



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 15 March 2022
STATUS Immediate

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

*TMT Services & Supplies (Pty) Ltd t/a Traffic Management Technologies v MEC:
Department of Transport, Province of KwaZulu-Natal and Others (Case no.
1059/2020) [2022] ZASCA 27 (15 March 2022)*

MEDIA STATEMENT

The Supreme Court of Appeal (SCA) today upheld the appeal of TMT Services & Supplies (Pty) Ltd, trading as Traffic Management Technologies (TMT), against the MEC and head of department of the Department of Transport of the KwaZulu-Natal provincial government and MTM KZN Traffix (Pty) Ltd (Traffix).

TMT was an unsuccessful bidder for a tender offered by the Department of Transport for an integrated traffic contravention management system. It took the decision to award the tender to Traffix on review. It did so in the Western Cape Division of the High Court, Cape Town (the Western Cape court), where it was ordinarily resident and domiciled, rather than in the KwaZulu-Natal Division of the High Court, Pietermaritzburg (the KwaZulu-Natal court), where the principal place of administration of the government respondents was, and where Traffix was ordinarily resident and domiciled. It did so because the definition of a court in s 1 of the Promotion of Administrative Justice Act 3 of 2000 (the PAJA) provided inter alia that a

court with territorial jurisdiction in respect of the ordinary residence or domicile of a person had jurisdiction to judicially review administrative action affecting that person.

The respondents argued that considerations such as convenience also had to be taken into account and that, in this case, it was more convenient that the matter be heard by the KwaZulu-Natal court. The Western Cape court upheld this point, declined to exercise jurisdiction and dismissed TMT's application. The SCA held, however, that the definition of a court in the PAJA determined exclusively which courts had jurisdiction; that the Western Cape court and the KwaZulu-Natal courts had concurrent jurisdiction in terms of the definition; and that the Western Cape court was not entitled to decline to exercise jurisdiction. The court set aside the Western Cape court's order and remitted the matter to it for completion.