IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

Case No: 2625/24

Held at Mahikeng on this the 31st day of May 2024
Before the Honourable Mr Acting Justice REDDY

In the matter between:

SAKELIGA NPC	First Applicant
DITSOBOTLA SERVICES ASSOCIATION	Second Applicant
CVO SKOOL	Third Applicant
NELLETTE BELEGGINGS CC	Fourth Applicant
AL BOTHA BELEGGINGS CC	Fifth Applicant
AGRI NORTH WEST	Sixth Applicant
NW FIRE SPRINKLER SYSTEMS	Seventh Applicant
FREDERIK JOHANNES BOTHA	Eighth Applicant
ABRAHAM LODEWIKUS BOTHA	Ninth Applicant
CORNELIUS PETRUS WILHELMUS SCHUTTE	Tenth Applicant
JAN GYSBERT DE BRUYN	Eleventh Applicant
ANNA MARIE VOGES	Twelfth Applicant
JAN CHRISTIAAN JOHANNES NEL	Thirteenth Applicant

And

DITSOBOTLA LOCAL MUNICIPALITY	First Respondent

THE ACTING MUNICIPAL MANAGER:
DITSOBOTLA LOCAL MUNICIPALITY Second Respondent

DRAFT ORDER

By agreement between the parties the following order is issued:

IT IS ORDERED THAT:

1. The respondents are ordered and directed to reconnect and restore the third applicant's electricity connection to the properties situated at 9 Voortrekker Street, Retiefs Park Lichtenburg, 2740, Lichtenburg, North West Province (CVO School) and 23 Ferdi Hartzenberg Drive (CVO hostel) - ("the Subject Properties") as soon as proof of payment of the amounts as referred to in paragraph 3 (inclusive of 3.1 and 3.2) is sent to the respondents' attorneys of record.

2. Pending the finalisation, outcome, resolution and/or adjudication of the applicants' disputes, lodged with the first respondent in terms of section 95(f), read together with section 102 of the Local Government: Municipal Systems Act, 32 of 2002 the respondents be interdicted, restrained, and prohibited from terminating and/or disconnecting and/or limiting the municipal services to the Subject Properties of the third to thirteenth applicants.

3. The operation of the order contained in paragraph 1 above is subject to the third applicant having to pay the following amounts to the first respondent on or before 4 June 2024:

3.1. An amount of R50 000-00 (fifty thousand rand) representing a portion of the arrear amount on the third applicant's municipal account for the property situated at 9 Voortrekker Street, Retiefs Park Lichtenburg, 2740, Lichtenburg, North West Province (CVO School) ;

3.2. An amount of R30 000-00 (thirty thousand rand) representing a portion of the arrear amount on the third applicant's municipal account for the property situated at 23 Ferdi Hartzenberg Drive (CVO hostel).

4. Pending the resolution of the dispute between the third applicant and the respondents in relation to the two municipal accounts for the properties referred to above, the third applicant will pay the following amounts on a monthly basis in respect of the following accounts:

4.1. R15 000.00 (fifteen thousand rand) CVO School account: Account number 000000002335.

4.2. R7 000.00 (seven thousand rand) CVO Hostel Account: 000000016721.

4.3. The first payment to be made to the respondent on 1 July 2024 and thereafter each successive month on or before the first of every month.

5. The applicants and respondents are directed to engage with each other within 14 days (court days) of the date of this order, alternatively on a date to be arranged and provided to the applicants by the respondents to discuss the settlement of the specified amounts contained in the monthly invoices submitted to the third to thirteenth applicants in respect of municipal services provided by the first respondent.

6. The first respondent is further ordered to refrain from terminating any supply of services to the applicants and the members of the second applicant where a valid section 102 dispute under the Municipal Systems Act has been lodged, and where such dispute has been adjudicated upon by the respondents.

7. The respondents are ordered to provide the applicants with monthly invoices indicating actual monthly usage of services as rendered at the subject properties, starting on/before 1 July 2024.

8. In the event that the parties are unable to settle their disputes in full, they shall determine and agree upon the calculation of amounts deemed fair and reasonable regarding the undisputed use of services by each applicable applicant.

9. Should the parties fail to reach an agreement on the disputed portion of the claim, they are authorised to approach this Court on the same papers, with necessary further affidavits, for a determination of such amounts as this Court deems reasonable.

10. All parties are granted leave to supplement their respective affidavits should the need arise.

11. The costs of the application are reserved.

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BY ORDER

REGISTRAR