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Zondo commission – I did not divulge my meetings with Tony Gupta, says Nteta

Former Eskom senior manager Dr Ayanda Nteta told the Zondo commission that she did not tell anyone about the meetings with Tony Gupta because of trust issues within the company. Nteta continued her evidence relating to the coal supply deal between Eskom and Gupta-linked Tegeta coal mine – she oversaw the conclusion of the deal.

Nteta met with Tony Gupta on two separate occasions. The first time was not planned, as she claimed on Monday. The second meeting, she told the commission, happened when Gupta called her. She met him willingly because she saw it as an opportunity to sort out the agreement, as she believed Tegeta CEO Ravindra Nath was obstructing the deal. Nteta said she drove to the Gupta residence in Saxonworld for the meeting. Deputy Chief Justice Raymond Zondo, the commission's chairperson, asked Nteta why she agreed to meet at the Gupta residence instead of Eskom, because Tegeta was the supplier. Nteta conceded that this was not the best practice but she wanted the matter to be fixed.

Zondo then asked if Nteta informed her immediate manager about the Gupta meeting. She explained that she did not inform anyone at Eskom, "because the environment was not one of great trust and comfort. There was a request for me to provide weekly updates on the transaction; this made me feel like there were trust issues. I did not trust the people I worked with at Eskom; I did not trust that I would get the support I needed," she said.

Nteta added that another reason she did not inform her immediate manager Vusi Mboweni was because she did not know where Mboweni stood on the matter, so she felt unsafe. Mboweni also requested weekly reports on progress with coal contracts but she did not know where this information was going and who asked for it.

Evidence leader Pule Seleka put it to Nteta that former Eskom chairman Jabu Mabuza told the commission that she resigned at Eskom while there were disciplinary processes pending against her.

"One of the reasons I left Eskom was because I wanted to further my studies. The second reason was that I felt that the incoming board and executives at the time wanted to continue with undue interest in transactions within the primary energy space, and this trend was going to continue ... I wanted to leave, I couldn't endure the unpleasant treatment," Nteta responded.

She added that she had informed her immediate supervisor about her plans to leave Eskom before she was served with a suspension letter.

Nteta told the commission that according to the letter given to her, a breakdown of trust was one of the reasons she was suspended, and that the reason for breakdown of trust relates to a temporary relief she granted to Tegeta.

“The relief was to do with coal quality and volume. In the mining process you mine and sometimes reach a place where the quality of the coal is affected, which also affects the volume. We allow our suppliers to tell us when they cannot provide the quality or volume we need because of the area they are currently mining. While they mine that place they can reduce the quantity or we see if we can use the coal of that quality. Once they are done, we can revert to the original agreement. We gave Tegeta a three-month relief,” Nteta explained.

Zondo asked if this means Eskom will accept coal that does not meet the requirements in terms of quality and if the relief condones the breach of contract in this instance. Nteta answered yes to both questions but further explained that Tegeta failed to meet its obligations after the three-month relief period had lapsed, This led Eskom instituting penalties against the supplier.

Zondo asked if Nteta had authorisation to grant the temporary relief to Tegeta. She said she believes she had authorisation because it had been done by her predecessor – Eskom, however, saw things differently.

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