with regard to locus standi, is that the applicants lacked locus standi because they did not pass the prequalification hurdle at the tender stage. By supposedly not complying with the requirements of the tender, the applicants should be denied standing. The Court held that the applicant has established that it has standing to act in its own interest, in the sense that it is affected by the outcome of the tender. Furthermore, this was also to be a case in which the Court, even though questioning the applicants' standing, believes that the public interest cries out for relief.

On the issue of urgency, the Court held that the matter was indeed urgent, as it would be meaningless and academic, as the contracts would have been substantially executed if this matter was heard in the ordinary course.