

Neha Dhana

Director



Neha Dhana is a Director in our Dispute Resolution practice. Neha has experience providing risk management, regulatory compliance and dispute resolution services (mediation, arbitration and judicial proceedings) in the public procurement & supply chain management; mining, energy & natural resources; and construction & engineering sectors.

About Neha

Neha has represented state-owned enterprises, government departments, regulators, statutory bodies, international corporations and well-known local companies.

Credentials

Education

- LLM in corporate law, University of Witwatersrand
- LLB, University of the Witwatersrand
- Advance Course in Pension Funds Law; Interpretation of Statutes; and Legal Transactions in International Law, University of South Africa

Membership

- Young International Council for Commercial Arbitration

Experience

- **Advising mining houses**

Experience in acting for and advising mining houses both in South Africa and other parts of Africa. The service and advice provided includes the application for prospecting permits, mining licenses, and commercial litigation.

- **Arbitrations and mediations**

Assisted in large arbitrations and mediations between the major mining players in the mining sector.

- **Johannesburg Roads Agency**

Advised the Johannesburg Roads Agency on the Municipal Finance Management Act, and Municipal Systems Act pertaining to their tender procedure and other MFMA related matters.

Contact Neha

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Expertise

Dispute Resolution

Public Law

Technology & Communications

Mining & Minerals

Location

Johannesburg

Language

English

- **Public Protector**

Advised and represented the Public Protector in review proceedings to set aside several of her binding reports issued against various organs of states.

- **Department of Energy**

Advised and participated in the evaluation of bid submissions in respect of an invitation to tender issued by the Department of Energy in regard to the first wave of privatization of electricity in South Africa.

- **Eskom Holdings SOC Limited**

Advised and represented Eskom Holdings SOC Limited in litigation that dealt with environmental and regulatory approvals for the introduction of a second Nuclear Power Station.

- **Denel SOC Limited**

Advised and represented Denel SOC Limited in tender procedure, irregularities, and compliance with the PFMA and Treasury Regulations.

- **B-BBEE Codes of Good Practice**

Advised local companies on the application of the various B-BBEE Codes of Good Practice.

- **Shareholder disputes**

Experience in advising shareholders in shareholder disputes and valuation of shares.

- **Petroleum companies**

Experience advising petroleum companies in section 12B arbitration proceedings referred to in terms of the Petroleum Products Act I.

- **Expropriation Bill**

Member of team involved in providing advice and comment to Expropriation Bill.

News

[A closer look at public participation during the legislative process](#)

Public participation during the legislative process is the essence of constitutional democracy and is entrenched in the Constitution of the Republic of South Africa, 1996. Public participation encourages meaningful input into the decision-making process and is premised on the belief that those who are affected by a decision have the right to be involved in the decision-making process.

[Borrowers beware: Acceleration clauses are easier to enforce than you think](#)

Generally, lenders do not have an implicit contractual right to demand repayment of a full outstanding amount unless the loan agreement contains an acceleration clause. An acceleration clause is typically phrased in a manner that makes the full amount of the loan immediately due and payable in the event of a default.

[The devil is in the detail: tacit terms and provisos](#)

Analysing several of the recent Supreme Court of Appeal (SCA) judgments on contract law, it seems some of the "flavour of the year" topics that have emerged are the reading in of tacit terms into written contracts, the attempt to resort to prior negotiations in interpreting written contracts, and the vital distinction between conditions and terms in a contract. These issues were (again) raised before the SCA in the case of City of Tshwane Metropolitan Municipality v Brooklyn Edge (Pty) Ltd and another ZASCA 23.

[Pressure points and hurdles when removing a director by the shareholders](#)

The removal of a director, by way of the shareholders' inherent right to do so by an ordinary resolution, (section 71 of the Companies Act 2008) is the typical initial go-to remedy when a breakdown in the relationship amongst shareholders and directors arise. The remedy should in theory be straightforward, but the Companies Act contains several pressure points and hurdles that shareholders must be aware of and overcome before they can remove a director from office. These pressure points and hurdles are substantive and procedural in nature, and if not complied with can result in the removal being declared invalid by a court of law.

[Mediate in bad faith? A look at Rule 41A of the Uniform Rules of Court](#)

Mediation is an alternative method of dispute resolution that requires parties to interact directly with one another with the aim of settling any disputes amongst themselves before an independent third party.

[All news by Neha Dhana →](#)