



**IN THE HIGH COURT OF SOUTH AFRICA
FREE STATE DIVISION, BLOEMFONTEIN**

Not reportable

Case no: 2180/2024

In the matter between:

ROYAL MNDawe HOLDINGS (PTY) LTD t/a ROMH
(Registration Number 2013/114343/07)

FIRST APPLICANT

MIMSHACK (PTY) LTD
(THE FIRST AND SECOND APPLICANTS ARE CITED
HEREIN IN THEIR CAPACITIES AS PARTNERS IN A
JOINT VENTURE UNDER THE NAME AND STYLE OF
ROMH JV)

SECOND APPLICANT

and

**MEC: DEPARTMENT OF COMMUNITY SAFETY, ROADS &
TRANSPORT, FREE STATE PROVINCE**

FIRST RESPONDENT

**HOD: DEPARTMENT OF COMMUNITY SAFETY, ROADS &
TRANSPORT, FREE STATE PROVINCE**

SECOND RESPONDENT

TSELA TSWEU CONSULTING ENGINEERS (PTY) LTD
(Registration Number: 1998/024934/07)

THIRD RESPONDENT

Neutral citation: *ROMH JV v MEC: Department of Community Safety, Roads and
Transport Free State Province and Two Others* (2180/2024) [2026] ZAFSHC 69 (20
February 2026)

Coram: Van Zyl et Daffue JJ

Delivered: This judgment was handed down electronically by circulation to the

parties' representatives by email and released to SAFLII. The date and time for hand-down is deemed to be 16h00 on 20 February 2026.

Summary: Application for leave to appeal by unsuccessful bidder whose review application was dismissed – leave to appeal to the Supreme Court of Appeal granted.

ORDER

- 1 Leave is granted to the applicants to appeal to the Supreme Court of Appeal against the order and judgment handed down on 14 October 2025.
- 2 The costs of the application for leave to appeal shall be costs in the appeal.
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JUDGMENT

Daffue J (Van Zyl J concurring)

[1] On 14 October 2025, we dismissed the applicants' application wherein they sought an order that tender number CSR&T/RFP01/2023/2024 be awarded to them, alternatively that the matter be remitted to the first and second respondents to undertake a fresh bid evaluation and adjudication process subject to such directions as the court deems meet.

[2] The applicants seek leave to appeal to the Supreme Court of Appeal. The test for leave to appeal has recently been restated in *Ramakatsa and others v African National Congress and Another*¹ and I quote:

'The test of reasonable prospects of success postulates a dispassionate decision based on the facts and the law that a court of appeal could reasonably arrive at a conclusion different to that of the trial court. In other words, the appellants in this matter need to convince this Court on proper grounds that they have prospects of success on appeal. Those prospects of success must not be remote, but there must exist a reasonable chance of succeeding. A sound rational basis for the conclusion that there are prospects of success must be shown to exist.'

[3] By agreement, the parties filed heads of argument whereupon we considered the application for leave to appeal in chambers.

¹ *Ramakatsa and Others v African National Congress and Another* [2021] ZASCA 31 para 10.

[4] I am satisfied that the Supreme Court of Appeal would reasonably arrive at a conclusion different to that arrived at by us. I accept that there is a sound rational basis to conclude that there are prospects of success on appeal. I do not intend to deal extensively with the reasons for this conclusion, but limit the reasons to the following:

- a. the evidence tendered by the respondents was not in keeping with the documentary evidence presented in the rule 53 record and those attached to the answering affidavits, such differences having been highlighted in paragraph 18 and paragraphs 26 to 29 of the judgment;
- b. it is possible that another court would reasonably come to a conclusion that it was not merely a case of the respondents' paperwork not being in order, but that this serves as proof of an irrational decision eventually taken;
- c. there is a reasonable possibility that another court would find that the version presented on behalf of the first and second respondents for the initial disqualification of the third respondent's bid and its eventual acceptance as responsive, was fanciful and fabricated, especially relating to the completion and signing of form C1.1, or the failure to complete and sign the document;
- d. the alleged reason for re-evaluation based on the anomaly picked up by Treasury with regard to the functionality scoring of the applicants may reasonably be found by another court to be totally irrelevant as it had nothing to do with an entire re-evaluation thereafter;
- e. bearing in mind the criticism recorded in particularly paragraph 26 of the judgment, the first and second respondents failed to explain why Ms Botes as chairperson of the BAC on 15 October 2024 was not called upon to give her version, but instead thereof Mr Eleftheriou was called upon to present a version in direct conflict with the minutes of 15 October 2024 presented by the respondents.

[5] The following order is made:

1 Leave is granted to the applicants to appeal to the Supreme Court of Appeal against the order and judgment handed down on 14 October 2025.

2 The costs of the application for leave to appeal shall be costs in the appeal.


J P DAFFUE
JUDGE OF THE HIGH COURT

I concur.


C VAN ZYL
JUDGE OF THE HIGH COURT

Appearances

For the Applicants:

S Grobler SC

Instructed by:

York Attorneys Inc, Bloemfontein

For the First and Second Respondents: BS Mene SC and RB Mofokeng

Instructed by:

State Attorney, Bloemfontein.