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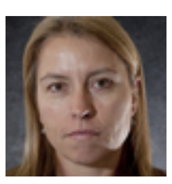

Guptas' Tegeta threatens Treasury

by Carol Paton, 25 August 2016, 05:53

Kenneth Brown. Picture: SUNDAY TIMES

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TEGETA Exploration and Resources, the mining operation owned by the Gupta family, has threatened to interdict the Treasury should it release a report into its investigation of Eskom's coal contracts.

The Treasury's chief procurement officer Kenneth Brown conducted an investigation into Eskom's coal contracts in the first few months of 2016, the findings of which have never been made public. Brown's investigation followed a decision by the Treasury to review a number of contracts exceeding R10m in a crackdown on corruption.

In May, DA MP David Maynier requested access to the report under the Promotion of Access to Information Act. The Treasury wrote to Tegeta, as an affected party, informing it about the request.

As the report contained information that could be deemed commercially sensitive, Tegeta was given 21 days in which to make representations to the Treasury on whether the report should be released to the public.

Tegeta director Ravindra Nath wrote back in June, objecting vehemently to the release of the report to the DA, on the grounds that the company had not been afforded an opportunity to comment, and had not had sight of the annexures to the report.

"Tegeta should be afforded an opportunity to respond and to give accurate comments on what seems to be an effort to adversely affect the rights of our company… We vehemently object to the disclosure of the document prior to us having had the opportunity to peruse the complete document and comment thereon," Nath wrote.

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The report, said Tegeta, "portrayed a unilateral effort by (the Treasury) to severely prejudice our business and our commercial relationship with Eskom". The Treasury's attempt to publish it by providing it to the DA was an attempt at defamation, it argued.

"Should you decide to disclose the aforesaid report, obviously not in context with constitutional principles affording us the right to comment on these averments, you do so at your own peril. We will consider obtaining further legal advice in launching an urgent application to interdict you from releasing the report until it has been subject to scrutiny by all parties concerned," the letter concludes.

Nath's letter was followed by a letter from Tegeta's lawyers that argued the report was in fact a draft report and that it contained "inaccurate and ill-advised facts/ assumptions/ recommendations".

After the exchange with Tegeta, the Treasury wrote to Maynier denying him access to the report on the grounds that it was not final. However, in previous correspondence, the Treasury had described it as final.

Maynier said on Tuesday he believed Brown's report had made devastating findings against Tegeta.

"That's why Tegeta are desperate to keep the report out of the public domain. This is not the end of the road. I'll be appealing the decision not to provide me with a copy of the report made by Treasury. I want Tegeta Exploration and Resources to know this: you can run but you cannot hide."

Asked on Tuesday why it had objected to the release of the report, a Tegeta spokesman said it had offered to participate and provide the Treasury with relevant facts and accurate data at the time of the investigation. "No response or feedback was ever received from the Treasury regarding Tegeta's assistance.

"We believe that any report publicly released should be accurate."

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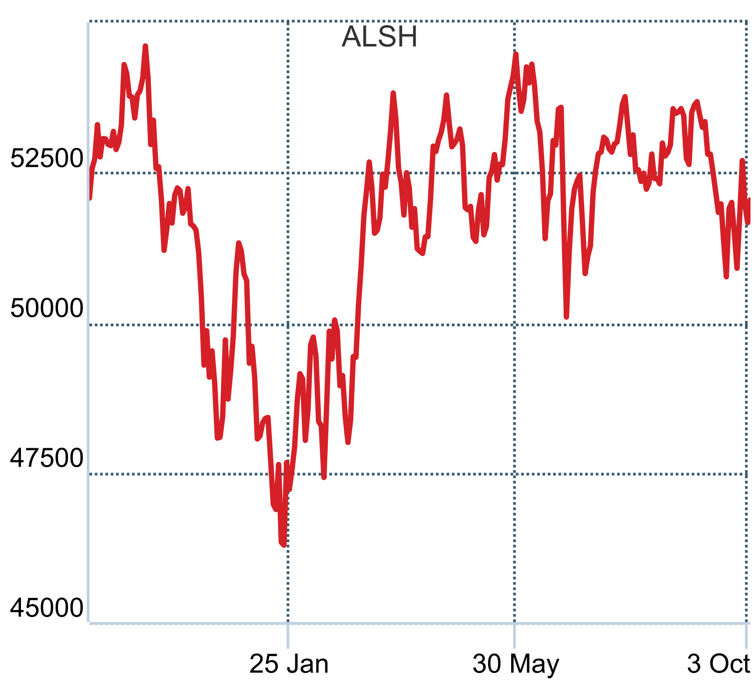

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