IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

CASE NO.: M311/2021

In the application between:

SAKELIGA NPC	Applicant
and	
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	1st Respondent
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	2nd Respondent
THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	3rd Respondent
THE MINISTER OF FINANCE	4th Respondent
DITSOBOTLA LOCAL MUNICIPALITY	5th Respondent
NALEDI LOCAL MUNICIPALITY	6th Respondent
THE PREMIER: NORTH WEST PROVINCE	7th Respondent
ESKOM SOC LTD	8th Respondent
MAGALIES WATER BOARD	9th Respondent
SEDIBENG WATER BOARD	10th Respondent

NOTICE IN TERMS OF RULE 7(1) INCORPORATING OBJECTIONS IN TERMS OF RULE 30A - DIRECTED AT THE 8th RESPONDENT

NOTICE IN TERMS OF RULE 7

KINDLY TAKE NOTICE that the applicant requires that the **8th respondent** and/or the **8th respondent's attorneys** provide written proof of the **8th respondent** and **8th respondent's attorneys** the authority to act, which proof must be provided to the applicant within 10 (TEN) days from date of this notice, and which proof must, without limitation of the above mentioned include the following:

1. A copy of the notice of the meeting of the 8th respondent's board at which it was resolved that the 8th respondent be authorised to oppose the applicant's application;

2. Copies of all minutes, resolutions, directions and/or decisions taken by the 8th respondent authorising the 8th respondent and its representatives to oppose the applicant's application and to incur costs on behalf of the 8th respondent (and the risk of costs being granted against the 8th respondent) in opposing the application.

3. Proof of the powers granted to the representatives of the 8th respondent to act on behalf of the 8th respondents in this application and to appoint attorneys to represent the 8th respondent.

4. A copy of all minutes, resolutions, directions and/or decisions taken by the board of the 8th respondent authorising the appointment of **MAENETJA ATTORNEYS** (see annexure **A1**), and/or **MKHABELA HUNTLEY ATTORNEYS INC** (see annexure **A2**) to act as the attorneys of record of the 8th respondent and to file a notice of intention to oppose on behalf of the 8th respondent.

5. In the alternative to paragraph 4) above:

    5.1 Proof of the powers granted at the meeting referred to in paragraph 1-3 above to the persons authorised to appoint attorneys to act on behalf of the 8th respondent and to file a notice of intention to oppose; and

5.2 The written authority of the persons authorised to appoint attorneys (as stated in paragraph 5.1 above) appointing the attorneys mentioned in paragraph 4 above to act as the attorneys of record of the 8th respondent and to file a notice of intention to oppose on behalf of the 8th respondent.

6. Proof that the power of attorney granted to the attorneys mentioned in paragraph 4 above to act as the attorneys for record of the 8th respondent has been duly authorised and executed according to law as required by rule 7 (4).

KINDLY NOTE that until the proof herewith required has been provided, no person purporting to act on behalf of the 8th respondent may so act unless he/she has satisfied the court that he/she is authorised so to act (rule 7(1)).

FIRST NOTICE OF OBJECTION IN TERMS OF RULE 30A

PLEASE TAKE FURTHER NOTICE that the applicant objects to the "Notice of appointment as attorneys of record" (annexure **A1**) dated on 8 July 2021 by the MAENETJA ATTORNEYS on behalf of the 8th respondent, the reasons being:

7. In terms of rule 6 (5) (d) (i), the 8th respondent is required:

> *within the time stated in the said notice, give applicant notice, in writing, **that he or she intends to oppose the application**, and in such notice **appoint an address within 15 kilometres of the office of the registrar,** at which such person will accept notice and service of all documents, as well as such person's postal, facsimile or electronic mail addresses where available;*

8. The notice of 8 July 2021 served by MAENETJA ATTORNEYS does not indicate whether the 8th respondent intends to oppose the applicant's claim and, in as far as the 8th respondent by virtue of the notice now ostensibly requires that the applicant continue to serve papers on MAENETJA ATTORNEYS without the 8th respondent having indicated its opposition to the application, constitutes non-compliance with the rule.

9. Furthermore, the 8th respondent has failed to nominate an address within 15 kilometres of the office of the registrar, which also constitutes non-compliance with the rule.

PLEASE TAKE FURTHER NOTICE that if the 8th respondent and its attorneys do not remove the causes of complaint stated above within 10 (ten) days as from date of service hereof, an application shall be made to the Court in terms of rule 30A (1) for and order (a) that such rule, notice, request, order or direction be complied with; or (b) that the claim or defence be struck out.

SECOND NOTICE OF OBJECTION IN TERMS OF RULE 30A

PLEASE TAKE FURTHER NOTICE that the applicant objects to the "Notice of appointment as attorneys of record" (annexure **A2**) dated on 13 July 2021 by the MKHABELA HUNTLEY ATTORNEYS INC on behalf of the 8th respondent, the reasons being:

10. In terms of rule 6 (5) (d) (i), the 8th respondent is required:

> *within the time stated in the said notice, give applicant notice, in writing, **that he or she intends to oppose the application**, and in such notice **appoint an address within 15 kilometres of the office of the registrar,** at which such person will accept notice and service of all documents, as well as such person's postal, facsimile or electronic mail addresses where available;*

11. The 8th respondent has failed to nominate an address within 15 kilometres of the office of the registrar, which constitutes non-compliance with the rule.

PLEASE TAKE FURTHER NOTICE that if the 8th respondent and its attorneys do not remove the causes of complaint stated above within 10 (ten) days as from date of service hereof, an application shall be made to the Court in terms of rule 30A (1) for and order (a) that such rule, notice, request, order or direction be complied with; or (b) that the claim or defence be struck out.

SIGNED AT PRETORIA ON 14 JULY 2021



KRIEK WASSENAAR & VENTER INC
ATTORNEYS FOR THE PLAINTIFF
3RD Floor, HB Forum Building,
13 Stamvrug Street,
Val De Grace, Pretoria

Tel: (012) 803 4719
Fax: 086 596 8797
E-mail: peter@kriekprok.co.za
CaseLines: info@kriekprok.co.za
REF: P WASSENAAR/es/QB0616
C/O SMIT STANTON INCORPORATED
29 Warren Street
Mahikeng
Tel: 018 381 0180
Fax: 086 274 6253
E-mail: litigation1@smitstanton.co.za
REF: KRI19/0002/21

TO:
THE REGISTRAR OF THE HIGH COURT
MAHIKENG

AND TO:

MAENETJA ATTORNEYS
ATTORNEYS FOR THE 8TH RESPONDENT
65 & 74 RIGEL AVENUE NORTH
WATERKLOOF,
PRETORIA
CEL: 071 418 0396
REF: TJM/ ESKOM/001/ MASHAPA WALTER
EMAIL: walter@maenetjaattorneys.co.za

SERVICE BY EMAIL ON 14 JULY 2021

AND TO:

MKHABELA HUNTLEY ATTORNEYS INC.
8TH RESPONDENT'S ATTORNEYS
BLOCK C
7 ETON ROAD
SANDHURST
2196
TEL: (011) 783 8020
EMAIL: wendel@mhalaw.co.za
REF: ESK3/0008/W BLOEM

SERVICE BY EMAIL ON 14 JULY 2021

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

CASE NUMBER: M311 / 2021

In the matter between:

SAKELIGA NPC	APPLICANT
And	
THE MEMBER OF EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS	1st Respondent
THE MEMBER OF EECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	2nd Respondent
THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	3rd Respondent
THE MINISTER OF FINANCE	4th Respondent
DITSOBOTLA LOCAL MUNICIPALITY	5th Respondent
NALEDI LOCAL MUNICIPALITY	6th Respondent
THE PREMIER: NORTH WEST PROVINCE	7th Respondent
ESKOM SOC LIMITED	8th Respondent

MAGALIES WATER BOARD 9th Respondent

SEDIBENG WATER BOARD 10th Respondent

NOTICE OF APPOINTMENT AS ATTORNEYS OF RECORD

KINDLY TAKE NOTICE that the 8th Respondent hereby appoints Maenetja attorneys of 65 Rigel avenue, Waterkloof, Pretoria as its attorneys of record.

KINDLY TAKE FURTHER NOTICE that the 8th Respondent shall accept all notices, pleadings, correspondents and documents, recordings and/or further communications related to the above matter at the address of its legal representatives recorded herein.

KINDLY TAKE FURTHER NOTICE that the 8th Respondent accept service per email as follows: walter@maenetjaattorneys.co.za.

KINDLY TAKE NOTICE FURTHER THAT, Messrs Maenetja for the 8th Respondent shall share the address of its correspondent attorneys within the required radius of the Honourable Court House.

DATED AT PRETORIA THIS 08 DAY OF JULY 2021



MAENETJA ATTORNEYS

ATTORNEYS FOR THE 8th RESPONDENT

65 & 74 RIGEL AVENUE NORTH

WATERKLOOF, PRETORIA
TEL.: 012 327 4480
CELL: 071 418 0396
EMAIL: walter@maenetjaattorneys.co.za
REF: TJM/ESKOM/001
Enq: Mr Mashapa Walter

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
MAHIKENG

AND TO: KRIEK WASSENAAR & VENTER INC, ATTORNEYS
Attorneys for the Applicant
Tel: 012 756 7566
Fax: 086 596 8799
Email: peter@kriekprok.co.za
Ref: PJ Wassenaar/es/QB0616

C/o SMIT STANTON INCORPORATED
29 Warren Street
Mahikeng
Tel: 018 381 0180
Fax: 086 274 6253
Email: litigation1@smitstanton.co.za
REF: KRI19/0002/21

AND TO: The 1st to the 7th, 9 and 10th Respondents.

Annexure A2

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

CASE NO: M311/21

In the matter between:

SAKELIGA NPC	**APPLICANT**
And	
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS	**1ST RESPONDENT**
THE MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	**2ND RESPONDENT**
THE MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	**3RD RESPONDENT**
THE MINISTER OF FINANCE	**4TH RESPONDENT**
DITSOBOTLA LOCAL MUNICIPALITY	**5TH RESPONDENT**
NALEDI LOCAL MUNICIPALITY	**6TH RESPODENT**
THE PREMIER: NORTH WEST PROVINCE	**7TH RESPONDENT**
ESKOM SOC LIMITED	**8TH RESPONDENT**
MAGALIES WATER BOARD	**9TH RESPONDENT**

SEDIBENG WATER BOARD **10TH RESPONDENT**

NOTICE OF INTENTION TO OPPOSE

BE PLEASED TO TAKE NOTICE that the 8th Respondent hereby gives notice of its intention to oppose the application.

PLEASE TAKE NOTICE FURTHER that the 8th Respondent appoints the address of its Attorneys set out hereunder, where it will accept service of all notices and processes in this matter.

PLEASE TAKE NOTICE FURTHER that the 8th Respondent consent to service of all affidavits, notices and processes by email to the address specified below.

DATED AT JOHANNESBURG ON THIS THE 13th DAY OF JULY 2021.

MKHABELA HUNTLEY ATTORNEYS INC.
8th Respondent's Attorneys
Block C
7 Eton Road
Sandhurst
2196
Tel: (011) 783 8020
Email: wendel@mhalaw.co.za
Ref: ESK3/0008/W Bloem

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

AND TO: **KRIEK WASSENAAR & VENTER INC. ATTORNEYS**
Applicant's Attorneys
Tel: (012) 756 7566
E-Mail: peter@kriekprok.co.za
Ref: PJ Wassenaar/es/QB0616

C/O SMIT STANTON INC.
29 Warren Street,
Mahikeng,
Tel: (018) 381 0180
Email: litigation1@smitstanton.co.za
Ref: KRI19/00002/21

service via email

AND TO: **THE MEC: NORTH WEST PROVINCE: COGTA**
1st Respondent
NWDC Building
Cnr Provident House and University Drive
Mmabatho

physical service

AND TO: **THE MEC: NORTH WEST PROVINCE: COGTA**
2nd Respondent
Garona Building
2nd Floor, East Wing
Cnr James Moroka and University Drive
Mmabatho

physical service

AND TO: **THE MINISTER: COGTA**
3rd Respondent
87 Hamilton Street
Arcadia

service via email

AND TO: **THE STATE ATTORNEYS, PRETORIA**
For 1st to 4th and 7th Respondents'
40 Church Square
2nd Floor, Old Reserve Bank Building
Pretoria CBD

service via email

AND TO: **THE STATE ATTORNEY, MAHIKENG**
1st Floor, East Gallery
Mega City Complex
Cnr Sekame Road and Dr James Moroka Drive
Mmabatho

service via email

AND TO: **DITSOBOTLA LOCAL MUNICIPALITY**
5th Respondent
Civic Centre
Cnr Nelson Mandela Street and Transvaal Street
Lichtenburg

service via email

AND TO: **NALEDI LOCAL MUNICIPALITY**
6th Respondent
19A Market Street
Vryburg

service via email

AND TO: **THE PREMIER: NORTH WEST PROVINCE**
7th Respondent
Garona Building
Cnr James Moroka and University Drive
Mmabatho

service via email

AND TO: **MAGALIES WATER BOARD**
9th Respondent
38 Heystek Street
Rustenburg

service via email

AND TO: **SEDIBENG WATER BOARD**
10th Respondent
Protea Street, Balkfontein
Bothaville
Free State

service via email