

High Court refuses SA passport renewal for Atul Gupta

Home Affairs Minister, Dr Aaron Motsoaledi, has welcomed a High Court Gauteng North judgment confirming that Atul Gupta is a fugitive from justice and therefore does not qualify for a South African passport, as the Department had contended.



Image source: Ikeskinen – [123RF.com](https://www.123RF.com)

The Court issued the judgment on Friday.

On 25 September 2018, having fled South Africa in the advent of the Gupta Leaks, Atul Gupta approached the Consul General of South Africa in Dubai to apply for a passport.

In a statement, the department said it rejected the application after receiving confirmation from the National Prosecuting Authority that a warrant of arrest was issued against him in connection with criminal offences of fraud and money-laundering related to the Vrede Dairy Project.

“In February 2021, Gupta approached the court seeking to force the department to issue him with a new South African passport. He claimed that he had a Constitutional right to a passport as a citizen of South Africa. He further said that the Constitution states that nobody should be deprived of their citizenship.

“The Department defended that court application, arguing that he was a fugitive from justice and therefore does not have a right to challenge the Department in a court of law in this country. The Department challenged Gupta to indicate if he would be prepared to come to South Africa if the court were to order him to do so,” reads the statement.

Gupta said he would have to take legal advice on the issue.



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Anait Mridzhanian 26 Jul 2022



On Friday, Judge Kumalo found that “if he (Gupta) indeed is not a fugitive from justice, why would he need legal advice whether he ought to come to this country for whatever reason. This is more telling for a person who owns property and had owned businesses in this country”.

Judge Kumalo also noted that Gupta did not give a particular address in Dubai.

“All that he seems prepared to state is that he is a South African citizen resident in Dubai. Nothing further is disclosed. I am of the view that this was not oversight on the Applicant’s side but was deliberate,” reads part of the judgment.

Judge Kumalo ordered that:

- The Applicant is a fugitive from justice.
- Applicant has no locus standi to approach this court for relief in the circumstances.
- Applicant (Gupta) is to pay the cost of this application.

Welcoming the judgment, Minister Motsoaledi said the court had delivered an important confirmation that the laws of the country must be respected and they are applicable to all.

“Friday’s judgment shows that you cannot want to escape accountability in a country and seek to enjoy the use of documents that are exclusively reserved for law-abiding citizens of that country,” he said.

The Minister further welcomed the cost order against Gupta in favour of the department, saying it “ensures that public funds are kept for service delivery. Minister Motsoaledi instructed the Department to immediately start the process to recover the costs”.

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