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 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 Respondent
THE PREMIER: NORTH WEST PROVINCE	7th Respondent
ESKOM SOC LIMITED	8th Respondent
MAGALIES WATER BOARD	9th Respondent

APPLICANT'S NOTICE IN TERMS OF RULE 35(12)

(in respect of the answering affidavit of the fourth respondent)

TAKE NOTICE THAT the applicant requires the fourth respondent to produce the following documents referred to in the answering affidavit deposed to by Dondo Mogajane and/or the annexures thereto, for the applicant's inspection:

1. the documents mentioned to in the memorandum attached as Annexure "DM1" to the answering affidavit, referred to in paragraph 22 of the answering affidavit, being:

    1.1. the handover report of Provincial Treasury communicating to the 6th Administration, being a status report of the municipal financial sustainability and performance, as envisaged in paragraph 2 of Annexure "DM1" (page 1, DM1);

    1.2. the resolution adopted by the Executive Council which communicated that municipalities which have been confirmed to be operating under financial crisis, must be placed under mandatory intervention, as envisaged in paragraph 3 of Annexure "DM1" (page 3, DM1);

    1.3. the financial health assessment conducted in terms of Section 140(2)(c) of the Municipal Finance Management Act, referred to in paragraph 3 of Annexure "DM1" (page 3, DM1);

    1.4. the assessment/s conducted by Provincial Treasury to confirm whether municipalities remains in serious material breach of their obligations to meet their financial commitments, as envisaged in the paragraph preceding the table on page 7 of Annexure "DM1";

1.5. the resolutions placing 11 municipalities, except the Bojanala and the Dr. Ruth District Municipalities, under intervention in terms of Section 139(1)(b), as envisaged in paragraph 7 on page 12 of Annexure “DM1”;

1.6. the formal notification to the Minister of Finance of the resolution of the Executive Council to implement mandatory interventions, referred to in paragraph 10.1.1 of Annexure “DM1” (page 15, DM1);

1.7. the response of the Minister of Finance wherein the latter committed to support the provincial government in implementing the mandatory interventions in the said municipalities, as envisaged in paragraph 10.1.1 of Annexure “DM1” (page 15, DM1);

1.8. the formal letters notifying municipalities that the Provincial Treasury would be conducting status assessments in respect of the municipalities’ financial health, as envisaged in paragraph 10.2.1 of Annexure “DM1” (page 16, DM1);

Dated at **MMABATHO** on this the 3 day of **SEPTEMBER 2021.**

KRIEK WASSENAAR & VENTER INC. ATTORNEYS
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TO: **THE REGISTRAR OF THE HIGH COURT**
MAHIKENG

AND TO: **THE STATE ATTORNEY – PRETORIA**
4th Respondent's Attorneys
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ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)

AND TO: **THE STATE ATTORNEY**
1st to 3rd & 7th Respondents' Attorneys
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Ref.: 0955/21/P3

ELECTRONIC SERVICE VIA EMAIL
IN TERMS OF RULE 4A(1)(c)