

## HIGH COURT RULES IN FAVOUR OF COUNCIL

01 August 2012

### **A SECOND urgent court application brought by a business joint venture was dismissed by the Bloemfontein High Court**

Judge Jake Moloi dismissed an urgent application brought by Anquet-Friedshelf Joint Venture to stop NMC Construction from continuing to build Tumahole Stadium in Parys, Free State.

Last week in the same court building Judge AF Jordaan also dismissed the same matter with costs, maintaining that there was no urgency in the matter.

Anquet-Friedshelf pleaded with the court that NMC Construction should be stopped from starting with the building of the R85-million stadium. Construction is expected to start today.

Anquet-Friedshelf pleaded that the Ngwathe local municipality should be interdicted and restrained from taking any steps, processes, considerations of tenders and quotations for the completion of the stadium due to a dispute between them.

The company was appointed by the municipality on July 29 2008 to build the stadium. The project was expected to begin on August 1 2008 until September 8, 2009.

In terms of the agreement the applicant was expected to carry out the construction following designs drawn up by the respondent's architects.

But it is alleged the municipality experienced shortage of funds for the start of the project. This placed the company in a cash-flow problem because the municipality failed to pay them for the work already done.

Fezile Dabi district municipality, which Ngwathe municipality falls under, intervened to provide assistance. At some point the project stalled for seven months.

On September 21 2011 Ngwathe municipality informed Anquet-Friedshelf about the cancellation of the project, claiming it had failed to perform in terms of their agreement.

Advocate Thabiso Machaba argued that Anquet-Friedshelf was prejudiced and that the project should be halted until an agreement was reached.

But Judge Moloi dismissed the application with costs.

[Source: [www.sowetanlive.co.za](http://www.sowetanlive.co.za)]