



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 24 May 2013
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

*CShell 271 (Pty) Ltd v Oudtshoorn Municipality
(481/2012) [2013] ZASCA 62 (24 May 2013)*

Media Statement

Today the SCA dismissed an appeal with costs, by CShell (Pty) Ltd (appellant) against an order of the Western Cape High Court, dismissing an application by CShell (Pty) Ltd, for an order reviewing and setting aside a decision by the Oudtshoorn Municipality (respondent) to cancel the award of a tender for the sale of land. The tender was awarded by the Oudtshoorn Municipality to Newco a company to be formed, with a specific black empowerment shareholder profile. Newco was never formed, CShell (Pty) Ltd, with a significantly reduced black empowerment shareholder profile, sought to obtain the benefit of the tender. The SCA held that CShell (Pty) Ltd was not the company to which the tender had been awarded and lacked locus standi to challenge the cancellation of the award of the tender.

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