

**DEPARTMENT: PUBLIC ENTERPRISES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**QUESTION NO.: 646**

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**646.**   Ms E N Louw (EFF) to ask the Minister of Public Enterprises: In view of Eskom’s announcement in August that it is seeking a R2 billion penalty from Glencore’s Optimum Coal, which is now bought by a certain company (name furnished), for supplying poor quality coal which has resulted in poor performance, whether Eskom initiated processes to penalise Optimum Coal; if not, why not; if so, how far is the process? NW761E

**REPLY:**

Yes, Eskom initiated a process to penalise Optimum Coal (OC). Eskom issued a summons against OC on 5 August 2015 whereupon OC’s attorneys informed Eskom that OC commenced business rescue proceedings on 1 August 2015. Eskom’s claim for penalties remains valid and enforceable upon the close of transaction whereafter it will enforce all the remedies open to its ex lege to enforce the claim. Eskom’s position has been made clear to all parties in the business rescue proceedings.