

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, JOHANNESBURG

CASE NO: 2022-19765

In the matter between:

THE PRUDENTIAL AUTHORITY

First Applicant

ASHISH DESAI N.O.

Second Applicant

and

**CONSTANTIA INSURANCE COMPANY
LIMITED**

First Respondent

**FINANCIAL SECTOR CONDUCT
AUTHORITY**

Second Respondent

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SECOND APPLICANT'S AFFIDAVIT

I, the undersigned,

ASHISH DESAI

UK PASSPORT NUMBER: 556984385

do hereby make oath and say:

1. I am an adult and employed as the Insurance Sector Leader by Deloitte & Touche with business address at 5 Magwa Crescent, Waterval City, Midrand.
2. I am the provisional curator of the first respondent, Constantia Insurance Company Limited ("CICL") and the second applicant in this application.
3. I am duly authorised to depose this affidavit. The contents contained herein fall within my personal knowledge, unless the context indicates otherwise, and are to the best of my belief true and correct.
4. I depose to this affidavit in support of the application for the winding up of CICL and for the simultaneous termination of my provisional curatorship. I do so on the basis of the

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facts and circumstances set out in the affidavit of **KERWIN RIAAN MARTIN** ("Mr Martin") deposed to on behalf of the first applicant, the Prudential Authority ("the Authority").

5. I have in this regard read the affidavit deposed by Mr Martin and can and do confirm the contents of his affidavit insofar as it relates to me and the basis upon which the winding up of CACL is sought.
6. I also depose to this affidavit to record the steps taken by me pursuant to my appointment as the provisional curator of CACL. Therefore, this affidavit sets out certain additional facts and gives a first-hand account of my involvement.
7. I was appointed as the provisional curator of CACL by way of a provisional order of curatorship granted on 26 July 2022 (the provisional curatorship order attached as annexure FA2 to Mr Martin's affidavit) under case number 7177/22 (the Curatorship) pursuant to an application by the Authority under the auspices of section 54 of the Insurance Act, 2017.
8. By virtue of the provisional curatorship, I have been personally and actively involved in conducting the business of CACL since my appointment on 26 July 2022. In this context, I have control of, manage and have also analysed the business and operations of and concerning CACL as contemplated in the Insurance Act.
9. It is on the basis of my analyses and findings as provisional curator of CACL that I made a recommendation, marked annexure FA9 to Mr Martin's affidavit, for an application to be made to the above Honourable Court for the liquidation of CACL and

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why I depose to this affidavit in support of its liquidation and relief sought in this application.

Ashish Desai

ASHISH DESAI

I hereby certify that the deponent knows and understands the contents of this affidavit and that it is to the best of the deponent's knowledge both true and correct. This affidavit was signed and sworn to before me at ROSEBANK on this 29th day of August 2022, and that the Regulations contained in Government Notice R.1258 of 21 July 1972, as amended by R1648 of 19 August 1977, and as further amended by R1428 of 11 July 1989, having been complied with.

SPURSHUL DOBO

SOUTH AFRICAN POLICE SERVICE
CLIENT SERVICE CENTRE
29 AUG 2022
CSC
ROSEBANK
SUID-AFRIKAANSE POLISIEDIENS

COMMISSIONER OF OATHS

Full names: SPURSHUL DOBO

Address: 15 STURDEZ AVENUE

Capacity: POLICE CONSTABLE