



THE SUPREME COURT OF APPEAL
REPUBLIC OF SOUTH AFRICA

MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

From: The Registrar, Supreme Court of Appeal

Date: 29 November 2007

Status: Immediate

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

CARMEL TRADING COMPANY LTD v THE COMMISSIONER FOR THE SOUTH AFRICAN REVENUE SERVICE

The SCA today dismissed an appeal from the Pretoria High Court.

The appellant was a company which, it has been found previously, is a tool and under the direct control of one David Cunningham King. King and another company of his have been assessed to tax in 2002 for R900 m and R1400 m respectively.

The appellant is said to be a partner in an executive jet. This jet is the subject of restraint orders in South Africa and England and has been grounded in France since 2003.

The Commissioner wishes to have the jet sold and the proceeds kept in trust pending the finalisation of the litigation because the jet is deteriorating and fast losing its value.

The Court held that the plane should be so sold in spite of the objection of the appellant.

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