



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 November 2023

Status: Immediate

The following summary is for the benefit of the media in the reporting of this case and does not form part of the judgments of the Supreme Court of Appeal

African National Congress v Ezulweni Investments (Pty) Ltd (Case no 979/2022) [2023] ZASCA 159 (24 November 2023)

Today the Supreme Court of Appeal dismissed with costs of two counsel an appeal from a judgment of the full court of the Gauteng Division of the High Court, Johannesburg (the full court) in which it had, in turn, dismissed an appeal from a single judge of that court. The appeal arose from an application by Ezulweni Investments (Pty) Ltd (Ezulweni) for an order that the African National Congress (the ANC) pay to it a total of R102 465 000 along with interests and costs. The court of first instance, per Bhoola AJ, had granted this relief.

The matter arose from a contract which Ezulweni alleged had been concluded with the ANC for the supply, placement and removal of banners in support of the 2019 general election campaign of the ANC. The ANC denied that any such agreement had been concluded. In the first place, it contended that there were factual disputes which could not be resolved in favour of Ezulweni. Secondly, it submitted that their two officials who were alleged to have concluded that contract did not have the authority to do so. The Supreme Court of Appeal evaluated the first of these and found that the ANC had not raised *bona fide* factual disputes. Those raised were untenable and fell to be rejected on the papers. On the second aspect, the Supreme Court of Appeal found that one of the two officials concerned had been expressly authorised by the ANC to conclude contracts relating to election matters. As a result, it was found that the full court had correctly dismissed the appeal before it.

The ANC sought to introduce evidence on appeal of a report compiled by ENS Forensics (Pty) Ltd. The Supreme Court of Appeal found that the evidence which the ANC sought to introduce did not meet the accepted requirements and dismissed the application with costs.

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