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IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Division, Pretoria

CASE NO: **2022-061920**

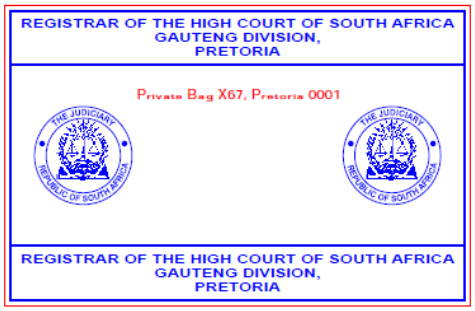
In the matter between:

Sakeliga NPC,Agri North West,TLU SA,Magaliesberg Citrus Company (Pty) Ltd	Plaintiff / Applicant / Appellant
and	
Eskom Holdings SOC Ltd,The National Energy Regulator of South Africa (NERSA),The Minister of Mineral Resources and Energy	Defendant / Respondent

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Interlocutory Application

NOTE: **This document was filed electronically by the Registrar on 5/9/2024 at 2:09:41 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.**



ELECTRONICALLY SIGNED BY:

Registrar of High Court of South Africa , Gauteng Division,Pretoria

IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO.: 061920/2022

In the application between:

SAKELIGA NPC	**1ST APPLICANT**
AGRI NORTH WEST	**2ND APPLICANT**
TLU SA	**3RD APPLICANT**
MAGALIESBERG CITRUS COMPANY (PTY) LTD	**4TH APPLICANT**

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PRETORIA

and

ESKOM HOLDINGS SOC LTD	**1ST RESPONDENT**
THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA (NERSA)	**2ND RESPONDENT**
THE MINISTER OF MINERAL RESOURCES AND ENERGY	**3RD RESPONDENT**

NOTICE OF MOTION IN TERMS OF RULES 30A AND 53

PLEASE TAKE NOTICE THAT the abovementioned applicants will make application on a date to be allocated by the Registrar or as soon thereafter as counsel for the applicants may be heard for an order in the following terms:

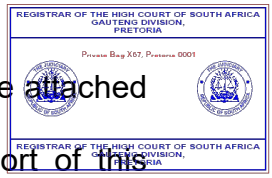
1 The first respondent be compelled to dispatch the record of all documents relating to and/or relied upon in making the decisions and execution of the functions sought to be reviewed in the main application, together with such reasons as the first respondent is by law required or that they desire to give of

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make, to the Registrar of the above Honourable Court within 10 (ten) days of receipt of this order;

2 That the first respondent be ordered to pay the cost of this application on an attorney and client scale and in event that the second and third respondents opposes same, costs be granted against such opposing party on the aforementioned scale;

3 Further and/or alternative relief.



TAKE FURTHER NOTICE THAT the affidavit of **ROHANN ELOFF** and the attached annexures, and confirmatory/additional annexures will be used in support of this application.

DATED AND SIGNED AT PRETORIA ON THIS 4th DAY OF SEPTEMBER 2024.



KRIEK WASSENAAR & VENTER INCORPORATED
ATTORNEYS FOR APPLICANTS
3rd Floor, HB Forum Building
13 Stamvrug Street
Val de Grace
Pretoria
Tel: 012 803 4719
E-mail: rohann@kriekprok.co.za
liam@kriekprok.co.za
REF: R Eloff/LE/QB0973

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**
PRETORIA

AND TO: **EDWARD NATHAN SONNENBERGS INC**
ATTORNEYS FOR 1ST RESPONDENT
129 Rivonia Road
The MARC, Tower 1

5/9/2024-2:09:41 PM

Sandton
Tel: 011 269 7600
E-mail: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com
Ref: 0519683/Mr Moosajee
C/O MOTHLE JOOMA SABDIA INC.
Ground Floor
Duncan Manor
Cnr Jan Shoba and Brooks Street
Brooklyn
Tel: 012 362 3137
Ref: Mr Jooma/ENS1.0016



IN THE HIGH COURT OF SOUTH AFRICA

(GAUTENG DIVISION, PRETORIA)

CASE NO.: 061920/2022

In the application between:

SAKELIGA NPC	**1ST APPLICANT**
AGRI NORTH WEST	**2ND APPLICANT**
TLU SA	**3RD APPLICANT**
MAGALIESBERG CITRUS COMPANY (PTY) LTD	**4TH APPLICANT**

and

ESKOM HOLDINGS SOC LTD	**1ST RESPONDENT**
THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA (NERSA)	**2ND RESPONDENT**
THE MINISTER OF MINERAL RESOURCES AND ENERGY	**3RD RESPONDENT**

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FOUNDING AFFIDAVIT IN TERMS OF RULES 30A AND 53

I, the undersigned,

ROHANN ELOFF

do hereby state under oath as follows:

1 I am an adult male attorney practising as such under the style of Kriek Wassenaar & Venter Incorporated with our offices situated on 3rd Floor, HB Forum Building, 13 Stamvrug Street, Val de Grace, Pretoria, Gauteng.

2 I am the applicants' attorney of record in the matter instituted under case number 061920/2022 and am therefore duly authorised to make this affidavit.

3 The facts set out in this affidavit fall within my personal knowledge, save where the context indicates otherwise, and are both true and correct.

4 Our office file relating to this matter, falls under my personal care and control and I am familiar with all aspects relevant to this matter. It is thus appropriate that I depose to this affidavit.

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PARTIES

5 The parties in this application are referred to in the main application. They are fully cited therein and their citations are not repeated herein for the sake of brevity. The main application will be available for the above Honourable Court's perusal at the hearing of this matter through the online platforms CaseLines and/or CourtOnline.

JURISDICTION

6 The Honourable Court is vested with the jurisdiction to adjudicate this interlocutory application as the main application is issued in this Honourable Court.

PURPOSE

7 The application is of an interlocutory nature in respect of a review application instituted by the applicants ("main application"). The main application is opposed by the first respondent.

8 The purpose of this application is to compel the first respondent to dispatch the record of proceedings in terms of Rule 53(1)(b).

9 The applicants require the record in order to persist with their review. The record would in the view of the applicants include at least:

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9.1 Any decisions, reports, system data and deliberations informing such decisions insofar as each feeder line is concerned;

9.2 Any discrete decisions to employ load reduction, the time period and time of day of such load reduction sessions or events as relates to a particular feeder line;

9.3 The policy and actions relating to the application of periodic and/or scheduled and/or ad hoc load reduction to the feeder lines across South Africa, alternatively in regard to the following feeder lines across the North West and Limpopo provinces:

9.3.1 North-West – Modderspruit-Molokwe feeder line;

9.3.2 North West – Mimosa feeder line;

9.3.3 North West – Pella feed;

9.3.4 Limpopo – ST 2021 feeder line;

9.3.5 Limpopo – ST 2022 feeder line;

9.3.6 Limpopo – Sanria Rural / Tuinplaas feeder line;

9.3.7 Limpopo – SLG 2022 feeder line;

9.3.8 Limpopo – SGP 2021 feeder line;

9.3.9 Limpopo – Soutpan / Ingwe feeder lines;

9.3.10 Limpopo – Zebra feeder lines;

9.3.11 Limpopo – Levubu K feeder lines;

9.3.12 Limpopo – Mulendane / Tshakuma feeder line;

9.3.13 Limpopo – Lephalale TST feeder line;

9.3.14 Limpopo – Villa Nora / Rural Marken Feeder line.

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9.4 The reasons for the policy relating to the implementation of load-reduction in general.

9.5 The reasons for the implementation of load-reduction in regard to each specific feeder line as mentioned in paragraphs 9.3.1 to 9.3.14, above.

10 The aforementioned is only a list of documentation which the applicants expect to be under the control of the first respondent which should be made available during the review under the main application. It is by no means a closed list and the applicants have been advised that they are entitled to every scrap of paper regarding the policy and actions of the first respondent to apply periodic and/or scheduled and/or *ad hoc* load reduction to so-called high loss feeder lines,

alternatively to feeder lines where the first respondent is experiencing high electricity losses, further alternatively to the feeder lines stated in paragraphs 41 and 86 of the founding affidavit.

BACKGROUND

11 The applicants instituted an application against the respondents seeking relief as set out comprehensively hereunder:

11.1 That the first respondent's policy and action of the first respondent to apply periodic and/or scheduled and/or ad hoc load reduction to so-called high-loss feeder lines, alternatively to feeder lines where the first respondent is experiencing high electricity use losses, further alternatively to the feeder lines stated in paragraphs 41 and 86 of the founding affidavit (the "load reduction policy"), be declared to be unfair, unreasonable, irrational, *ultra vires*, unlawful, unconstitutional and be reviewed and set aside.

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11.2 That the first respondent's decisions to apply load reduction to feeder lines across South Africa, alternatively, the feeder lines referred to in paragraphs 41 and 86 of the founding affidavit, constitutes unjustifiable and unidentifiable discrimination and differentiation between customers or classes of customers regarding access and conditions of service and be declared unconstitutional, unlawful and be reviewed and set aside.

11.3 That load reduction as a credit control and/or debt-collection mechanism aimed at recovering or curtailing usage by non-paying direct customers on feeder lines, be declared to be unconstitutional, unlawful and be

reviewed and set aside in as far as it has the consequential effect of also reducing or terminating the supply of electricity to paying direct customers on the same feeder line.

11.4 That it be declared that the first respondent's load reduction policy and action in terms thereof, is in contravention of sections 21 (2) and 21 (5) of the Electricity Regulation Act 4 of 2006, and is unlawful and be reviewed and set aside;

11.5 That, in the alternative to paragraphs 11.1 - 11.4 above, the applicants seek an order in terms of section 172 of the Constitution that is just and equitable, and which has a remedial effect alleviating the Constitutional infringements, concerns and/or invalidities underlying this application.

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11.6 That:

11.6.1 The first respondent pay the costs of this application, such costs to include the costs consequent upon the employment of two counsel were so employed; and,

11.6.2 in the event of opposition by any other respondent, such respondent be directed to pay such costs jointly and severally with the 1st respondent, one paying the other to be absolved.

11.7 That the applicants be granted such further and/or alternative relief as the Court deems meet.

12 The application was lodged in terms of the provisions of Rule 53 of the Uniform Rules of Court since the record of all documents relating to and/or relied upon in

making the decisions and executions of the functions sought to be reviewed, together with such reasons as the first respondent is by law required to give is unknown to the applicants.

13 In terms of the notice of motion in the main application read with the provisions of Uniform Rule 53(1)(b), the first respondent was called upon to show cause why the policy and action mentioned in the main application are not to be reviewed, corrected and set aside and were further called upon to dispatch within 15 (fifteen) days after receipt of the said notice of motion to the Registrar the record(s) of all documents relating to and/or relied upon in the making of the decisions and execution of the functions sought to be reviewed, together with such reasons as the first respondent is by law required or that they desire to give or make.

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14 The notice of motion and founding affidavit was served on the first respondent on 1 February 2023. I attach a copy of proof of service on the first respondent as RE1.

15 On 15 February 2023 the first respondent, through Mrs Barnes, contacted my office to seek an indulgence until 22 February 2023 to oppose the main application. In light of this, our office directed a letter to the first respondent confirming the discussion and further indicating that the applicants are willing to grant indulgence. A copy of this letter and proof of dispatch thereof are attached hereto as RE2 and RE3.

16 Despite the indulgence no further correspondence or process was received from the first respondent. In light of this failure, our office directed a further letter to the first respondent on 27 February 2023. This letter noted the first respondent's

failure to oppose the application. It was further noted that the first respondent had failed to file a Rule 53 record. The first respondent was informed that they are required to file the Rule 53 record by no later than 6 March 2023. The first respondent was warned that if they fail to comply the applicants will consider an application to compel the filing of the record. A copy of this letter and proof of dispatch thereof are attached hereto as annexures RE4 and RE5.

17 On 3 March 2023 the first respondent delivered its notice of intention to oppose the main application. A copy of this notice and proof of receipt thereof are attached hereto as annexures RE6 and RE7.

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18 On 8 March 2023 a further letter was delivered to the first respondent's attorney of record confirming receipt of the notice and further indicating that the first respondent's Rule 53 record is already due. The first respondent was requested to file the record by 15 March 2023. A copy of this letter and proof of dispatch thereof is attached hereto as RE8 and RE9.

19 The first respondent's attorney of record in an e-mail on 13 March 2024 responded to the above-mentioned letter and indicated that the first respondent is still in the process of compiling the record but due to the number of documents required, they are unable to deliver the complete record by 15 March 2023. They requested that indulgence be provided until 25 March 2023 to file the record. They further indicated that the first respondent is engaged in various other applications which require their attention which contributes to the delay. A copy of this e-mail is attached hereto as RE10.

20 Despite their request to file the record by 25 March 2023 the first respondent failed to do so. Our offices, therefore, delivered a further letter accompanied by

a Rule 30A notice. In the letter it was noted that the record has still not been filed. The letter refers to the notice in terms of Rule 30A and warns the first respondent that should they fail to comply with the notice the applicants will proceed with an application to compel delivery of the record. In terms of the Rule 30A notice it is indicated that the first respondent has failed to comply with Rule 53(1)(b) of the Uniform Rules of Court and that the applicants will apply to the Honourable Court for an order, *inter alia*, compelling the first respondent to comply with the provisions of the rule, alternatively striking out the respondent's opposition to the application should the first respondent fail to remedy the non-compliance. A copy of the letter, Rule 30A notice and proof of dispatch thereof are attached as RE11, RE12 and RE13.

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21 On 21 April 2023 the first respondent, through its attorneys of record, provided to the applicants a Dropbox link which was indicated to be the Rule 53 record and Index thereto (the "incomplete record"). A copy of the e-mail in which this link was provided is attached as RE14.

22 In order to not unnecessarily burden these papers, as the incomplete record is in excess of 1000 pages, the record will not be attached hereto. Same is however available on the CaseLines file.

23 On 29 May 2023 the first respondent, through its attorneys, delivered an e-mail to the applicant requesting an indication of whether the applicants intend to supplement the founding papers and if so, when the supplemented papers would be delivered. A follow-up e-mail was delivered on 2 June 2023. Copies of these e-mails are attached as RE15 and RE16.

24 On 1 September 2023 the applicants' attorneys delivered a letter to the first respondent. A copy of this letter and proof of dispatch is attached as RE17 and RE18. In the letter reference is made to the incomplete record received and filed. It was recorded by the applicants that unlawful load reduction temporarily ceased but was once again operative. It was further indicated that the applicants were examining the contents of the incomplete record and was additionally noted that pages 205 – 238 were blank for reasons not explained. Furthermore, the applicants indicated that the incomplete record does not contain all documents relevant to the decisions and executions of functions sought to be reviewed and that the Rule 53 process has not been properly observed. The applicants confirmed that, with this being the case the time periods for amending the notice of motion and supplementing the founding affidavit cannot begin to run until a complete Rule 53 record is received.

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25 The first respondent was requested to provide the complete record without delay and was referred to the Constitutional Court judgment of the *Helen Suzman Foundation v Judicial Service Commission*[1] in this regard.

26 The applicants furthermore indicated, without limiting the generality of the request for complete record, that certain crucial material appears to be missing from the record. The first respondent was thus requested to provide all documents, notes, minutes, memoranda, physical and electronic correspondence, recordings, and the like, related to the first respondents' decisions, reports, system data, and deliberations informing such decisions insofar as each feeder line is concerned, and each discrete decision to employ

[1] *Helen Suzman Foundation v Judicial Service Commission*, 2018 (4) SA 1 CC at paragraph 18.

load reduction and the time period and time of day of such load reduction sessions or events to a particular feeder line, policy and actions relating to the application of periodic and/or scheduled and/or ad hoc load reduction to the feeder lines across South Africa, alternatively the following feeder lines across the North West and Limpopo provinces:

26.1 North-West - Modderspruit-Molokwe feeder line;

26.2 North West – Mimosa feeder line;

26.3 North West – Pella feeder line;

26.4 Limpopo – ST 2021 feeder line;

26.5 Limpopo – ST 2022 feeder line;

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26.14 Limpopo – Villa Nora / Rural Marken Feeder line.

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27 The applicants further stressed that the evaluation of these outstanding documents is important in relation to the relief sought by the applicants in this matter and that the documents are likely to influence the extent to which it is necessary to amend the notice of motion and/or supplement the founding affidavit, if at all.

28 The first respondent was requested to deliver these outstanding documents; alternatively to provide written confirmation on affidavit that these documents do not exist and were therefore not considered by the first respondent in arriving at the impugned decisions and executions of functions as outlined in the notice of motion.



29 The first respondent was requested to revert by no later than 15 September 2023, failing which the applicants indicated that they intended to proceed with the Rule 30A process and seek relief from the Honourable Court.

30 On 2 October 2023 the first respondent's attorneys responded indicating that they are taking instructions from the first respondent and that the first respondent is assessing "*what additional documents, if any, it had in its possession*". It was indicated that the first respondent has been inundated with a number of urgent applications and this has delayed their ability to respond to the applicants' letters. Furthermore, the first respondent's attorneys indicated that in addition to the blank pages referred to by the applicants, pages 13-355 – 13-1034 (CaseLines pagination) are blank. This was ostensibly due to difficulties experienced in converting lengthy Excel spreadsheets into pdf format. A copy of this e-mail is attached as RE19.

31 On 23 October 2023 the applicants delivered a letter and further Rule 30A notice to the first respondent. A copy of the letter, Rule 30A notice and proof of dispatch thereof are attached as RE20, RE21 and RE22.

32 In the letter reference is made to the response received on 2 October 2023 and the further black pages, delivery of spreadsheets which could not be converted t and the additional documents to be assessed and delivered by the first respondent was noted.

33 The applicant reaffirmed its position that the time periods for amending the notice of motion and supplementing the founding affidavit cannot run until the complete Rule 53 record has been received. It was further reiterated that various crucial material documents were missing from the record and therefore the first respondent was again requested to provide, in addition to any other relevant documents which would constituted the complete record, all documents, notes, minutes, memoranda, physical and electronic correspondence, recordings, and the like, related to the following:

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33.1 Any decisions, reports, system data and deliberations informing such decisions insofar as each feeder line is concerned;

33.2 Any discrete decisions to employ load reduction, the time period and time of day of such load reduction sessions or events as relates to a particular feeder line;

33.3 The policy and actions relating to the application of periodic and/or scheduled and/or ad hoc load reduction to the feeder lines across South

Africa, alternatively in regard to the following feeder lines across the North West and Limpopo provinces:

33.3.1 North-West – Modderspruit-Molokwe feeder line;

33.3.2 North West – Mimosa feeder line;

33.3.3 North West – Pella feeder line;

33.3.4 Limpopo – ST 2021 feeder line;

33.3.5 Limpopo – ST 2022 feeder line;

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33.3.7 Limpopo – SLG 2022 feeder line;

33.3.8 Limpopo – SGP 2021 feeder line;

33.3.9 Limpopo – Soutpan / Ingwe feeder lines;

33.3.10 Limpopo – Zebra feeder lines;

33.3.11 Limpopo – Levubu K feeder lines;

33.3.12 Limpopo – Mulendane / Tshakuma feeder line;

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33.3.14 Limpopo – Villa Nora / Rural Marken Feeder line.

33.4 The reasons for the policy relating to the implementation of load-reduction in general.

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33.5 The reasons for the implementation of load-reduction in regard to each specific feeder line as mentioned in paragraphs 33.3.1 to 33.3.14.

34 It was reiterated that the evaluation of these documents is important in relation to the relief sought and that without the complete record the applicants are unable to assess to what extent it is necessary to amend the notice of motion and/or supplement the founding affidavit. The first respondent was again requested to confirm in writing on affidavit if the documents do not exist. Lastly, it was indicated that a Rule 30A notice would be served with the letter.

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35 In terms of the Rule 30A notice it is indicated that the first respondent has failed to comply with Rule 53(1)(b) of the Uniform Rules of Court and that the will apply to the Honourable Court for an order, *inter alia*, compelling the first respondent to comply with the provisions of the rule, alternatively striking out the respondent's opposition to the application should the first respondent fail to remedy the non-compliance.

36 In terms of the notice it was indicated, without limiting the generality of a complete record, that the first respondent is non-complaint with Rule 53(1)(b) in the respect listed already above in paragraph 33.3.

37 In response hereto and on 1 November 2023 the first respondent's attorney indicated that they are taking instructions. A copy of this e-mail is attached as RE23.

38 To date of deposing to this affidavit the first respondent has failed and/or refused to dispatch the complete record as requested.

39 It is submitted that due to the first respondent's failure to dispatch the record as requested in terms of Uniform Rule 53(1)(b), the applicants are suffering severe prejudice.

40 I submit that the record is essential to enable the applicants and this Honourable Court to fully assess the lawfulness of the decision-making process of the first respondent. It will allow the applicants to interrogate the decision(s) and, if necessary, supplement its ground(s) for review under Uniform Rule 53(4).

41 Without the requested record, this Honourable Court cannot perform its constitutionally entrenched review function and will result in the applicants' right to have a justiciable dispute decided in a fair public hearing before a Court with all the issues being ventilated, be infringed upon.

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42 I further submit that the first respondent has shown a disregard for the Rules of this Honourable Court, considering the amount of time the applicants' have granted the said first respondent since service of the Notion of Motion in the main application to comply with Rule 53(1)(b).

43 This is an unnecessary step that the applicants are forced to carry out to enforce the Rules of this Honourable Court. The above-mentioned warrants costs on a punitive scale, being attorney and client.

RELIEF

44 I submit that an order as set out in the notice of motion is warranted.

ROHANN ELOFF

I hereby certify that the deponent has declared that the deponent understands and knows the contents of this affidavit and that to the best of the deponent's knowledge and belief it is the truth, which affidavit has been signed and sworn to before me at Pretoria on this 3rd day of September 2024, and that the provisions of the Regulations contained in Government Notice R 1258 of the 21st July, 1972, (as amended) and Government Notice R1648 on the 18th August 1977 (as amended) have been complied with.

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COMMISSIONER OF OATHS

Renier Christiaan Bezuidenhout
Commissioner of Oaths/Kommissaris van Ede
HB FORUM
13 Stamvrug Street/Straat
Val de Grace
Ex Officio Practising Attorney
Ex-Officio Praktiserende Prokureur
Republic of South Africa/Republiek van Suid Afrika

In the High Court of South Africa
(Gauteng Division, Pretoria)

Case No. 61920/22

In the matter between:

SAKELIGA NPC AND THREE OTHERS

Applicant

and

ESKOM HOLDINGS SOC LTD

1st Respondent

RETURN: SERVICE OF NOTICE OF MOTION

IT IS HEREBY CERTIFIED:

That on 01 February 2023 at 13h55 at MEGAWATT PARK MAXWELL DRIVE SUNNINGHILL EXT 3 being the principal place of business of ESKOM HOLDINGS SOC LTD, a copy of the Notice of Motion was served to Ms S Ramluggan - Legal Clerk a responsible employee of ESKOM HOLDINGS SOC LTD, after the original document was displayed and the nature and contents thereof explained to her. Ms S Ramluggan a person apparently not less than sixteen years of age and in the employ of ESKOM HOLDINGS SOC LTD accepted service. Rule 4[1](a)(v).

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SHERIFF CHARGES/EXPENSES: (You may require that this account be taxed and vouched before payment)

Description	Tariff	QTY	Amount	Description	Tariff	QTY	Amount
Cellular call	20.00	1	20.00				
Cellular costs	5.50	1	5.50				
Service	84.50	1	84.50				
Photo Copies / E-mail printed	6.50	3	19.50				
Registration & Return	65.00	1	65.00				
Collection	12.50	1	12.50				
Travelling.	6.00	28	168.00				

TO: Registrar Pretoria

Zero rated items	0.00
Sub-total	375.00
VAT	56.25
Total	**431.25**

Account No.: MKWVING
TO: KRIEK, WASSENAAR & VENTER ING
POSTNET SUITE #A7
PRIVATE BAG X59
SILVERTON
0127
Your Reference: QB0973

Mr J Nieuwenhuys -Urgent - Deputy Sheriff
(Properly appointed in terms of Section 6(1) of the Sheriff's Act No. 90/1986)
Signed at Sandton on 17/02/23
My Reference: **2022/01/15790.00** / JH

Sheriff Sandton North - K I Mphahlele
P.O. Box 1572 Randburg 2125
Tel: 011 326 3170 Fax: 086 613 0853
Standard Bank Acc No: 002965984
VAT No./BTW Nr. 4760264160

KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: PJ Wassenaar/mj/QB0973
Your ref:

15 February 2023

ESKOM HOLDINGS SOC LTD
MEGAWATT PARK,
MAXWELL DRIVE,
SUNNING HILL EXT 3
GAUTENG

By e-mail: barnesm@eskom.co.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Madam

SAKELIGA NPC & OTHER / ESKOM HOLDINGS SOC LTD & OTHER

1. We refer to the abovementioned matter and the telephone conversation between yourself and our Ms Melissa Jansen van Vuuren on 15 February 2023.

2. We confirm that you requested our offices to grant you an indulgence in respect of the filing of a notice to oppose, for Eskom to decide whether to oppose the application.

3. Our client is willing to agree to an indulgence until the end of business day on 22 February 2023.

4. We await your response in due course.

Yours faithfully,

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za
Elektronies geteken
Electronically signed

Melissa Jansen van Vuuren

From: Melissa Jansen van Vuuren
Sent: Wednesday, 15 February 2023 14:58
To: barnesm@eskom.co.za
Cc: nj@kriekprok.co.za
Subject: SAKELIGA NPC & OTHER / ESKOM HOLDINGS SOC LTD & OTHER
Attachments: Eskom Holdings SOC Ltd sent 20230215.pdf

Good day

We refer to the above matter and our telephone conversation on even day.

We attach hereto a letter for your attention.

Kindly acknowledge receipt of same in writing.

Yours faithfully,

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Melissa Jansen van Vuuren

Kriek Wassenaar & Venter Ing

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

Hierdie e-pos is onderhewig aan voorwaardes. Kliek hier vir meer besonderhede.

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KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: PJ Wassenaar/mj/QB0973
Your ref:

27 February 2023

ESKOM HOLDINGS SOC LTD
MEGAWATT PARK,
MAXWELL DRIVE,
SUNNING HILL EXT 3
GAUTENG

URGENT

By e-mail: barnesm@eskom.co.za

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Madam

SAKELIGA NPC & OTHER / ESKOM HOLDINGS SOC LTD & OTHER

1. We refer to the abovementioned matter and our letter of 15 February 2023.

2. We record that Eskom has failed to file a notice to oppose the application. We have also not received any further feedback from Eskom which would allude to an intention to otherwise settle the matter. Eskom has also failed to file a rule 53 record in the matter.

3. Kindly note that we will be proceeding with the matter on an unopposed basis. However, Eskom is still required to file a record in terms of rule 53.

4. We require that you file your rule 53 record by no later than 6 March 2023. Failing compliance with the notice of motion and rules of court, our client will consider an application to compel the filing of the record.

5. We await your response in due course.

Yours faithfully,

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za
Elektronies geteken
Electronically signed

RE5
5/9/2024-2:09:41 PM

Elbie Swanepoel

From: Elbie Swanepoel
Sent: 27 February 2023 08:19
To: barnesm@eskom.co.za
Cc: Melissa Jansen van Vuuren
Subject: SAKELIGA NPC & OTHER / ESKOM HOLDINGS SOC LTD & OTHER
Attachments: Eskom Holdings SOC Ltd sent 20230227.pdf

Importance: High
Sensitivity: Private

Good day,

We refer to the above and attach hereto a letter for your urgent attention.

Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685

[redacted]

1

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case No 061920/2022

In the matter between:

SAKELIGA NPC	1st Applicant
AGRI NORTH WEST	2nd Applicant
TLU SA	3rd Applicant
MAGALIESBERG CITRUS COMPANY (PTY) LTD	4th Applicant
and	
ESKOM HOLDINGS SOC LTD	1st Respondent
THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA (NERSA)	2nd Respondent
THE MINISTER OF MINERAL RESOURCES AND ENERGY	3rd Respondent

THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

1ST RESPONDENT'S NOTICE OF INTENTION TO OPPOSE

TAKE NOTICE THAT the 1st respondent, with registered address at Megawatt Park, Maxwell Drive, Sunninghill Extension 3, Sandton, hereby gives notice of its intention to oppose the above application.

TAKE NOTICE FURTHER THAT the 1st respondent is prepared to accept service of all subsequent documents in this application by way of email at the following email addresses: mkatz@ensafrica.com, amoosajee@ensafrica.com, jdavis@ensafrica.com and fomar@ensafrica.com.

Signed at **Sandton** on this **3rd** day of **March 2023**.

Edward Nathan Sonnenbergs Inc
1st Respondent's attorneys
129 Rivonia Road
The MARC, Tower 1
Sandton
Tel: 011 269 7600
Email: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com
Ref: 0519863/Mr Moosajee
c/o Mothle Jooma Sabdia Inc
Ground Floor
Duncan Manor
Cnr Jan Shoba and Brooks Streets
Brooklyn
Tel: 012 362 3137
Ref: Mr Jooma/ENS1.0016

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

To:
The Registrar of the above
Honourable Court
Pretoria

And to:

Kriek Wassenaar & Venter Inc
Applicant's attorney
Third Floor, Hb Forum Building
13 Stamvrug Road
Val de Grace, Pretoria
Tel: 012 756 76566
Email: peter@kriekprok.co.za
nj@kriekprok.co.za
Ref : PJ Wassenaar/ QB0973

Service by email

2

Elbie Swanepoel

From: Fathima Omar <fomar@ensafrica.com>
Sent: 03 March 2023 15:40
To: Peter Wassenaar; NJ Nel
Cc: Joshua Davis; Inathi Mpapa; Olonathando Nxumalo; Aslam Moosajee
Subject: 0519863: SAKELIGA NPS & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS (061920/2022)
Attachments: First Respondent's Notice of intention to oppose 03032023.pdf

Dear Sirs

We serve with this email the first respondent's notice of intention to oppose.

Kindly acknowledge receipt.

Kind regards

Fathima Omar
Associate
Dispute Resolution
+27 11 269 7600
+27 72 857 0051
fomar@ENSafrica.com
ENSafrica locations
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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

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KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: PJ Wassenaar/mj/QB0973
Your ref:

8 March 2023

EDWARD NATHAN SONNENBERGS INC
SANDTON
GAUTENG

By e-mail: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir / Madam

SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS

1. We refer to the abovementioned matter and your client's notice of intention to oppose.

2. Please note that your client's rule 53 is already due. We request that your client kindly file same by 15 March 2023.

Yours faithfully,

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekwrok.co.za
Elektronies geteken
Electronically signed

REG
5/9/2024 2:09:41 PM

Elbie Swanepoel

From: Elbie Swanepoel
Sent: 08 March 2023 15:10
To: 'mkatz@ensafrica.com'; 'amoosajee@ensafrica.com'; 'jdavis@ensafrica.com'; 'fomar@ensafrica.com'
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS
Attachments: ENS sent 20230308.pdf

Sensitivity: Private

Good day,

We refer to the above and attach hereto a letter for your attention.

Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685

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GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

[redacted]

Elbie Swanepoel

From: Joshua Davis <jdavis@ensafrica.com>
Sent: 13 March 2023 15:06
To: Elbie Swanepoel
Cc: Fathima Omar; Michael Katz; Inathi Mpapa; Olonathando Nxumalo; Aslam Moosajee
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

Dear Sirs

We refer to your letter of 8 March 2023.

We are instructed that our client is still in the process of compiling the record but due to the number of documents required, will be unable to deliver a complete record by 15 March 2023. We are accordingly instructed to request an indulgence until 25 March 2023 in which to file our client's record. In considering our request, please also note that our client is also currently facing various other applications which has required attention by our client and this has also contributed to the delay.

We look forward to your favourable response.

Kind regards

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Joshua Davis
Associate
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+27 11 269 7600
+27 72 608 6733
jdavis@ENSafrica.com
ENSafrica locations
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From: Elbie Swanepoel <elbie@kriekprok.co.za>
Sent: 08 March 2023 03:10 PM
To: Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Joshua Davis <jdavis@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS

Good day,

We refer to the above and attach hereto a letter for your attention.

Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8516

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

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[redacted]

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: PJ Wassenaar/es/QB0973
Your ref:

6 April 2023

EDWARD NATHAN SONNENBERGS INC
SANDTON
GAUTENG

By e-mail: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir / Madam

SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS

1. We refer to the abovementioned matter and your letter of 13 March 2023.

2. Your client has yet to file its record in the matter. Please find attached hereto our rule 30A notice.

3. Failing compliance with the notice our client will proceed with an application to compel delivery of record.

Yours faithfully,

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za
Elektronies geteken
Electronically signed

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO.: 061920/2022

In the application between:

SAKELIGA NPC	1st Applicant
AGRI NORTH WEST	2nd Applicant
TLU SA	3rd Applicant
MAGALIESBERG CITRUS COMPANY (PTY) LTD	4th Applicant

and

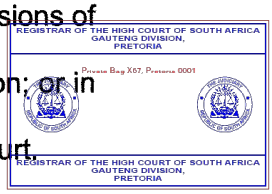
ESKOM HOLDINGS SOC LTD	1st Respondent
THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA (NERSA)	2nd Respondent
THE MINISTER OF MINERAL RESOURCES AND ENERGY	3rd Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

APPLICANTS' RULE 30A NOTICE - NON-COMPLIANCE WITH RULE 53(1)(b)

PLEASE TAKE NOTICE that the first respondent has failed to comply with rule 53(1)(b) of the Uniform Rules of Court in that it has failed to dispatch a record of the proceedings sought to be set aside in terms of the notice of motion.

KINDLY TAKE NOTICE that unless the first respondent remedies the aforesaid non-compliance with the provisions of rule 53(1)(b), the applicants will, after the expiry of 10 days from the date of service of this notice, apply to the above Honourable Court for an order, inter alia, compelling the first respondent to comply with the provisions of the rule; alternatively striking out the respondent's opposition to the application; or in any such other terms as might be deemed appropriate by this Honourable Court.



DATED AT PRETORIA ON 6 APRIL 2023.

KRIEK WASSENAAR & VENTER INCORPORATED
ATTORNEYS FOR APPLICANT
Third Floor
Hb Forum Building
13 Stamvrug Road
Val De Grace
Pretoria
Tel: 012 756 76566
Fax: 086 596 8799
E-mail: peter@kriekprok.co.za
nj@kriekprok.co.za
REF: **PJ WASSENAAR/es/QB0973**

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**
PRETORIA

AND TO: **EDWARD NATHAN SONNENBERGS INC**

ATTORNEYS FOR 1ST RESPONDENT

129 Rivonia Road

The MARC, Tower 1

Sandton

Tel: 011 269 7600

E-mail: mkatz@ensafrica.com

amoosajee@ensafrica.com

jdavis@ensafrica.com

fomar@ensafrica.com

Ref: 0519683/Mr Moosajee

C/O MOTHLE JOOMA SABDIA INC.

Ground Floor

Duncan Manor

Cnr Jan Shoba and Brooks Street

Brooklyn

Tel: 012 362 3137

Ref: Mr Jooma/ENS1.0016



Elbie Swanepoel

From: Elbie Swanepoel
Sent: 06 April 2023 12:23
To: Michael Katz; Aslam Moosajee; Joshua Davis; Fathima Omar
Cc: NJ Nel
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS
Attachments: Notice in terms of Rule 30A - 2023-04-06.pdf; ENS sent 2023-04-06.pdf

Sensitivity: Private

Good day,

We refer to the above and attach hereto a letter together with a notice in terms of Rule 30, for your attention.

Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

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GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

[redacted]

Elbie Swanepoel

From: Joshua Davis <jdavis@ensafrica.com>
Sent: 21 April 2023 18:14
To: Elbie Swanepoel
Cc: NJ Nel; Michael Katz; Aslam Moosajee; Fathima Omar; Inathi Mpapa
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]
Attachments: RULE 53 INDEX at 14 April 2023 (003).pdf

Dear Sir/ Madam

We serve with this email our client's Rule 53 Record and index thereto. The record can be found here: https://www.dropbox.com/s/p1cmsh8efjnubzy/Rule%2053%20record%20-%20Sakeliga.pdf?dl=0 .

Please urgently provide access to Caselines to the following emails, so that we can file our client's papers: amoosajee@ensafrica.com; jdavis@ensafrica.com; fomar@ensafrica.com; and impapa@ensafrica.com .

Kind regards

Joshua Davis
Associate
Dispute Resolution
+27 11 269 7600
+27 72 608 6733
jdavis@ENSafrica.com
ENSafrica locations
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From: Elbie Swanepoel <elbie@kriekprok.co.za>
Sent: 06 April 2023 12:23 PM
To: Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Joshua Davis <jdavis@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>
Cc: nj@kriekprok.co.za
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS

Good day,

We refer to the above and attach hereto a letter together with a notice in terms of Rule 30, for your attention.

Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc

Regsekretaresse / Legal Secretary

• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

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[redacted]

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GAUTENG DIVISION,
PRETORIA

Private Bag X67, Pretoria 0001

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Rohann Eloff

From: Joshua Davis <jdavis@ensafrica.com>
Sent: Monday, 29 May 2023 09:35
To: Rohann Eloff
Cc: Aslam Moosajee; Fathima Omar; Inathi Mpapa
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

Dear Rohann

I refer to the above matter.

Does your client intend to supplement its founding papers and, if so, when will your client be delivering its supplemented papers?

Kind regards



Joshua Davis
Associate
Dispute Resolution
+27 11 269 7600
+27 72 608 6733
jdavis@ENSafrica.com
ENSafrica locations
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Before depositing funds, please call the person responsible for your matter to verify that the bank account you have on record is a legitimate bank account of ENSafrica.

ENSafrica email disclaimer

From: Rohann Eloff <rohann@kriekprok.co.za>
Sent: 04 May 2023 12:07 PM
To: Joshua Davis <jdavis@ensafrica.com>
Cc: Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

Good day Joshua
I refer to our conversation earlier this morning and your e-mail below.
We are experiencing difficulty with CourtOnline pulling the papers through to a CaseLines file. We will now create a file and invite the profiles below once the file has been prepared.
I trust you find the above in order.
Yours faithfully

Rohann Eloff

Kriek Wassenaar & Venter Ing

Prokureur / Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

From: Joshua Davis <jdavis@ensafrica.com>
Sent: Thursday, May 4, 2023 8:45 AM
To: Rohann Eloff <rohann@kriekprok.co.za>
Cc: Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: FW: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

Hi Rohann
Thanks for taking my call. Please can you arrange for the following email addresses to be added to the caselines file?: amoosajee@ensafrica.com; jdavis@ensafrica.com; fomar@ensafrica.com; and impapa@ensafrica.com .
Kind regards

Joshua Davis
Associate
Dispute Resolution
+27 11 269 7600
+27 72 608 6733
jdavis@ENSafrica.com
ENSafrica locations
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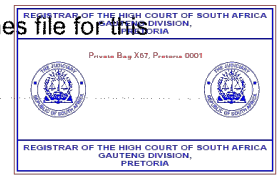
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
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From: Joshua Davis
Sent: 03 May 2023 09:10 PM
To: Joshua Davis <jdavis@ensafrica.com>; elbie@kriekprok.co.za
Cc: nj@kriekprok.co.za; Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]
Dear Elbie
Further to my email below, please provide my colleagues and I with access to the Caselines file for this matter.
Kind regards

From: Joshua Davis <jdavis@ensafrica.com>
Sent: 24 April 2023 06:07 PM
To: elbie@kriekprok.co.za
Cc: nj@kriekprok.co.za; Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]
Dear Elbie
Further to my email below, please provide me (and my colleagues in copy) with access to the Caselines file for this matter.
Kind regards



From: Joshua Davis
Sent: 21 April 2023 06:14 PM
To: elbie@kriekprok.co.za
Cc: nj@kriekprok.co.za; Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]
Dear Sir/ Madam
We serve with this email our client's Rule 53 Record and index thereto. The record can be found here: https://www.dropbox.com/s/p1cmsh8efjnubzy/Rule%2053%20record%20-%20Sakeliga.pdf?dl=0 .
Please urgently provide access to Caselines to the following emails, so that we can file our client's papers: amoosajee@ensafrica.com; jdavis@ensafrica.com; fomar@ensafrica.com; and impapa@ensafrica.com .
Kind regards

From: Elbie Swanepoel <elbie@kriekprok.co.za>
Sent: 06 April 2023 12:23 PM
To: Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Joshua Davis <jdavis@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>
Cc: nj@kriekprok.co.za
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS
Good day,
We refer to the above and attach hereto a letter together with a notice in terms of Rule 30, for your attention.
Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc
Regsekretaresse / Legal Secretary
• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8516

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite # 11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685

[redacted]


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GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Rohann Eloff

From: Joshua Davis <jdavis@ensafrica.com>
Sent: Friday, 02 June 2023 09:34
To: Rohann Eloff
Cc: Aslam Moosajee; Fathima Omar; Inathi Mpapa
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

Dear Rohann

I refer to my email below. Please urgently let us know if your client intends to supplement its papers.

Kind regards



Joshua Davis
Associate
Dispute Resolution
+27 11 269 7600
+27 72 608 6733
jdavis@ENSafrica.com
ENSafrica locations
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ENSafrica email disclaimer

From: Joshua Davis <jdavis@ensafrica.com>
Sent: 29 May 2023 09:35 AM
To: rohann@kriekprok.co.za
Cc: Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

Dear Rohann
I refer to the above matter.
Does your client intend to supplement its founding papers and, if so, when will your client be delivering its supplemented papers?
Kind regards

From: Rohann Eloff <rohann@kriekprok.co.za>
Sent: 04 May 2023 12:07 PM
To: Joshua Davis <jdavis@ensafrica.com>
Cc: Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]
Good day Joshua
I refer to our conversation earlier this morning and your e-mail below.

We are experiencing difficulty with CourtOnline pulling the papers through to a CaseLines file. We will now create a file and invite the profiles below once the file has been prepared.
I trust you find the above in order.
Yours faithfully

Rohann Eloff

Kriek Wassenaar & Venter Ing

Prokureur / Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

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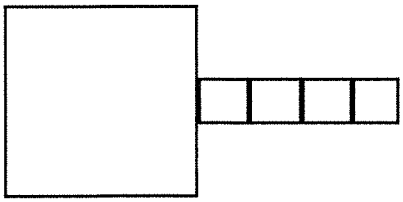
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PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

From: Joshua Davis <jdavis@ensafrica.com>
Sent: Thursday, May 4, 2023 8:45 AM
To: Rohann Eloff <rohann@kriekprok.co.za>
Cc: Aslam Moosajee <amoosajee@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>; Inathi Mpapa <impapa@ensafrica.com>
Subject: FW: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS [ENS-ENS.FID5912219]

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Dear Sir/ Madam
We serve with this email our client's Rule 53 Record and index thereto. The record can be found here: https://www.dropbox.com/s/p1cmsh8efjnubzy/Rule%2053%20record%20-%20Sakeliga.pdf?dl=0 .
Please urgently provide access to Caselines to the following emails, so that we can file our client's papers: amoosajee@ensafrica.com; jdavis@ensafrica.com; fomar@ensafrica.com; and impapa@ensafrica.com .
Kind regards

From: Elbie Swanepoel <elbie@kriekprok.co.za>
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To: Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Joshua Davis <jdavis@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>
Cc: nj@kriekprok.co.za
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS
Good day,
We refer to the above and attach hereto a letter together with a notice in terms of Rule 30, for your attention.
Regards,

ELBIE SWANEPOEL

Kriek Wassenaar & Venter Inc
Regsekretaresse / Legal Secretary
• *(t) (+27) 12 803 4719* • *(f) (+27) 86 596 8516*

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: PJ Wassenaar/yj/QB0973
Your ref: 0519683/Mr Moosajee

1 September 2023

EDWARD NATHAN SONNENBERGS INC
SANDTON
GAUTENG

By e-mail: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Sir / Madam

SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS

1. We refer to the above matter.

2. This letter concerns the filing of the record in terms of rule 53(1)(b), of the Uniform Rules of Court, (the "Rule 53 record").

3. We note that an incomplete Rule 53 record, along with an index, in response to a 6 April 2023 Rule 30A Notice was filed electronically by the First Respondent on 10 May 2023.

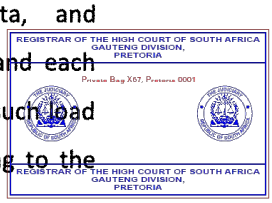
4. We record that since launching these proceedings, the unlawful load reduction exercise temporarily ceased. Unfortunately, our instructions are that it is once again operative.

5. Our clients are currently examining the contents of the Rule 53 record filed, which amounts to in excess of a thousand pages. We note that pages 205 to 238, when utilising the Case lines numbering, comprise blank pages for reasons not explained.

6. The record filed, such as it is, does not contain all documents relevant to the decisions and executions of functions sought to be reviewed. The Rule 53 process has also not been properly observed. As a consequence, the time periods for amending the notice of motion and supplementing the founding affidavit, cannot begin to run until such time as we receive the complete Rule 53 record.

7. We, therefore, request that you provide us with a complete record without delay. As the Constitutional Court affirmed in the Helen Suzman Foundation v Judicial Service Commission, 2018 (4) SA 1 CC at paragraph 18, such record must contain "every scrap of paper throwing light, however indirectly" on the decisions under review.

8. Without limiting the generality of this request for a complete record, we note that certain crucial material appears to be missing. We, therefore, request that you provide all documents, notes, minutes, memoranda, physical and electronic correspondence, recordings, and the like, related to the following: The First Respondent's decisions, reports, system data, and deliberations informing such decisions insofar as each feeder line is concerned, and each discrete decision to employ load reduction and the time period and time of day of such load reduction sessions or events to a particular feeder line, policy and actions relating to the application of periodic and/or scheduled and/or ad hoc load reduction to the feeder lines across South Africa, alternatively the following feeder lines across the North West and Limpopo provinces:



8.1.1 North-West - Moddersprui-Molokwe feeder line;

8.1.2 North West – Mimosa feeder line;

8.1.3 North West – Pella feeder line;

8.1.4 Limpopo – ST 2021 feeder line;

8.1.5 Limpopo – ST 2022 feeder line;

8.1.6 Limpopo – Sanria Rural / Tuinplaas feeder line;

8.1.7 Limpopo – SLG 2022 feeder line;

8.1.8 Limpopo – SGP 2021 feeder line;

8.1.9 Limpopo – Soutpan / Ingwe feeder lines;

8.1.10 Limpopo – Zebra feeder lines;

8.1.11 Limpopo – Levubu K feeder lines;

8.1.12 Limpopo – Mulendane / Tshakuma feeder line;

8.1.13 Limpopo – Lephalale TST feeder line;

8.1.14 Limpopo – Villa Nora / Rural Marken Feeder line.

9. The evaluation of these outstanding documents is important in relation to the relief sought by the applicants in this matter and they are likely to influence the extent to which it is necessary to amend the notice of motion and/or supplement the founding affidavit, if at all.

10. We request that you either deliver these outstanding documents; alternatively provide written confirmation on affidavit that these documents do not exist and were therefore not considered by the first respondent in arriving at the impugned decisions and execution of functions as outlined in the notice of motion. We request that you do so by no later than 15 September 2023, failing which we intend to proceed with the Rule 30A process and seek relief from the Honourable Court. A Rule 30A notice will be filed shortly.

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PRETORIA

11. Following receipt of the outstanding documents or confirmation that they do not exist; we will revert with reasonable timeframes within which the amended notice of motion and/or the supplementary founding affidavit will be filed.

12. Due to the public interest in this matter and the constitutional rights the applicants seek to vindicate through these proceedings, we will endeavour to amend or supplement the application papers as soon as reasonably possible to ensure that this matter is not unnecessarily delayed; however, this is subject to the applicants receiving a complete Rule 53 record.

13. Our clients' rights remain fully reserved, including further requests for documents that appear to be outstanding from the Rule 53 record.

Yours faithfully,

KRIEK WASSENAAR & VENTER ING
PÉTER WASSENAAR – DIREKTEUR / DIRECTOR
(f) 086 596 8516
(e) peter@kriekprok.co.za

Elektronies geteken
Electronically signed

From: Yolandi Jones
Date: 2023/09/01 12:49:00
To: mkatz@ensafrica.com; amoosajee@ensafrica.com; jdavis@ensafrica.com; fomar@ensafrica.com
CC:
Subject: In Re: Sakeliga NPC & Others / Eskom Holdings SOC Ltd & Others
Attachments: ENS sent 2023-09-01.pdf;
Size: 343.01 KB

Good day,

We refer to the above mentioned matter and attach hereto a letter for your attention.

Yours faithfully / Die uwe

YOLANDI JONES

Kriek Wassenaar & Venter Ing
Regsekretaresse / Legal Secretary
• (t) (+27) 12 803 4719 • (f) (+27) 76 553 6182
• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184
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PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

From: Joshua Davis
Date: 2023/10/02 09:38:15
To: Yolandi Jones
CC: Michael Katz; Aslam Moosajee; Fathima Omar; Inathi Mpapa
Subject: RE: In Re: Sakeliga NPC & Others / Eskom Holdings SOC Ltd & Others [ENS-ENS.FIDX5912219]
Attachments:
Size: 145.43 KB

Dear Yolandi

We refer to your email and letter below.

We are currently taking instructions from our client and our client is assessing what additional documents, if any, it has in its possession.

Our client has been inundated with a number of urgent applications and, as you are aware, is also currently managing an energy crisis, and this has delayed our ability to respond to your letter.

We also draw to your attention that, in addition to the blank pages flagged in your letter, pages 13-355-1034 are blank, as a result of difficulties experienced in converting the lengthy excel spreadsheets into pdf format. We apologise for any convenience and will also provide the spreadsheets in their additional format at your client's request.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA

Our failure to the remaining contents of your letter below must not be construed as an admission thereof and our client's rights remain strictly reserved.

Kind regards

Joshua Davis
Associate
Dispute Resolution
+27 72 608 6733
+27 11 269 7600
jdavis@ENSafrica.com

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Edward Nathan Sonnenbergs Incorporated registration number 2006/018200/21
level 1 B-BBEE rating

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From: Yolandi Jones <yolandi@kriekprok.co.za>
Sent: 01 September 2023 12:49 PM
To: Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Joshua Davis <jdavis@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>
Subject: In Re: Sakeliga NPC & Others / Eskom Holdings SOC Ltd & Others
Sensitivity: Private

Good day,

We refer to the above mentioned matter and attach hereto a letter for your attention.

Yours faithfully / Die uwe

YOLANDI JONES

Kriek Wassenaar & Venter Inc
Regsekretaresse / Legal Secretary
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KRIEK WASSENAAR & VENTER ING
PROKUREURS - ATTORNEYS

Our Ref: PJ Wassenaar/QB0973
Your ref: 0519683/Mr Moosajee

23 October 2023

EDWARD NATHAN SONNENBERGS INC
SANDTON
GAUTENG

By e-mail: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com

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Sir / Madam

SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS

1. We refer to the above matter and your e-mail received on 2 October 2023.

2. The content of the e-mail is noted, specifically:

   2.1 the further blank pages;

   2.2 the delivery of the spreadsheets which could not be converted; and,

   2.3 the additional documents to be assessed and delivered by your client.

3. As we have stated previously, the record as filed does not contain all the relevant documents and the time periods for amending the notice of motion and supplementing the founding affidavit cannot run until the complete Rule 53 record has been received.

4. Our clients are of the view that various crucial and material documents are missing from the record and we therefore request that your client provides, in addition to any other relevant documents which would constitute the complete record, all documents, notes, minutes, memoranda, physical and electronic correspondence, recordings, and the like, related to the following:

4.1 The First Respondent's decisions, reports, system data, and deliberations informing such decisions insofar as each feeder line is concerned;

4.2 Each discrete decision to employ load reduction and the time period and time of day of such load reduction sessions or events to a particular feeder line;

4.3 Policy and actions relating to the application of periodic and/or scheduled and/or ad hoc load reduction to the feeder lines across South Africa; alternatively the following feeder lines across the North West and Limpopo provinces:

4.3.1 North-West – Modderspruit-Molokwe feeder line;

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4.3.13 Limpopo – Lephalale TST feeder line;

4.3.14 Limpopo – Villa Nora / Rural Marken Feeder line.

4.4 The reasons for the policy relating to the implementation of load-reduction in general;

4.5 The reasons for the implementation of load-reduction in regard to each specific feeder line as mentioned in paragraphs 4.3.1 to 4.3.14.

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5. As we have stated previously, the evaluation of these outstanding documents is important in relation to the relief sought by our clients. Without the complete record, our clients are not able to assess to which extent it is necessary to amend the notice of motion and/or supplement the founding affidavit.

6. Should the abovementioned outstanding documents not exist, we request that written confirmation on affidavit be provided confirming same and confirming that your client did not consider the documents when making the impugned decisions.

7. Kindly take note that a notice in terms of rule 30A will be delivered together with this letter.

8. Our clients' rights remain fully reserved.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA
Private Bag X67, Pretoria 0001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

Yours faithfully,

KRIEK WASSENAAR & VENTER ING
ROHANN ELOFF - ATTORNEY
(t) 012 803 4719
(e) rohann@kriekprok.co.za

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO.: 061920/2022

In the application between:

SAKELIGA NPC	1st Applicant
AGRI NORTH WEST	2nd Applicant
TLU SA	3rd Applicant
MAGALIESBERG CITRUS COMPANY (PTY) LTD	4th Applicant

and

ESKOM HOLDINGS SOC LTD	1st Respondent
THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA (NERSA)	2nd Respondent
THE MINISTER OF MINERAL RESOURCES AND ENERGY	3rd Respondent

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NOTICE IN TERMS OF RULE 30A: INCOMPLETE RECORD

PLEASED TAKE NOTICE that the first respondent has failed to comply with the provisions of Rule 53(1)(b) of the Uniform Rules of Court, in that it has failed to lodge with the Registrar of the above Honourable Court, the complete record of the

proceedings which resulted in the decisions and execution of the functions sought to be reviewed referred to in prayers 1 to 5 of the Notice of Motion together with such reasons as the First Respondent is by law required or may desire to give.

TAKE FURTHER NOTICE that the applicants deem the first respondent to be non-complaint with Rule 53(1)(b), without limiting the generality of a complete record, in the following respects:

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1.1 The first respondent has failed to include into the record delivered on 10 May 2023, ("the incomplete record"), any decisions, reports, system data, and deliberations informing such decisions insofar as each feeder line is concerned;

1.2 The first respondent has failed to include into the incomplete record any discrete decisions to employ load reduction, the time period and time of day of such load reduction sessions or events as relates to a particular feeder line;

1.3 The first respondent has failed to include into the incomplete record the policy and actions relating to the application of periodic and/or scheduled and/or *ad hoc* load reduction to the feeder lines across South Africa, alternatively in regards to the following feeder lines across the North West and Limpopo provinces:

1.3.1 North-West – Moddersprui-Molokwe feeder line;

1.3.2 North West – Mimosa feeder line;

1.3.3 North West – Pella feed

1.3.4 Limpopo – ST 2021 feeder line;

1.3.5 Limpopo – ST 2022 feeder line;

1.3.6 Limpopo – Sanria Rural / Tuinplaas feeder line;

1.3.7 Limpopo – SLG 2022 feeder line;

1.3.8 Limpopo – SGP 2021 feeder line;

1.3.9 Limpopo – Soutpan / Ingwe feeder lines;

1.3.10 Limpopo – Zebra feeder lines;

1.3.11 Limpopo – Levubu K feeder lines;

1.3.12 Limpopo – Mulendane / Tshakuma feeder line;

1.3.13 Limpopo – Lephalale TST feeder line;

1.3.14 Limpopo – Villa Nora / Rural Marken Feeder line.

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1.4 The first respondent has failed to include into the incomplete record the reasons for the policy relating to the implementation of load-reduction in general;

1.5 The first respondent has failed to include into the incomplete record the reasons for the implementation of load-reduction in regard to each specific feeder line as mentioned in paragraphs 1.3.1 to 1.3.14.

TAKE NOTICE FURTHER that unless the first respondent remedies its aforesaid non-compliance with the Uniform Rules of Court, the applicants intend, after the lapse of ten (10) days from the date of service of this notice, to apply to the above Honourable Court for an order *inter alia*, compelling the first respondent to comply with the provisions of Rule 53(1)(b) of the Uniform Rules of Court.

SIGNED AT PRETORIA ON THIS 23rd DAY OF OCTOBER 2023

KRIEK WASSENAAR & VENTER INCORPORATED
ATTORNEYS FOR APPLICANT
Third Floor
Hb Forum Building
13 Stamvrug Road
Val De Grace
Pretoria
Tel: 012 756 76566
Fax: 086 596 8799
E-mail: peter@kriekprok.co.za
nj@kriekprok.co.za
REF: **PJ WASSENAAR/es/QB0973**

TO: **THE REGISTRAR OF THE ABOVE HONOURABLE COURT**
PRETORIA



AND TO: **EDWARD NATHAN SONNENBERGS INC**
ATTORNEYS FOR 1ST RESPONDENT
129 Rivonia Road
The MARC, Tower 1
Sandton
Tel: 011 269 7600
E-mail: mkatz@ensafrica.com
amoosajee@ensafrica.com
jdavis@ensafrica.com
fomar@ensafrica.com
Ref: 0519683/Mr Moosajee
C/O MOTHLE JOOMA SABDIA INC.
Ground Floor
Duncan Manor
Cnr Jan Shoba and Brooks Street
Brooklyn
Tel: 012 362 3137
Ref: Mr Jooma/ENS1.0016

From: Rohann Eloff
Date: 2023/10/23 16:34:00
To: 'mkatz@ensafrica.com'; Aslam Moosajee; 'Joshua Davis'; Fathima Omar
CC: NJ Nel
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS (Your ref: 0519683/Mr Moosajee)
Attachments: ENS sent 2023-10-23.pdf; Notice in terms of Rule 30A - 2023-10-23.pdf;
Size: 287,73 KB

Good day

The above matter refers.

Kindly find attached hereto a letter with accompanying notice in terms of rule 30A for your attention.

Kindly confirm receipt of same.

Yours faithfully

Rohann Eloff

Kriek Wassenaar & Venter Inc

Prokureur / Attorney

• (t) (+27) 12 803 4719 • (f) (+27) 86 596 8797

• (a) 3de Vloer / 3rd Floor, HB Forum Gebou / Buidling, Stamvrugstraat 13 Stamvrug Street, Val de Grace, Pretoria, 0184

• (p) Postnet Suite #11, Privaatsak / Private Bag X025, Lynnwood Ridge, 0040 • BTW Reg: 4020260685 • Reg: 2012/030418/21

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REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION,
PRETORIA

From: Joshua Davis
Date: 2023/11/01 10:13:14
To: Rohann Eloff; Michael Katz; Aslam Moosajee; Fathima Omar
CC: NJ Nel
Subject: RE: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS (Your ref: 0519683/Mr Moosajee)
Attachments:
Size: 131,04 KB

Dear Rohann

We confirm receipt and are currently taking instructions.

Our failure to respond to the remaining contents of your letter must not be construed as an admission thereof and our client's rights remain reserved.

Kind regards

Joshua Davis
Associate
Dispute Resolution
+27 72 608 6733
+27 11 269 7600
jdavis@ENSafrica.com

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION PRETORIA

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From: Rohann Eloff <rohann@kriekprok.co.za>
Sent: 23 October 2023 04:35 PM
To: Michael Katz <mkatz@ensafrica.com>; Aslam Moosajee <amoosajee@ensafrica.com>; Joshua Davis <jdavis@ensafrica.com>; Fathima Omar <fomar@ensafrica.com>
Cc: NJ Nel <nj@kriekprok.co.za>
Subject: SAKELIGA NPC & OTHERS / ESKOM HOLDINGS SOC LTD & OTHERS (Your ref: 0519683/Mr Moosajee)

Good day

The above matter refers.

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Kindly confirm receipt of same.

Yours faithfully

Rohann Eloff

Kriek Wassenaar & Venter Ing

Prokureur / Attorney

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