COPY

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

HIGH COURT
PRIVATE BAG X1010 MMABATHO 2735
2023 -05- 01
COUNTER NO:5
REPUBLIC OF SOUTH AFRICA

CASE NO: UM192/2022

In the matter between:

SAKELIGA NPC	First applicant
CENTRE GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	Second applicant
BAREND LOURENS SNYMAN	Third applicant
and	
DITSOBOTLA LOCAL MUNICIPALITY	First respondent
THE MUNICIPALITY MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	Second respondent
PREMIER OF THE NORTH WEST PROVINCE	Third respondent
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	Fourth respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS	Fifth respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	Sixth respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Seventh respondent
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Eight respondent

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MINISTER: WATER AND SANITATION	Tenth respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh respondent
ESKOM SOC LTD	Twelfth respondent
MAGALIES WATER BOARD	Thirteenth respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth respondent

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FILING NOTICE

DOCUMENT TO BE FILED:

- **FIRST AND THIRD APPLICANTS' FURTHER REPLYING AFFIDAVIT TO THE 'NINTH RESPONDENT'S AFFIDAVIT'**

SIGNED at PRETORIA on 31 JULY 2025.



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IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/2022

In the matter between:

SAKELIGA NPC	First applicant
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	Second applicant
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And	
DITSOBOTLA LOCAL MUNICIPALITY	First respondent
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MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	Sixth respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Seventh respondent

MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Eighth respondent
MINISTER: NATIONAL DEPARTMENT OF FINANCE	Ninth respondent
MINISTER: WATER AND SANITATION	Tenth respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh respondent
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MAGALIES WATER BOARD	Thirteenth respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth respondent

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FIRST AND THIRD APPLICANTS' FURTHER REPLYING AFFIDAVIT

TO THE 'NINTH RESPONDENT'S AFFIDAVIT'

I, the undersigned,

CHRISTO BESTER

hereby make oath and say that:

1. I am the same deponent to the supplementary founding affidavit and the replying affidavit in this application for relief in terms of section 139(7) of the Constitution, with full and further particulars set out therein.

2. The facts contained in this affidavit fall within my personal knowledge, save where otherwise indicated or where the contrary is evident from the context

hereof, and are true and correct.

3. Terms defined in the founding affidavit and supplementary founding affidavit shall bear the same meaning in this affidavit.

4. The answering affidavit of Mr Shabeer Khan on behalf of the ninth respondent was filed late and out of time. The applicants are advised that the ninth respondent's answering affidavit is not properly before the court and the ninth respondent has not sought to condone the late filing of this affidavit.

5. Notwithstanding the above, and out of an abundance of caution, the applicants submit this further replying affidavit in order to reply to the allegations contained in the ninth respondent's answering affidavit, should the court admit the ninth respondent's answering affidavit and in order not to further delay the hearing of this application. Should the court admit the ninth respondent's answering affidavit into evidence, then the applicants submit that it is in the interests of justice for the court to permit the filing of this affidavit in reply.

6. I have read the answering affidavit of Mr Khan on behalf of the ninth respondent deposed to on 24 June 2025 and I reply thereto herein below.

7. At the outset, the applicants point out that the ninth respondent:

   7.1. does <u>not</u> oppose the relief sought in prayers 1 to 5 of the amended notice of motion;

7.2. does not oppose the relief sought in prayers 6 to 8 of the amended notice of motion on any factual grounds. Rather, the ninth respondent advances only legal argument in its answering affidavit to oppose the relief sought in these paragraphs.

8. The legal arguments raised on behalf of the ninth respondent will be fully addressed in the heads of argument to be filed on behalf of the applicants and, to the extent necessary, at the hearing of this application.

9. The application remains urgent for the reasons set out in the papers filed to date and herein below.

A. THE ALLEGATIONS IN THE NINTH RESPONDENT'S ANSWERING AFFIDAVIT

10. I will now deal *seriatim* with the allegations contained in the ninth respondent's answering affidavit. Insofar as any allegation, conclusion or inference drawn in the answering affidavit is inconsistent with what is stated in the supplementary founding affidavit or this affidavit, such allegation, conclusion or inference is denied, as if specifically traversed.

Ad paragraph 1 thereof

11. Save to admit that the Minister of Finance is the ninth respondent, the remainder of the content of this paragraph is noted.

Ad paragraph 2 thereof

12. The content of this paragraph is noted.

Ad paragraph 3 thereof

13. The content of this paragraph is denied. It is specifically denied that the legal advice furnished to Mr Khan on behalf of the ninth respondent is correct.

Ad paragraphs 4 to 6 thereof

14. The content of these paragraphs is noted.

Ad "Background of the Application"

Ad paragraphs 7 to 9 thereof

15. The applicants admit:

15.1. the content of these paragraphs insofar as it accords with the supplementary founding affidavit;

15.2. The relief sought in paragraphs 9.1 to 9.3 of the answering affidavit insofar as it accords with the amended notice of motion.

16. Save as stated above, the content of these paragraphs is denied.

17. It is specifically denied that Mr Khan has any personal knowledge in respect

of the state of affairs in Ditsobotla or the failure of the Provincial Executive to properly intervene in the affairs of Ditsobotla and is therefore unable to dispute the facts stated in the supplementary founding affidavit. The applicants persist with the facts set out in the supplementary founding affidavit.

Ad paragraphs 10 and 11 thereof

18. It is noted that the ninth respondent does not oppose the application on its merits and abides the court's decision in respect of the intervention of the national executive.

19. This is, with respect, an abrogation of the ninth respondent's constitutional duties as part of the national executive. In the face of the detailed and overwhelming factual evidence set out in the supplementary founding affidavit, the ninth respondent and, for that matter, the seventh and eighth respondents, ought to have tabled the matter before Cabinet so that the national executive could make a decision in respect thereof in terms of section 139(7) of the Constitution.

20. Instead, the ninth respondent and, at least, the eighth respondent, have contented themselves to leave the question of national intervention solely up to this court to determine the question of national intervention, to the prejudice of the residents of Ditsobotla who continue to languish under a feckless municipal government and who must endure the daily infringement of their constitutional rights.

21. Had the national executive timeously intervened in the affairs of Ditsobotla, then there would be no need for this application. However, if the court is to be tasked with compelling the national executive to comply with their constitutional duties, then the court must similarly ensure that the intervention ordered by the court is carried out and that the remedy granted is effective.

22. The conduct of the national executive, and particularly the abrogation of the national executive's constitutional duty, renders it necessary for the court to grant the structural interdict sought by the applicants *inter alia* in paragraphs 6 to 8 of the amended notice of motion.

23. The applicants address this further below in respect of the specific measures sought by the ninth respondent.

24. Save as stated above, the content of these paragraphs is denied.

Ad "THE NINTH RESPONDENT OBJECTS TO THE STRUCTURAL INTERDICT SOUGHT IN PRAYERS 6 TO 8 OF THE AMENDED NOTICE OF MOTION"

Ad paragraph 12 thereof

25. The content of this paragraph is denied.

26. The allegations are bare, sketchy and vague. Further, the people of Ditsobotla do not require bureaucratic steps and processes but action, governance and

leadership.

Ad paragraphs 13 to 14 thereof

27. The content of these paragraphs is denied.

28. While it is specifically denied that "*structural interdicts are reserved for recalcitrant litigants*", the national executive is indeed recalcitrant in having failed to comply with its constitutional duty to intervene in Ditsobotla.

29. The national executive is and was required to take action. It has, instead, remained supine.

Ad paragraph 15 thereof

30. The content of this paragraph is denied.

Ad paragraph 16 thereof

31. The content of this paragraph is denied.

32. The ninth respondent has not put up any evidence in support of the statements made in this paragraph.

Ad paragraphs 17 thereof

33. Save to admit the content of section 151 of the Constitution and a general

deference between the various spheres of government, the remainder of the content of this paragraph is denied.

34. Where the local government has collapsed, as in Ditsobotla, and where the constitutional rights of the residents within the municipality are being infringed on a daily basis, as in Ditsobotla, and the provincial executive has failed to take any meaningful steps to intervene, as in Ditsobotla, then such deference is overridden by the remedy in section 139(7) of the Constitution and the national executive is compelled to intervene in order to restore and uphold the residents' rights in the bill of rights. This is sanctioned and required by the Constitution itself.

35. Accordingly, the deference between the spheres of government is not a valid basis on which to refrain from intervening. In fact, in paragraph 19 of the answering affidavit, Mr Khan makes it clear that the national executive has no real intention of intervening at present.

36. It is, with respect, unconscionable for Mr Khan to suggest or imply that there is not a demonstrated breakdown in governance and constitutional dereliction as it relates to Ditsobotla by the national executive. The undisputed facts set out in the affidavits filed on behalf of the applicants demonstrate a complete breakdown in governance and constitutional dereliction as it relates to Ditsobotla.

37. Mr Khan stops short of informing this court of what steps the national executive intends to take or present an action plan in respect of an intervention in

Ditsobotla by the national executive. Instead, Mr Khan expects the residents of Ditsobotla to continue to suffer and trust that the labyrinth of national bureaucracy will eventually (and hopefully) bear tangible results in Ditsobotla.

Ad paragraph 18 thereof

38. The content of this paragraph is denied.

39. The court must exercise a supervisory role to ensure that the national executive complies with its constitutional duties under section 139(7) of the Constitution.

Ad paragraph 19 thereof

40. The content of this paragraph is denied.

41. There is no cooperative governance in an intervention – *in casu*, a national intervention. The affairs of local government are then solely in the hands of the national executive.

42. Mr Khan misconstrues intervention as provided for under section 139(7) of the Constitution and expresses a clear attitude that the national executive will remotely oversee matters in Ditsobotla from Pretoria and will not adopt a hands-on approach to restore governance in Ditsobotla.

43. This is the exact same attitude adopted by the Provincial Executive, which has failed to restore governance in Ditsobotla. Instead, as demonstrated in the

supplementary founding affidavit and in the plethora of legal proceedings in this court, the local government in Ditsobotla has free reign to run amok unphased by the state of Provincial Intervention the municipality is in.

Ad paragraph 20 thereof

44. Save to note the outline presented in this paragraph, the content of this paragraph is denied.

Ad "THE CONSTITUTIONAL AND LEGISLATIVE STRUCTURE FOR GOVERNANCE AND INTERVENTION"

Ad paragraph 21 thereof

45. The content of this paragraph is admitted.

Ad paragraph 22 thereof

46. It is admitted that section 139 of the Constitution permits provincial government intervention in the municipal sphere. In addition, section 139 of the Constitution also contemplates national intervention in the municipal sphere.

47. It is further admitted that intervention is intended to be temporary. The purpose of intervention, whether by the provincial or national governments, is plainly the restoration of governance, to ensure service delivery and comply with the foundational constitutional value that the state's role is to respect, protect,

promote and fulfil the rights in the bill of rights.

48. Save as stated above, the content of this paragraph is denied.

Ad paragraph 23 thereof

49. I note section 139 of the Constitution. The remainder of the content of this paragraph is denied.

Ad paragraph 24 thereof

50. I note Chapter 13 of the MFMA. The remainder of the content of this paragraph is denied.

Ad paragraph 25 thereof

51. I note section 139 of the MFMA.

Ad paragraph 26 thereof

52. I note section 141 of the MFMA.

Ad paragraph 27 thereof

53. I note section 146 of the MFMA.

Ad paragraph 28 thereof

54. I note section 147 of the MFMA.

Ad paragraph 29 thereof

55. I note section 150 of the MFMA.

Ad paragraph 30 thereof

56. It is admitted that the national executive is obligated to intervene in the stead of the provincial executive where a provincial executive cannot or does not adequately exercise its powers or perform its functions under section 139(4) or (5) of the Constitution. In addition, the national executive is obligated to intervene where a provincial executive does not exercise its powers or perform its functions under section 139(4) or (5) of the Constitution.

57. The applicants do not deny that the national executive must consult the North West Provincial Government. This ought to have happened by now.

58. The flaw in Mr Khan's argument is that, in spite of acknowledging the obligation to act in the circumstances present in this matter, he fails to explain why the national executive has, to date, failed to act on its obligations or has not already consulted with the North West Provincial Government.

59. The applicants have no objection should such consultation be crafted into the just and equitable relief that may be granted by the court, provided that such

consultation occur within a fixed period of time. For this purpose, the applicants propose that any such consultation must occur within 10 days of the date of the order.

60. In any event, the ninth respondent's interpretation of section 150(1) of the MFMA is flawed. Subsection (a) is not a jurisdictional prerequisite for subsection (b). Properly construed, the two subsections operate simultaneously. There is thus no legal obligation for the national executive first to consult with the provincial government and only thereafter to act or intervene. Indeed, circumstances may be present which require the national executive to immediately act or intervene, restore order to the municipality, and only thereafter consult with the provincial government regarding the longer term recovery of the municipality.

61. The content of paragraph 30.2 is admitted. This is what has occurred in Ditsobotla to date, but to no avail. The national executive is and has been constitutionally required to intervene but has flouted its constitutional obligations in this regard. Now still, in spite of the overwhelming facts and evidence provided by the applicants, the national executive persists with its failure. It is urgently necessary for the court to intervene, to compel lawful and constitutional conduct, and to monitor and ensure compliance therewith.

62. The content of paragraph 30.3 is noted insofar as it expressly accords with the MFMA. Ditsobotla has an approved FRP, namely the MFRP.

63. Save as stated above, the content of this paragraph is denied.

Ad paragraph 31 thereof

64. The content of this paragraph is denied.

65. Ditsobotla has an existing MFRP in place, crafted by the MFRS as part of the mandatory provincial intervention.

66. There is no lawful or practical reason why the existing MFRP falls away upon national intervention or why the MFRS ought to craft a further plan for Ditsobotla when nothing has changed. The applicants say so in spite of the shortcomings in the MFRP.

67. In this respect, section 139(3) of the MFMA provides that a mandatory intervention supersedes any discretionary provincial intervention, provided that any financial recovery plan prepared for the discretionary intervention must continue until replaced by a recovery plan for the mandatory intervention. While there is no similar express provision from mandatory provincial intervention to mandatory national intervention, this will practically be the case as the municipality remains bound by the MFRP already in place.

68. Further, section 144(1) of the MFMA provides for the amendment of a financial recovery plan "*at any time*". Section 144(3) of the MFMA states that no amendment of a recovery plan may impede the implementation of any court order made in terms of the plan before the amendment.

69. Accordingly, the MFRP will remain in place by virtue of the Provincial

Intervention Order until amended by the national executive.

70. There is simply no lawful or practical reason why the national executive cannot immediately act in Ditsobotla in accordance with the existing MFRP to restore the fundamental governance structures. In so doing, the national executive would be acting in the stead of the provincial executive. As detailed in the supplementary founding affidavit, the restoration of fundamental governance structures ought to have been completed within the first year. It is highly unlikely that the same MFRS will come up with an entirely different FRP for Ditsobotla, with a completely different starting point, once the national executive is ordered to intervene. Insofar as the national executive may wish to amend the MFRP, it may do so in accordance with section 144 of the MFMA.

71. As demonstrated in the affidavits filed of record by the applicants, there is an urgent need for action in Ditsobotla, and dilatory or delaying conduct on the part of the state respondents cannot be countenanced.

Ad paragraph 32 thereof

72. Save to deny that there are any such challenges with the relief sought in the amended notice of motion, the content of this paragraph is noted.

Ad "THE PRACTICAL IMPLEMENTATION OF CHAPTER 13 OF THE MFMA IN TERMS OF THE RELIEF SOUGHT IN THIS APPLICATION"

Ad paragraph 33 thereof

73. The content of this paragraph is denied.

74. The separation of powers requires the court to step in where the executive fails. The national executive is failing to comply with its constitutional duty in respect of Ditsobotla.

75. As part of this, the court is vested with wide powers to grant just and equitable relief.

76. It is inherently unjust for the national executive to fail in its constitutional duty and then seek to go about business as usual. The national executive's suggested 'remedy' as it is, is insufficient and smacks of a lack of care both in respect of the national executive's constitutional obligations and in respect of the lived experience of the residents of Ditsobotla.

77. Upon the date of the court order, the national executive will be compelled to intervene in Ditsobotla in accordance with the just and equitable relief determined by the court. The time to '*resolve on the invocation of the national intervention*' will have passed. The national executive cannot resolve to comply with the court order any more than it can resolve not to comply with the court order. The national executive simply has to comply with the court

order.

78. There is no reason why the Minister of Finance or the Minister of Co-operative Governance and Traditional Affairs cannot appoint a national executive representative as a matter of urgency. Indeed, such steps ought to have been taken by the national executive months ago.

79. As stated above, the MFRS has already crafted a MFRP for Ditsobotla, which will remain in place but which the national executive will be responsible for implementing. There is no reason to wait to amend the MFRP.

80. Notwithstanding the above, the ninth respondent misconstrues section 139 of the MFMA which inherently requires the national executive to act promptly and with urgency.

Ad paragraph 34 thereof

81. The content of this paragraph is denied.

82. As stated above, this process can and must occur in parallel with the implementation of the existing MFRP.

Ad paragraph 35 thereof

83. The content of this paragraph is denied.

84. The submission of the FRP (or, rather, an amended FRP) must not exceed 90

days. There is no reason why the court cannot truncate the time period for submission to 30 days, commensurate with the urgency of this matter.

Ad paragraph 36 thereof

85. The content of this paragraph is admitted.

86. The undisputed facts regarding the "serious and deteriorating state of affairs in Ditsobotla" render intervention and the present matter urgent. It is also for this reason that the court ought to have oversight of the intervention process and impose strict time periods for action to ensure the tangible restoration of local government in Ditsobotla. Further argument shall be advanced with reference to the undisputed facts.

Ad paragraph 37 thereof

87. The content of this paragraph is denied.

88. The residents of Ditsobotla do not need bureaucratic processes. They need hands-on intervention, which is exactly what is required by the Constitution and the MFMA.

Ad paragraph 38 thereof

89. The content of this paragraph is admitted.

90. While these are relevant considerations, it is also relevant that there is a plan

in place which the national executive can assume responsibility for today in the stead of the provincial executive. There is no reason to dither or to delay action pending any possible amendment to the MFRP.

Ad paragraph 39 thereof

91. The content of this paragraph is admitted.

92. Notwithstanding the admission, it is necessary that timelines be put in place in the order to be granted by the court.

Ad "The ninth respondent's position on Prayer 6 of the Amended Notice of Motion"

Ad paragraphs 40 to 43 thereof

93. Save to admit the relief sought in paragraph 6 of the amended notice of motion, the remainder of the content of these paragraphs is denied.

94. The relief sought in paragraph 6 of the amended notice of motion is discrete and independent from any assessment of the municipality as a whole.

95. Importantly, the ninth respondent does not state that the national executive is not possessed of the resources to comply with the relief sought in paragraph 6 of the amended notice of motion but merely states that it would rather that exercise forms part of the overall process of assessment of the municipality.

96. The status of Ditsobotla's water and electricity infrastructure is, in fact, a matter of record and has been detailed in the papers filed in this matter. The period of 120 days to provide a report to the court fails to appreciate the urgency of the matter. The ninth respondent has been a party to these proceedings from their inception.

97. Notwithstanding the above, the applicants undertake to assist the national executive in this task to ensure that it is complied with.

Ad paragraphs 44 and 45 thereof

98. I have already addressed these allegations herein above.

99. Save as stated above, the content of these paragraphs is denied.

Ad "The ninth respondent's position on Prayers 7 and 8 of the Amended Notice of Motion"

Ad paragraphs 46 to 52 thereof

100. I have already addressed these allegations herein above.

101. Save as stated above, the content of these paragraphs is denied.

102. Notwithstanding the above, the applicants have no objection to aligning the reporting periods with the internal practice of the department. The applicants do persist that such reports must be furnished to the court, by way of affidavit,

to ensure the oversight of the implementation of the MFRP or any amended MFRP that may be adopted.

Ad paragraphs 53 and 54 thereof

103. The content of this paragraph is denied.

104. Stakeholder engagement in the FRP process is a separate issue. The relief sought in paragraph 8 is sought to ensure implementation of the MFRP or any amended FRP that may be adopted.

105. This will further ensure a direct link between the community of Ditsobotla and the national executive in Pretoria.

106. To be clear, the applicants seek this relief because they are committed to the community of Ditsobotla and wish to ensure the success of any rescue plan. This naturally requires ongoing consultation and engagement.

Ad paragraphs 55 to 56 thereof

107. I have already addressed these allegations herein above.

108. Save as stated above, the content of these paragraphs is denied.

Ad "AD SERIATIM RESPONSE"

Ad paragraph 57 thereof

109. The applicants admit that the ninth respondent has no knowledge of the facts. The applicants persist with the facts set out in their affidavits filed of record.

Ad paragraph 58 thereof

110. The content of this paragraph is noted.

Ad "CONCLUSION"

Ad paragraph 59 thereof

111. The content of this paragraph is noted.

B. THE APPLICATION REMAINS URGENT

112. Since this application was launched, there have been a number of events which have occurred in respect of Ditsobotla. The applicants submit that these events warrant the continued urgent prosecution of this application.

113. The urgency of this matter is further manifest by the ninth respondent's indication that the national executive has no intention of intervening in Ditsobotla.

114. On 30 April 2025, this Court granted an order in terms of section 18(3) for the immediate execution of the order made by Titus AJ on 14 March 2025, pending an appeal against the order of Titus AJ. A copy of this court's written judgment in the section 18(3) application is attached, marked "SRA1".

115. As appears from the written judgment in the section 18(3) application, the order of Titus AJ regulated the functioning of the Ditsobotla Local Municipality ("**DLM**") and *inter alia:*

115.1. interdicted Bojosinyane from presenting himself as the Municipal Manager of DLM and accompanying duties; and

115.2. interdicted Bogatsu from presenting himself as the Speaker of DLM and accompanying duties.

116. I am aware that, on or about 9 May 2025, this Court granted an order against ABSA Bank to grant access to the DLM's bank accounts to Mooketsi, the Acting Municipal Manager. I am not in possession of a copy of this court order.

117. From 26 May 2025 to 13 June 2025, the municipal offices of the DLM were closed due to lack of electricity.

118. On 30 May 2025, and at the request of Sakeliga, the Information Regulator issued a Compliance Assessment Report in respect of Ditsobotla, a copy of which is attached marked "SRA2", wherein the Information Regulator found Ditsobotla wholly non-compliant with the regulations promulgated under the

Promotion of Access to Information Act 2 of 2000 ("**PAIA**") due *inter alia* to the absence of a PAIA Manual and the absence of a registered information officer.

119. On 10 June 2025, the Presenter of the African National Congress ("**ANC**"), Tebogo Motlhamme, presented his submissions to the North West ANC's Provincial Working Committee regarding the appropriate sanction to be imposed on 10 members of the ANC serving as municipal councillors in the internal disciplinary proceedings against *inter alia* Moruri. The submissions show a deep political divide within the ANC caucus in Ditsobotla and recommend the expulsion of the 10 errant ANC councillors from the ANC.

120. In spite of this recommendation, the 10 errant ANC councillors continue to serve as municipal councillors.

121. From 17-20 June 2025, the municipal offices of the DLM were closed due to protest action.

122. On 20 June 2025, Mr CJ Steyl, a Member of the Provincial Legislature for the Democratic Alliance addressed a letter to the President, the Minister of Co-operative Governance and Traditional Affairs and the Minister of Finance, wherein he requested an urgent decision in respect of his request to place DLM under national intervention as contemplated in section 139(7) of the Constitution. A copy of this letter is attached, marked "SRA**3**".

123. It must be noted that in the letter, Mr Steyl refers to his previous letters dated 10 January, 5 March and 6 May 2025. It appears as if all of these requests to

the President and the relevant Ministers have fallen on deaf ears.

124. Nevertheless, Mr Steyl proceeds to set out:

124.1. how the illegal mayor, Morutse (who was interdicted by this Court from holding himself out as mayor), gained illegal access to the municipality's bank account and unlawfully withheld salaries to municipal workers and councillors, which actions were in contempt of the court orders referred to in paragraph 114 above; and

124.2. that the DLM remains plagued by chronic service delivery failures, violent service delivery protests and unpaid municipal workers who dicannot afford to report for work due to non-payment.

125. The DLM has continued to unlawfully disconnect electricity connections (when supplied and available) in order to coerce payment in spite of billing disputes. In addition to several residents who have faced similar problems of disconnection at the hands of the DLM, I have been informed by local resident, Naude Pienaar, that he is aware that the DLM disconnected power to local schools and medical clinics without any prior notice. This was also done on the day on which the schools opened and not during the recess. The mayor of Ditsobotla personally indicated to Naude Pienaar that he intended to disconnect the electricity connection to the local hospital. Naude Pienaar's confirmatory affidavit is attached hereto, marked "**SRA4**".

126. On 30 June 2025, the Minister of Finance (the ninth respondent) sent a letter

to *inter alia* the Minister of COGTA (the eighth respondent) indicating the National Treasury's intention to invoke section 216(2) of the Constitution to withhold the July 2025 tranche of the Local Government Equitable Share and Conditional Grants to 39 municipalities, including Ditsobotla, due to persistent non-compliance with financial measures and failure to pay third parties, such as the South African Revenue Service. In this letter, Ditsobotla is noted as owing R43,500,000 to SARS, R8,900,000 to AGSA, and R1,800,000 to the Pension Fund (most likely the Government Employees' Pension Fund). A copy of this letter is attached, marked "SRA**5**". I point out that the ninth respondent has failed to inform the court of the aforesaid.

127. On 8 July 2025, and again in contempt of the court orders referred to in paragraph 114 above, Bojosinyane issued a public notice titled "Enforcement of Existing Billing Regulations", announcing a new electronic billing system and credit control procedures, including 14-day termination notices. A copy of this public notice is attached, marked "SRA**6**".

128. On 15 July 2025, this court handed judgment in a civil dispute between Kwende Construction CC and the DLM, in which the DLM was ordered to pay Kwende R7,518,171.22 plus interest, and punitive costs, citing Ditsobotla's conduct as an "*abuse of the court's process*". A copy of the court's written judgment is attached, marked "SRA**7**".

129. Notwithstanding the above, the applicants, through their attorneys, KWV, have diligently sought an urgent, special motion hearing date from the Office of the Judge President.

130. On 15 May 2025, KWV delivered a letter through this Court's Record Office addressed to the Judge President of this Division. In this letter, KWV explained that the matter was an urgent, constitutional matter of great public importance, had a voluminous record, and detailed the acts of public violence in DLM. Accordingly, KWV requested the allocation of a special motion date for hearing of the application as soon as possible for two court days, alternatively that the matter be judicially case managed. A copy of this letter is attached, marked "SRA**8**".

131. No response was forthcoming from the Judge President's office in respect of this letter.

132. On 23 May 2025, KWV delivered a further letter through this Court's Record Office addressed to the Judge President of this Division. In this letter, KWV again requested a special motion allocation or referral for case management. A copy of this letter is attached, marked "SRA**9**".

133. No response was forthcoming from the Judge President's office, and KWV instructed their correspondent attorney to follow-up regarding the letter. The correspondent attorney returned to the Records Office on 26 June, 30 June and 3 July 2025. I attach hereto a copy of the letter received from KWV's correspondent attorneys, reflecting the Records Office stamps on each of the aforesaid dates, marked "SRA**10**".

134. On 21 July 2025, KWV received a letter from the Office of the Registrar informing the parties that the matter was allocated to the Honourable Madam

Justice Matlhape AJ for judicial case management and that we would be notified in due course about the date for judicial case management. A copy of this letter is attached, marked "SRA**11**".

135. On 22 July 2025, KWV received a notice referring the matter for a judicial pre-trial conference to be held on 5 August 2025. A copy of this notice is attached, marked "SRA**12**".

136. Regrettably, as a result of the above processes, the applicants were at the mercy of the processes of the Court and the hearing of the matter has been delayed. This delay has not been caused by any conduct on the part of the applicants and the applicants persist that the matter is and remains urgent.

C. CONCLUSION

137. The ninth respondent is, with respect, blissfully unaware of the state of affairs in Ditsobotla and fails to appreciate the urgency of the matter.

138. Save as set out herein, the applicants cannot permit another failed intervention and persist with the relief sought in the amended notice of motion.

DEPONENT

I certify that the deponent has acknowledged that he knows and understands the content of this affidavit which was signed and sworn to, before me, at Pretoria on this

30th day of July 2025, the Regulations contained in Government Notice No. R. 1258 dated 21 July 1972 (as amended) and Government Notice No. R.4648 dated 19 August 1977 (as amended) having been complied with.

COMMISSIONER OF OATHS

FULL NAMES:

ADDRESS:

CAPACITY:

Herman Kelderman
Commissioner of Oaths
Practicing Attorney
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Reportable:	NO
Circulate to Judges:	NO
Circulate to Magistrates:	NO
Circulate to Regional Magistrates	NO

SRA1

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

CASE NUMBER: 1229/25

In the matter between:-

DITSOBOTLA LOCAL MUNICIPALITY	1st Applicant
ACTING MUNICIPAL MANAGER: DITSOBOTLA LOCAL MUNICIPALITY: RASUPANG CLARIUS MOOKETSI	2nd Applicant
MAYOR: DITSOBOTLA LOCAL MUNICIPALITY: MAZWI MORURI	3rd Applicant
SPEAKER: DITSOBOTLA LOCAL MUNICIPALITY: MAZWI MORURI	4th Applicant
MUNICIPAL COUNCIL: DITSOBOTLA MUNICIPALITY	5th Applicant

and

OLAOTSE THEOPHILUS BOJOSINYANE	1st Respondent
MOLEFE WITNESS MORUTSE	2nd Respondent

MANANA EMILY BOGATSU	3rd Respondent
THABO NTHAUDI	4th Respondent
LINDIWE BOTES	5th Respondent
ALFRED TALI	6th Respondent
BRENDA MOKHUANE	7th Respondent
KABELO MENOE	8th Respondent
PHILIP MOLEME	9th Respondent
AMAN RAJANE	10th Respondent
ERETIA MODISE	11th Respondent
GABRIEL SEBOPELO	12th Respondent
BERNARD MOSIANE	13th Respondent
THABO NKASHE	14th Respondent
SIMON DITHATO	15th Respondent
PETRUS MOSETE	16th Respondent
MMAMEREKI PLAATJIE	17th Respondent
MOTLAGOMANG KGALAPA	18th Respondent
THAPELO SEHEMO	19th Respondent
MEC: COOPERATIVE GOVERNANCE HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS (NORTH WEST)	20th Respondent

In re

OLAOTSE THEOPHILUS BOJOSINYANE	1st Applicant

MOLEFE WITNESS MORUTSE	2nd Applicant
MANANA EMILY BOGATSU	3rd Applicant
THABO NTHAUDI	4th Applicant
LINDIWE BOTES	5th Applicant
ALFRED TALI	6th Applicant
BRENDA MOKHUANE	7th Applicant
KABELO MENOE	8th Applicant
PHILIP MOLEME	9th Applicant
AMAN RAJANE	10th Applicant
ERETIA MODISE	11th Applicant
GABRIEL SEBOPELO	12th Applicant
BERNARD MOSIANE	13th Applicant
THABO NKASHE	14th Applicant
SIMON DITHATO	15th Applicant
PETRUS MOSETE	16th Applicant
MMAMEREKI PLAATJIE	17th Applicant
MOTLAGOMANG KGALAPA	18th Applicant
THAPELO SEHEMO	19th Applicant

and

DITSOBOTLA LOCAL MUNICIPALITY	1st Respondent

ACTING MUNICIPAL MANAGER DITSOBOTLA LOCAL MUNICIPALITY: RASUPANG MOOKETSI NO	2nd Respondent
ACTING MAYOR: DITSOBOTLA LOCAL MUNICIPALITY: MAZWI MORURI NO	3rd Respondent
SPEAKER: DITSOBOTLA LOCAL MUNICIPALITY: JARIOUS MODISAKENG	4th Respondent
MUNICIPAL COUNCIL: DITSOBOTLA LOCAL MUNICIPALITY	5th Respondent
MEC COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS (NORTH WEST)	6th Respondent

This judgment is handed down by electronic communication (e-mail) to the legal representatives of the parties as per the e-mail address supplied in the practice notes. The date that the judgment is handed down, is deemed to be ***30 April 2025***

JUDGMENT

FMM REID J

Introduction

[1] On 4 April 2025 an urgent application was launched under section 18(3) of the **Superior Courts Act** 10 of 2013 (Superior Courts Act) to declare that the operation and execution of the order granted by Titus AJ under case 1229/25 on 14 March 2025 is not suspended by the

application for leave to appeal or any other appeal. A declaration is further sought that the order granted on 14 March 2025 is to be operational and enforceable and will be executed in full until the final determination of all present and future leave to appeal applications and appeals itself.

[2] The order granted by Titus AJ regulated the functioning of the Ditsobotla Local Municipality (DLM) and encompassed *inter alia* the following terms (own summary):

2.1. That the 1st respondent (Bojosinyane) is interdicted from presenting himself as the Municipal Manager and accompanying duties.

2.2. That the 2nd respondent (Molefe Witness Morutse "Morutse") be interdicted from presenting himself as Mayor and accompanying duties.

2.3. That the 3rd respondent (Manana Emily Bogatsu "Bogatsu") is interdicted from presenting himself to be the Speaker of the Municipal Council.

2.4. That the 1st applicant (Rasupang Clarius Mooketsi "Mooketsi") remains the Acting Municipal Manager of DLM.

2.5. That the 2nd applicant (Mazwi Moruri) remains as the duly elected Mayor of DLM.

2.6. That the 3rd applicant (Jaros Modisakeng) remains as duly elected Speaker of DLM.

[3] This judgment should be read with the judgment granted under case number 5165/2024. In the matter under case number 5165/2024, the DLM **by agreement** set aside the decision to appoint Bojosinyane as Municipal Manager.

[4] The *de facto* position thus appears to be that Bojosinyane is not functioning in the position of Municipal Manager.

Legal Position:

[5] This application is brought in terms of, and to be dealt with in terms of, Section 18 of the **Superior Courts Act**. This

section reads as follows:

> *"18 **Suspension of decision pending appeal***
>
> *(1) Subject to subsections (2) and (3), and unless the court under **exceptional circumstances** orders otherwise, the operation and execution of a decision which is the subject of an application for leave to appeal or of an appeal, is **suspended pending** the decision of the application or appeal.*
>
> *(2) ...*
>
> *(3) A court may only order otherwise as contemplated in subsection (1) or (2), if the party who applied to the court to order otherwise, **in addition proves on a balance of probabilities that he or she will suffer irreparable harm if the court does not so order and that the other party will not suffer irreparable harm** if the court so orders.*
>
> *(4) If a court orders otherwise, as contemplated in subsection (1)-*
>
> *(i) the court must immediately record its reasons for doing so;*
>
> *(ii) the aggrieved party has an automatic right of appeal to the next highest court;*
>
> *(iii) the court hearing such an appeal must deal with it as a matter of extreme urgency; and*
>
> *(iv) such order will be automatically suspended, pending the outcome of such appeal.*
>
> *(5) For the purposes of subsections (1) and (2), a decision becomes the subject of an application for leave to appeal or of an appeal, as soon as an application for leave to appeal or a notice of appeal is lodged with the registrar in terms of the rules."*
>
> (own emphasis)

[6] Section 18(3) of the **Superior Courts Act** replaced Uniform Rule of Court Rule 49(11), which was promulgated under the

previous **Supreme Court Act** 59 of 1959. In essence, Rule 49(11) of the Uniform Rules of Court determined that an order will be suspended when a notice of leave to appeal is filed until the appeal is finalised. Rule 49(11) has been repealed by Government Notice R317 of 17 April 2015 *in toto*.

[7] Section 18(3) of the **Superior Courts** Act determines that the legislature have the following requirements to be established for the Order to be operational pending the outcome of the appeal:

7.1. exceptional circumstances must exist;

7.2. that the applicant will suffer irreparable harm if the Court does not order the execution of the Court Order; and

7.3. that the respondent will not suffer irreparable harm if the Court orders execution of the Court Order.

[8] The matter of **University of the Free State v Afriforum and**

Another 2018 (3) SA 428 (SCA) was the first appeal under Section 18(4)(ii) of the Superior Courts Act that has reached the Supreme Court of Appeal. The requirements introduced by the legislature were discussed in paragraph [10] of the judgments, which reads as follows:

> *"[10] It is further apparent that the requirements introduced by Section 18(1) and (3) are more onerous than those of the common law. Apart from the requirement of 'exceptional circumstances' in s 18(1), s 18(3) requires the applicant 'in addition' to prove on a balance of probabilities that he or she 'will' suffer irreparable harm if the order is not made, and that the other party 'will not' suffer irreparable harm if the order is made. The application of rule 49(11) required a weighing-up of the potentiality of irreparable harm or prejudice being sustained by the respective parties and, where there was a potentiality of harm or prejudice to both of the parties, a weighing-up of the balance of hardship or convenience, as the case may be, was required.* ***Section 18(3), however, has introduced a higher threshold, namely proof on a balance of probabilities that the applicant will suffer irreparable harm if the order is not granted, and conversely that the respondent will not if the order is granted.***" (own emphasis)

[9] In the abovementioned matter of **University of the Free State v Afriforum** reference is made to **DE van Loggerenberg & E Bertelsmann** *Erasmus: **Superior Court Practice*** Volume 1 2nd Edition (service issue 2) to

conclude that:

> *"Section 18(3) 'is a provision and places a heavy onus on the applicant'. On a proper construction of section 18, it is clear that it does not merely purport to codify the common-law practice, but rather to introduce more onerous requirements. As submitted on behalf of the UFS, had the legislature intended the section to merely codify the common law, it would have followed the authoritative formulation by Corbett JA in* ***South Cape Corporation (Pty) Ltd v Engineering Management Services (Pty) Ltd*** *1977 (3) SA 534 (A))*

[10] In further reference to the matter of University **of the Free State v Afriforum**, it is apt to quote the interpretation of the meaning of "exceptional circumstances" as follows:

> *[12] The concept of 'exceptional circumstances' introduced by s 18(1) was considered by* ***Mpati P in*** *Avmit v* ***First Rand Bank Ltd*** *[2014] ZASCA 132, in the context of s 17(2)(f) of the Act, which provides that in 'exceptional circumstances' the President of this court may refer a decision on an application for leave to appeal to the court for reconsideration. Mpati P held that, upon a proper construction of s 17(2)(f), the President will need to be satisfied that the circumstances are 'truly exceptional' before referring a matter for reconsideration.*
>
> *[13] Whether or not 'exceptional circumstances' for the purposes of s 18(1) are present must necessarily depend on the peculiar facts of each case. In* ***Incubeta Holdings (Pty) Ltd and Another v Ellis and Another*** *2014 (3) SA 169 (GJ) supra [8] para 22 Sutherland J put it as follows:*

'Necessarily, in my view, exceptionality must be fact-specific.

The circumstances which are or may be exceptional must be derived from the actual predicaments in which the given litigants find themselves.'

I agree. Furthermore, I think, in evaluating the circumstances relied upon by an applicant, a court should bear in mind that what is sought is an extraordinary deviation from the norm, which, in turn, requires the existence of truly exceptional circumstances to justify the deviation."

[11] In the matter of **South Cape Corporation (Pty) Ltd v Engineering Management** Services (Pty) Ltd 1977 (3) SA 534 (A) at 545B – C, Corbett JA reiterated that the purpose of the rule was to prevent irreparable damage being done to the intending appellant by the execution of the judgment pending the appeal. This was prior to the introduction of Section 18(3) of the Superior **Courts Act**. Section 18(3) of the **Superior Courts** Act has introduced a higher threshold, namely that there must be proof on a balance of probabilities that the applicant *will* suffer irreparable harm if the order is not granted, and conversely that the respondents *will* not if the order is granted.

[12] In **Incubeta Holdings (Pty) Ltd and** Another v **Ellis and Another** 2014 (3) SA 189 (GJ) it was aptly commented by

Sutherland J (as he then was), that:

> *"'A hierarchy of entitlement has been created, absent from the* ***South Cape [Corporation]*** *test. Two distinct findings of fact must now be made, rather than a weighing-up to discern a preponderance of equities.'"*

[13] The threshold set by Section 18(3) of the **Superior Courts Act** thus requires the following findings should be made in favour of the applicant, should the application be successful:

13.1. That exceptional circumstances exists and the specification of such exceptional circumstances which should exists in order to have the Court Order be executed;

13.2. A factual finding that the applicant will suffer irreparable harm should the Court Order be suspended; and

13.3. A factual finding that the respondent will not suffer irreparable harm, should the Court Order be suspended.

Application to the facts before this Court

[14] I must determine whether exceptional circumstances have been established for the order of Titus AJ to be upheld, pending the appeal procedure.

[15] In determining whether exceptional circumstances exist, I take note of the following:

15.1. Upholding the order of Titus AJ may result in a more stable local municipality, pending the appeal process.

15.2. The parties agreed on 10 April 2025 to renege on the appointment of Bojosinyane, which is in line with upholding the judgment of Titus AJ.

15.3. The municipal management of DLM is clearly in a state of disarray, and upholding the order of Titus AJ will provide clarity pending the appeal process.

15.4. The dispute about leadership and the duplication of leadership in the DLM has been an issue for as long as

from 2022. Upholding the order of Titus AJ will provide stability pending the appeal process.

15.5. On the basis of the above, I find that exceptional circumstances do exist that the order be enforced pending an appeal.

[16] The next question to answer is whether irreparable harm will be suffered should the order not be upheld pending the appeal. In this regard I take cognisance of the following factors:

16.1. The members of the public will suffer irreparable harm should the *de facto* position be upended and the judgment of Titus J not be upheld pending the appeal. The harm suffered will be that of the residents in the DLM municipal area who is deprived of sufficient service delivery during this dispute between the management of the DLM.

16.2. The respondents will not suffer irreparable harm should the judgment be upheld pending appeal. The

respondents would be able to proceed with the appeal.

[17] Having found that exceptional circumstances exist to uphold the order pending the appeal, and having found that irreparable harm will be suffered should the appeal not be upheld, the application is bound to be successful.

Costs

[18] The general principle is that the successful party is entitled to its costs.

[19] I find no reason to deviate from this principle.

Order

As a result of the above, the following order is granted:

i) The forms, time limits and service provided for in Rule 6(12) of the Uniform Rules are dispensed with and the matter is heard on an expedited basis.

ii) The operation and execution of the orders numbered 2 to 10 of the order handed down on 14 March 2025 by the

honourable Titus AJ under case 1229/25 is not suspended by any application for leave to appeal or any appeal, and these paragraphs of the order continue to be operational and enforceable and will be executed in full until the final determination of all present and future leave to appeal applications and appeals.

iii) The Court Order dated 14 March 2025 under case number 1229/25 by Titus AJ is not suspended and shall operate and be implemented with immediate effect pending the outcome of any appeal process instituted or to be instituted by anyone, or more, or all of the respondents, including the respondents' application for leave to appeal, subject to the provisions of Section 18(4) of the **Superior Courts Act** 10 of 2013.

iv) The respondents are ordered to pay the costs of the application on a scale as between party and party Scale B.

FMM REID
JUDGE OF THE HIGH COURT
NORTH WEST DIVISION MAHIKENG

DATE RESERVED:	**4 APRIL 2025**
DATE HANDED DOWN:	**30 APRIL 2025**

APPEARANCES:

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WITH ADV M MOTLOGELWA

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Ref: CM/166/24

INFORMATION REGULATOR (SOUTH AFRICA)

Ensuring protection of your personal information and effective access to information

SRA2

COMPLIANCE ASSESSMENT REPORT OF THE INFORMATION REGULATOR

(Assessment Upon Request)

Assessment Date: 17 February 20245

JOHANN ELOFF obo Sakeliga — Requester

And

DITSOBOTLA LOCAL MUNICIPALITY — Public Body

Report Number: of 2024/2025

Issued in terms of Regulation 14 (6) of Regulations relating to the Promotion of Access to Information, 2021

1. BACKGROUND

1.1 The Information Regulator ("Regulator") is an independent statutory body established in terms of section 39 of the Protection of Personal Information Act 4 of 2013. It has become increasingly important to have a strong and dynamic compliance and enforcement function to protect the right of access to any information through effective compliance and enforcement actions supported by strong oversight processes. Therefore, the Regulator is, among others, empowered to monitor and enforce compliance by public and private bodies with the provisions of the Promotion of Access to Information Act 2 of 2000 ("PAIA").

1.2 In pursuit of its vision, to be a world-class institution in the protection of personal information and the promotion of access to information, the Regulator's primary mandate, among others, is to regulate the promotion of access to information in a manner that encourages the provision of reasonable access to information or records of public and private bodies *swiftly*, *inexpensively* and *effortlessly*.

1.3 The Regulator is empowered, in terms of section 77H (1) of PAIA, to conduct compliance assessment, at the request by or on behalf of an information officer or head of a private body or any other person, of whether a public or private body generally complies with the provisions of PAIA insofar as its policies and implementation procedures are concerned.

2. INTRODUCTION

2.1 The information officer of a public body is required, in terms of section 14 (1) and (3) of PAIA, to compile a PAIA Manual in at least three official languages and make available-

2.1.1 on the web site, if any, of the public body;

2.1.2 at the head office of the public body for public inspection during normal business hours;

2.1.3 to any person upon request and upon the payment of a reasonable amount; and

2.1.4 to the Information Regulator upon request.

2.2 In accordance with section 77H(1) of PAIA, the Regulator received a request for assessment from Johann Eloff, acting on behalf of Sakeliga NPC (hereinafter referred to as the Requester), wherein the requester requested the Regulator to conduct an assessment on whether Ditsobotla Local Municipality (hereinafter referred to as the body) complies with section 14(3) of PAIA, as there is no PAIA Manual been made available.

2.3 In determining whether it is appropriate to make an assessment, in terms of section 77H(2) of PAIA, the Regulator considered the following circumstances-

2.3.1 the extent to which the request appears to it to raise a matter of substance;

2.3.2 whether the request is frivolous or vexatious;

2.3.3 whether or not the person making the request is entitled to make a request for assessment in terms of section 77H (1) of PAIA, in respect of the information in question; and

2.3.4 the importance of PAIA Manual under PAIA and consequent of not having a PAIA Manual.

2.4 The Regulator has accordingly decided that it is appropriate to conduct an assessment.

2.5 The body was served with a notice to conduct an assessment on the 17 October 2024 and on the 20 November 2024 and lastly on the 28 January 2025.

2.6 The body failed to respond to the notices or provide the Regulator with its manual.

2.7 A hybrid approach assessment was the conducted wherein the website of the body was perused on several occasions, last being the 17 February 2025 to determine if the body has made the manual available on their website.

2.8 The below findings were therefore made by the Regulator.

3. PARTICULARS OF INFORMATION ASSESSED

3.1 This Report communicates the Regulator's findings on whether -

3.1.1 The body complies with section 14(1) and (3) of PAIA, as amended, in so far as it relates to the Information Officer's obligation to-

3.1.1.1 Compile PAIA Manual; and

3.1.1.2 Make the PAIA Manual available-

3.1.1.2.1 In at least three official languages;

3.1.1.2.2 on the web site, if any, of the body; and

3.1.1.2.3 at the head office of the body for public inspection during normal business hours.

3.1.2 The information officer of the body has designated or delegated a Deputy Information Officer(s), in term of section 17(1) and (3) of PAIA read with section 56(a) and (b) of POPIA.

4. COMPLIANCE ASSESSMENT QUESTIONNAIRE

ITEM	DESCRIPTION	STATUS	
		Compliance	Non-Compliance
PAIA MANUAL (Section 14 of PAIA)			
Has the Information Officer of the public body compiled?			
a)	a PAIA Manual in accordance with section 14(1) of PAIA, as amended?		X

ITEM	DESCRIPTION	STATUS	
		Compliance	Non- Compliance
b)	is the manual available in at least three official languages		X
c)	has the information officer updated a PAIA Manual in accordance with section 14(2) of PAIA?		X
Does the Manual contain?			
a)	a description of its structure and functions?		X
b)	the postal and street address, phone, and fax number and, if available, electronic mail address of the information officer of the body and of every deputy information officer of the body designated in terms of section 17(1) of PAIA?		X
c)	a description of all remedies available in respect of an act or a failure to act by the body?		X
d)	a description of the guide referred to in section 10, if available, and how to obtain access to it?		X
e)	sufficient detail to facilitate a request for access to a record of the body, a description of the subjects on which the body holds records and the categories of records held on each subject?		X
f)	a description of the categories of records contemplated in section 15(1)(a) of PAIA, that are automatically available without a requester having to request access thereto?		X
g)	a description of the services available to members of the public from the body and how to gain access to those services?		X
h)	a description of public involvement in the formulation of policy and the exercise of powers or performance of duties by the body.		X

ITEM	DESCRIPTION	STATUS	
		Compliance	Non- Compliance
PROCESSING OF PERSONAL INFORMATION			
a)	**Purpose of Processing Personal Information-** *Does the Manual describe the purpose or reasons for processing personal information in your organisation.*		X
b)	**Categories of Data Subjects and their Personal Information-** *Does the Manual specify the categories of data subject in which the body process their personal information and the nature of the personal information being processed. Below table is the template that can be used to suite the nature of the personal information, depending on the nature of personal information necessary for purposes of performing the function or rendering services.*		X
c)	**The recipients or categories of recipients to whom the personal information may be supplied-** *Does the Manual specify the person or category of persons who the body may disseminate personal information.*		X
d)	**Planned transborder flows of personal information.** *Does the Manual specify if the body has planned transborder flows of personal information.*		X
e)	**General Description of Information Security Measures to be implemented by the party responsible to ensure the confidentiality, integrity and availability of the information.** *Does the manual specify the nature of the*		X

ITEM	DESCRIPTION	STATUS	
		Compliance	Non- Compliance
	technology used to ensure the suitable and optimum security, confidentiality, integrity and availability of the personal information under the care of the body.		
	AUTOMATIC AVAILABILITY OF CERTAIN RECORDS OF PUBLIC BODIES (Section 15 of PAIA)		
a)	**Has the information officer compiled the latest notice of categories of records that are automatically available without a requester having to request access thereto?**		X
b)	**Has the latest notice of categories of records that are automatically available, if any, made available-**		
	▪ to the Information Regulator;		X
	▪ on the website of the public body; and		X
	▪ at the head office of a public body, for inspection.		X
	DESIGNATION AND DELEGATION OF DEPUTY INFORMATION OFFICERS (Section 17(1) and (17(3) of PAIA)		
a)	Has the information officer-		X
	▪ Designated Deputy Information Officers(?) If yes, how many?		
	▪ Delegated Deputy Information Officer(s)? If yes, how many?		X

ITEM	DESCRIPTION	STATUS	
		Compliance	Non- Compliance
AVAILABILITY OF THE PAIA MANUAL (Section 14(1) and 14(3) of PAIA)			
Is the PAIA Manual available, as prescribed in section 14(1) of PAIA	Is the PAIA Manual available in at least three (3) official languages		X
Is the PAIA Manual available, as prescribed in section 14(3)(a) & (b) of PAIA	Is the PAIA Manual available on the website, (if any) of the body		X
	Is the PAIA Manual available at the principal place of business of the body for public inspection during normal working hours		X
	Was the PAIA Manual made available to the requester upon request		X
	Was the PAIA Manual made available to the Information Regulator upon request		X

5. FINDINGS AND RECOMMENDATIONS

Having conducted and concluded the assessment on a hybrid approach, the Regulator makes the following detailed findings and recommendations-

5.1 FINDINGS

5.1.1 After having sent a notice in terms of Regulation 14(2) of the PAIA Regulations on several occasions and the subsequent request for a PAIA

Manual from the body using the provided contact details assisted by the requester and those listed on the body's website-

5.1.1.1 No correspondence or response was received from the body and the body also failed to provide reasons or its manual to the Regulator.

5.1.1.2 The body's PAIA Manual was searched on the municipality's website and was not found.

5.1.1.3 The information officer(s)'s registration was checked on the Regulator's portal and discovered that the municipality has not registered its information officer or created a profile.

5.1.2 From the above, as informed by a hybrid assessment approach, the Regulator can conclude the following-

5.1.2.1 the information officer of the body has not compiled a PAIA manual, and therefore not complying with section 14(1) of PAIA;

5.1.2.2 The information officer of the body has not made the PAIA manual available on the website of the body, as required by section 14(3)(a) of PAIA;

5.1.2.3 The information officer of the body has not made the PAIA manual available to the Information Regulator upon request, and therefore in contravention of section 14(3)(d) of PAIA;

5.1.2.4 the information officer of the body is not registered with the Regulator and has also not designated or delegated deputy information officer(s) as required by section 17(1) and (3) of PAIA read with section 56 of POPIA.

5.1.2.5 the body, therefore, does not generally comply with the provisions of PAIA insofar as its policies and implementation procedures are concerned.

5.2 RECOMMENDATIONS

5.2.1 Having made the above-mentioned finding, the Regulator has considered the following circumstances of the body, in determining the appropriate recommendations-

5.2.1.1 The nature and the services provided by the body to the public;

5.2.1.2 the purpose of the information under assessment and the likely effect of non-compliance, or of future or continued non-compliance with PAIA by the body;

5.2.1.3 whether such non-compliance has been committed before and whether the body was previously made aware of its earlier or current non-compliance;

5.2.1.4 the steps taken by the body to comply with the PAIA; and

5.2.1.5 the most effective solution in the public interest to remedy the non-compliance.

5.2.2 **Accordingly, the following remedial actions are recommended** -

5.2.2.1 The information officer must compile a PAIA manual in at least three official languages, and the manual must contain all provisions prescribed under section 14(1)(a), (b), (c) of PAIA.

5.2.2.2 The information officer must make available the PAIA manual on the website of the body and at the head office for inspection during normal working hours.

5.2.2.3 **The information officer must make available the updated PAIA manual to the Information Regulator and to the Requester.**

5.2.2.4 The information officer must designate and delegate deputy information officer(s), as required by section 17(1) and (3) of PAIA read with section 56 of POPIA and register with the Regulator accordingly.

6. MONITORING

6.1.1 The body is required to comply with the recommendations within a period of **three (3) months** from the date of issue of this report.

6.1.2 The Information Officer is required to give progress report to the Regulator on a weekly basis.

Adv Makhwedi Makgopa-Madisa
Acting Executive: PAIA
Date: 30 May 2025

Assessed by: Mr. Desmond Landiwe (Compliance and Monitoring Officer: PAIA)

CJ Steyl MPL
Democratic Alliance North West Provincial Legislature
Email: chriss@da.org.za
Tel: 078 652 5284
www.da.org.za

Date:	20 June 2025
To:	The President of the Republic of South Africa Mr Cyril Ramaphosa The Minister of Cooperative Governance and Traditional Affairs Mr Velenkosini Hlabisa The Minister of Finance Mr Enoch Godongwana **SRA3**
From:	CJ Steyl MPL
Subject:	Request for decision on Section 139(7) intervention in the Ditsobotla Local Municipality

Dear Sirs,

Following my letters dated 10 January, 05 March, and 06 May 2025, we are requesting your urgent decision to place the Ditsobotla Local Municipality under Section 139(7) national government administration, the matter refers:

1. The illegal parallel Council established in March 2025 by Mr Olaotswe Bojosinyane, where Councillor Molefe Morutse (ANC) was unlawfully elected mayor, and Cllr Manana Bogatsu (EFF) elected Speaker, after the illegal removal of the legitimate mayor and speaker, have gained control over the Ditsobotla municipal bank account;

2. The illegal troika is now withholding the salaries of Councillors and municipal workers who refuse to legitimise their unlawful structure and behaviour, threatening termination of employment of municipal workers and the removal from office of Councillors who refuse to recognise their authority, under the guise of an unlawful employee verification drive. This is tantamount to intimidation, coercion and extortion. Criminal cases have been opened at the Lichtenburg Police Station against all three individuals;

3. There is no authority in law for any Municipal Manager or Speaker or Mayor to withhold the remuneration of Councillors and municipal workers outside of the legislative framework guiding disciplinary action, of which none can be initiated by the illegitimate structure;

4. Schedule 7: The Municipal Structures Act, Act 117 of 1998, as amended, outlines the process for disciplinary action against Councillors. It is only the member of the Executive Council responsible for local government that may, after due process, initiate the removal of a Councillor;

5. The Basic Conditions of Employment Act, Act 75 of 1997, as amended, informs the fair processes required for disciplinary action against employees of the municipality read with the Municipal Structures Act, Act 117 of 1998, and the Municipal Systems Act, Act 32 of 2000, as amended.

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Democratic Alliance North West Provincial Legislature
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6. Residents continue to suffer under severe service delivery collapse in an environment that is volatile, seeing regular violent protests;

7. The legitimate Council structure and its administration is unable to effectively respond to service deliver needs, specifically the extended and constant electricity and water outages, due to the inability to transact through the municipal bank account.

8. The unlawful withholding of salaries of municipal workers cause further hardship as employees are now at a desperate stage where even if they wanted to respond to service delivery needs, they are unable to even get to work, never mind sourcing parts and equipment to conduct maintenance or bring emergency repairs;

9. Four High Court judgements have ruled against the reinstatement of Mr Mr Olaotswe Bojosinyane as Municipal Manager.

   I. Court order dated 15 March 2025, issued by Justice Titus AJ. The full judgment, with reasons dated 27 March 2025;
   II. Court Order dated 1 April 2025, issued by Madam Justice Reid J. MEC's review application which declared appointment unlawful and set aside;
   III. Court Order dated 30 April 2025, issued by Madam Justice Reid J enforcing the court order of 14 March by Justice Titus AJ;
   IV. Court Order dated 9 May 2025, issued by Madam Justice Khan AJ against Absa Bank Limited to grant access to legally appointed Acting Municipal Manager.

10. Mr Olaotswe Bojosinyane and Councillors Molefe Morutse and Manana Bogatsu are in contempt of court and engaged in unlawful behaviour that further destabilises the Ditsobotla Local Municipality.

As you would appreciate, the situation in Ditsobotla is untenable and continues to deteriorate resulting in violent protest action due to the complete collapse of basic service delivery and failed governance.

We request that you announce your decision to place the Ditsobotla Local Municipality under Section 139(7) as a matter of urgency.

All other interventions under Section 139 provincial administration, including the decision to dissolve the municipality in 2022 have failed. The only constitutional mechanism available to test, in order to structurally restore good governance practises and service delivery in the interest of residents would be to intervene under Section 139(7) in order to secure a strong foundation for the to be elected Council to continue rebuilding the municipality after the local government elections to be announced for 2026.

Our request under Section 139(7) include:

1. A fully funded financial recovery plan administered by National Treasury;

2. An independent financial forensic audit;

3. An independent skills audit of all management;

4. Lifestyle audits of all elected political office bearers and municipal management;

5. Disciplinary action to remove compromised politicians and municipal officials from office and prosecution of all individuals complicit in criminal activity;

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6. The recruitment of skilled, qualified and experienced officials through a fair and transparent process without any political influence; and that,

7. The Asset Forfeiture Unit must recover all losses identified in the forensic audit.

It is our submission that the national government's intervention under section 139(7) can no longer be delayed.

We look forward to your urgent and favourable consideration, in the interest of Ditsobotla residents.

CJ Steyl MPL
North West Provincial Legislature
(Issued electronically without signature)

SRA4

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

Case No: UM 192/2022

In the matter between:

SAKELIGA NPC	First applicant
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	Second applicant
BAREND LOURENS SNYMAN	Third applicant

and

DITSOBOTLA LOCAL MUNICIPALITY	First respondent
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	Second respondent
PREMIER OF THE NORTH WEST PROVINCE	Third respondent
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	Fourth respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	Fifth respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	Sixth respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	Seventh respondent
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Eighth respondent

MINISTER: NATIONAL DEPARTMENT OF FINANCE	Ninth respondent
MINISTER: WATER AND SANITATION	Tenth respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Eleventh respondent
ESKOM SOC LTD	Twelfth respondent
MAGALIES WATER BOARD	Thirteenth respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	Fourteenth respondent

---

CONFIRMATORY AFFIDAVIT

I, the undersigned,

HENDRIK NAUDE PIENAAR,

do hereby state under oath as follows:

1 I am a major male businessman, the executive general manager for Agri North West as well as the secretary of the Ditsobotla Services Association, which is a juristic person with legal personality independent of its member. Both Agri North West and the Ditsobotla Services Association have offices situated in Lichtenburg.

2 The facts deposed to are within my personal knowledge unless otherwise indicated and are to the best of my knowledge both true and correct.

3 I have read the first and third applicants' further replying affidavit to the "ninth respondent's affidavit" of **CHRISTO BESTER** and I confirm the correctness of the contents of the affidavit as far as it relates to myself.

HENDRIK NAUDE PIENAAR

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 Lichtenburg on this 30 day of July 2025, 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.

MARYKE BOTHA
KOMMISSARIS VAN EDE
COMMISSIONER OF OATHS
PRAKTISERENDE PROKUREUR R.S.A
PRACTISING ATTORNEY R.S.A
14 Ewart Street Lichtenburg

COMMISSIONER OF OATHS

SRA5

MINISTRY: FINANCE
REPUBLIC OF SOUTH AFRICA

Private Bag X115, Pretoria, 0001 Tel: +27 12 323 8911 Fax: +27 12 323 3262
P O Box 29, Cape Town 8000 Tel +27 21 464 6100 Fax +27 21 461 2934
Website : www.treasury.gov.za , email : ninreg@treasury.gov.za

Ref: M3/4/3/2(1113/2025)

Honourable V Hlabisa
Minister of Cooperative Governance and Traditional Affairs
Private Bag X802
PRETORIA
0001

Dear Minister Hlabisa

INTENTION TO INVOKE SECTION 216(2) OF CONSTITUTION READ TOGETHER WITH SECTION 38 OF MUNICIPAL FINANCE MANAGEMENT ACT, 2003 BY WITHHOLDING 39 MUNICIPALITIES' JULY 2025 TRANCHE OF LOCAL GOVERNMENT EQUITABLE SHARE AND CONDITIONAL GRANTS FOR PERSISTENT NON-COMPLIANCE

The National Treasury ('NT') intends to invoke section 216(2) of the Constitution of the Republic of South Africa, 1996 ('Constitution') against 39 municipalities that have persistently failed to comply with the measures provided for in section 216(1) of the Constitution.

Section 216(1) of the Constitution provides as follows:

'(1) National legislation must establish a national treasury and prescribe measures to ensure both transparency and expenditure control in each sphere of government, by introducing—

(a) generally recognised accounting practice;
(b) uniform expenditure classifications; and
(c) uniform treasury norms and standards.'

Section 216(2) of the Constitution provides that 'National Treasury must enforce compliance with the measures established in terms of subsection (1) and may stop the transfer of funds to an organ of state if that organ of state commits a serious or persistent material breach of those measures'.

Furthermore, section 38(2)(c) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003 - 'MFMA') requires the NT to 'consult the cabinet member responsible for the national department making the transfer'.

Below are material grounds that warrant the invocation of section 216(2) of the Constitution against the 39 municipalities.

There is a persistent failure by the 39 municipalities to pay Water Boards and / or third parties like pension funds, medical aids, South African Revenue Service ('SARS') and the Auditor-General South Africa and / or to adopt funded budgets. The following defaulting municipalities, are owing third party parties:

Municipalities owing 3rd Parties

Name of the municipality	Amount Outstanding (Rands) SARS	Amount Outstanding (Rands) AGSA	Amount Outstanding (Rands) Pension Fund
Dr Beyers Naude	15 100 000		8 900 000
Makana	3 700 000		
Letsemeng			2 100 000
Kopanong	30 300 000	10 200 000	330 000 000
Mohokare		12 300 000	147 900 000
Masilonyana	47 100 000	6 800 000	13 000 000
Matjhabeng			1 700 000
Nketoana	8 100 000		2 100 000
Maluti-a-Phofung			2 700 000
Phumelela			2 300 000
Ngwathe			2 100 000
Mafube			253 400 000
Emfuleni			6 500 000
Dipaleseng		14 600 000	
Kgetlengrivier	30 700 000	15 600 000	
Tswaing			7 300 000
Ditsobotla	43 500 000	8 900 000	1 800 000
Naledi (NW)			7 300 000
Mamusa	19 000 000		24 800 000
!Kai! Garib			4 800 000
Magareng			1 200 000

The following 18 defaulting municipalities, are owing the highest amounts to the 4 Water Boards facing imminent bankruptcy:

Municipalities owing water boards for the 2025 MTREF

Description	Total Amount owing Water Board (R'000)	Name of Water Board
Kopanong LM	893 304	Vaal Central
Matjhabeng LM*	8 135 123	Vaal Central
Nala LM*	484 360	Vaal Central
Phokwane LM*	264 369	Vaal Central
Khai Ma LM*	30 100	Vaal Central
Dikgatlong LM*	44 493	Vaal Central
Ngaka Modiri Molema DM*	736 924	Magalies Water
Dr Ruth Segomotsi Mompati DM	1 033 930	Magalies Water
Maquassi Hills LM*	369 662	Magalies Water
Vhembe DM*	164 942	Lepelle Northern Water
Sekhukhune DM*	244 920	Lepelle Northern Water
Greater Letaba LM*	69 693	Lepelle Northern Water
Merafong City LM	1 327 360	Rand Water
Govan Mbeki LM*	801 739	Rand Water
Emfuleni LM*	1 725 126	Rand Water
Lesedi LM*	121 432	Rand Water
Rand West City LM*	827 496	Rand Water
Victor Khanye LM	468 736	Rand Water

*municipalities added from December 2024



The NT adopted a practical mechanism that will ensure the 18 defaulting municipalities start paying the outstanding debt to Rand Water, Vaal Central, Lepelle Northern and Magalies Water through the following approach:

If, within 7 days of the NT letter addressed to the municipality, any of the 18 municipalities fail to provide proof that it has fully paid the outstanding amounts owed to the respective Water Board(s) per the 31 May 2025 MFMA section 41 statement(s), the Local Government Equitable Share ('LGES') of that municipality will be stopped and only be released to the municipality in portions with conditions. The conditions describing that the first amount of the withheld equitable share to be released and strictly used to pay water board current accounts and provide evidence to the NT in a form of a proof of payment. Should this condition be met then the second amount of the equitable share will be released and strictly used to honour any arrears owed in terms of a valid repayment arrangement with the water board and provide evidence to the NT in a form of a proof of payment. Should this condition be met then the July 2025 tranche of the LGES will be released with its own conditions until such time that all outstanding water debt has been resolved.

Should the municipality fail to meet the first two conditions or to submit the evidence that SARS, Pension Funds and other relevant statutory third parties have been paid, the NT will approach Parliament to endorse that the NT stop the transfer of all the LGES due to the municipality over the remainder of the 2025/26 municipal financial year for the municipality's persistent failure.

A similar approach will be followed for the municipalities that persist with unfunded budgets. Furthermore, all 39 municipalities will be required to provide evidence that SARS, Pension and other staff benefits deducted from salaries of municipal officials have been paid over to the appropriate institution within the prescribed period.

It should be noted that the above measure is one of several options that will be instituted as part of the wider government intervention in the 39 municipalities for a sustainable solution. The measures include the possible placement of some of the 39 municipalities under section 139(5) Intervention of the Constitution, which is an appropriate mode required to deal with the challenges of this nature. Section 139(5) of the Constitution provides for mandatory provincial intervention in a municipality when there is persistent financial trouble in the municipality and it cannot exercise its obligations, particularly in managing its finances or providing basic services to communities. Therefore, the provincial executive committee ('PEC') must intervene in the identified municipalities to ensure their financial recovery and turn around.

It is advisable that parallel to the LGES withholding process, Rand Water, Vaal Central, Lepelle Northern and Magalies Water enforce their credit control policies to also attach the bank accounts of the defaulting municipalities to enforce a change in behavior of these municipalities. The same applies to all the water boards, in order to avoid a similar situation and prevent escalating debt across water boards.

This letter serves as a consultative mechanism with you in terms of section 38(2)(c) of the MFMA with regard to the intention of the NT to invoke section 216(2) of the Constitution by stopping the transfer of the 07 July 2025 tranche of the equitable share and all the grants to be transferred to the 39 municipalities.

May I request your office make a written representation within a period of 7 days from the date of receipt of this letter whereafter I will make a final decision with regard to the stopping of transfers to the identified 39 municipalities.

Yours Sincerely,

ENOCH GODONGWANA, MP
MINISTER OF FINANCE
DATE: 30/06/2025

CC: Deputy Minister of Cooperative Governance and Traditional Affairs
Deputy Minister of Water and Sanitation
Deputy Minister of Finance
MEC of Finance: Free State Provincial Government
MEC of Finance: Gauteng Province
MEC of Finance: Mpumalanga Province
MEC of Finance: Northern Cape
MEC of Finance: North West
MEC of Finance: Limpopo Province
MEC of CoGTA: Free State Province
MEC of CoGTA: Gauteng Province
MEC of CoGTA: Mpumalanga Province
MEC of CoGHSTA: Northern Cape Province
MEC of CoGTA: North West Province
MEC of CoGHSTA: Limpopo Province
Mayor of Victor Khanye Local Municipality
Mayor of Kopanong Local Municipality
Mayor of Merafong City Local Municipality
Mayor of Maquassi Hills Local Municipality
Mayor of Goven Mbeki Local Municipality
Mayor of Dikgatlong Local Municipality
Mayor of Ngaka Modiri Molema District Municipality
Mayor of Dr Ruth Segomotsi Mompati District Municipality
Mayor of Ngwathe Local Municipality
Mayor of Nala Local Municipality
Mayor of Matjhabeng Local Municipality
Mayor of Phokwane Local Municipality
Mayor of Emfuleni Local Municipality
Mayor of Rand West City Local Municipality
Mayor of Lesedi Local Municipality
Mayor of Vhembe District Municipality
Mayor of Sekhukhune District Municipality
Mayor of Greater Letaba Local Municipality

SRA6

PUBLIC NOTICE

ENFORCEMENT OF EXISTING BILLING REGULATIONS

The Municipality hereby informs all consumers about the current billing regulations on defaulting and non-payment of services. The Municipality has introduced the electronic billing system for issuing the monthly billing statements. Thus, consumers who have not received their monthly billing invoices are urged to submit their email addresses and contact numbers to the finance department – revenue section.

Service delivery has been hampered as a result to non-payment of services, and the Municipality is now compelled to strengthen the payment culture by enforcing Credit Control Procedures through the issuance of **14-day** notifications. Therefore, consumers who have received the notices are advised to come forth for payment arrangements. Failure to comply with will result in the disconnection of electricity.

The main objective of this initiative is to optimize service delivery and restoring Ditsobotla Local Municipality to its former glory.

For enquiries, please contact the finance personnel on the following:

Accounts Officer Revenue **Ms Elizabeth Pakisi** for billing and meter readings on 083 560 8825. Accountant Debtors **Mr Kagiso Thomas** for payment arrangements on **076 230 5262.** Accountant Income **Ms Puleng Phogojane** for payment allocations on **082 525 5840**.

MUNICIPAL MANAGER

MR O.T BOJOSINYANE

DITSOBOTLA LOCAL MUNICIPALITY

08/07/2024

SRA7

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

CASE NUMBER: 604/2024

In the counter-application of:

KWENDE CONSTRUCTION CC	**APPLICANT** **(Respondent in the Main Application)**
and	
DITSOBOTLA LOCAL MUNICIPALITY	**RESPONDENT** **(Applicant in the Main Application)**

In Re

DITSOBOTLA LOCAL MUNICIPALITY	**APPLICANT**
and	
KWENDE CONSTRUCTION CC	**RESPONDENT**

CORAM: OOSTHUIZEN-SENEKAL AJ

Date judgment reserved: 6 June 2025

The judgment was handed down electronically by circulation to the parties' representatives via email. The date and time for hand-down is deemed to be **15 July 2025** at **10H00am**.

ORDER

1. The Applicant's application dated 9 February 2024 is dismissed with costs on the attorney and client scale.

2. The Applicant is ordered to make payment to the Respondent in the amount of R7,518.171.22, including interest thereon a *tempore morae* at the legally prescribed interest rate, calculated from 31 January 2024 to date of final payment, which payment is to be made within 14 days of this order.

3. The Applicant is ordered to pay the Respondent's costs on attorney and client scale in respect of the Applicant's counter-claim.

JUDGMENT

OOSTHUIZEN-SENEKAL AJ:

Introduction

[1] This matter concerns two related applications between the parties:

1) An urgent main application by Ditsobotla Local Municipality ("Ditsobotla"), seeking to interdict Kwende Construction CC ("Kwende") from removing or tampering with its electricity infrastructure;

2) A counter-application by Kwende, seeking payment of R7 518 171.22, plus interest, for emergency electrical repair services rendered to Ditsobotla following a total collapse of the municipal electricity supply.

[2] For ease of reference, I refer to Ditsobotla as the applicant in the main application and respondent in the counter-application, and to Kwende as the respondent in the main application and applicant in the counter-application.

[3] On 9 February 2024, the main application came before the court on an urgent basis but was removed from the roll by agreement after Kwende undertook not to remove any equipment pending resolution of the dispute. Importantly, the main application was not withdrawn and therefore remains live on the roll. The main application awaits proper set-down by Ditsobotla for determination once it is ready to proceed.

[4] The principle that the removal of a matter from the roll does not amount to its dismissal, and remains pending until disposed of, was confirmed in *Kekana v Society of Advocates of South Africa*[1], where the court stated:

> *"The removal of a matter from the roll does not dispose of the matter, nor does it amount to an abandonment of the cause of action or defence. It merely postpones the hearing to a later date or occasion."*

[5] What is now before the court is the counter-application, which was not postponed nor removed, and it is to this application that this judgment primarily relates. The counter-application is properly before me and ripe for determination as there is no procedural impediment to doing so.

---

[1] 1998 (4) SA 649 (T) at 655F–G.

Background Facts

[6] On 7 November 2023, Ditsobotla appointed Kwende to urgently restore electricity to six areas within its jurisdiction following a complete power failure. Kwende rendered emergency electrical services and completed the repairs. On 13 December 2023 Ditsobotla certified the completion of the work by issuing a Certificate of Compliance/Completion on 17 December 2023.

[7] The agreed contract price was R7 698 337,47, of which Ditsobotla made a part-payment of R1 000 000 on 22 December 2023. On the same date, Ditsobotla executed a written Acknowledgment of Debt and Repayment Agreement, explicitly acknowledging its indebtedness to Kwende in the remaining amount of R7 368 171,22, confirming that all internal processes and procurement prescripts were complied with.

[8] Despite these facts, Ditsobotla refused and failed to pay the outstanding amount. Instead, Ditsobotla launched a main application seeking to interdict Kwende from allegedly threatening to interfere with its electricity infrastructure. It is evident that Kwende's undertaking to refrain from any self-help measures effectively reduced the urgency of the main application.

[9] Kwende denied any intention of self-help, expressly undertaking in writing on 7 February 2024 to seek any relief only through the courts. Ditsobotla nonetheless proceeded with the main application on 9 February 2024, after accepting Kwende's undertaking.

Submissions by Kwende

[10] Kwende submits that it was lawfully appointed by Ditsobotla on 7 November 2023 to perform emergency electrical repairs after a total power failure in six areas of the municipality.

[11] The agreed remuneration was R7 698 337.47, which was later confirmed by a written Acknowledgment of Debt and Repayment Agreement dated 22 December 2023.

[12] Kwende completed the work on 13 December 2023, and Ditsobotla issued a Certificate of Completion and Compliance on 17 December 2023, confirming the successful performance of the work.

[13] Ditsobotla made a partial payment of R1 000 000 but thereafter refused to pay the outstanding amount despite the certificate of completion and acknowledgment of debt.

[14] Kwende contends that Ditsobotla's opposition to the counter-application is without merit, consisting only of bare denials, and no evidence was advanced to refute the validity of the contract, the completion of work, or the lawful deviation from procurement rules under emergency circumstances.

[15] Kwende contended further that the emergency procurement was lawful, properly authorised under the Municipal Financial Management Act and Regulations.

Submissions by Ditsobotla

[16] Ditsobotla contended that the procurement process was irregular and unlawful, and that the matter should be referred to oral evidence to determine the factual disputes around the legality of the appointment and the validity of the contract.

[17] In this regard, Ditsobotla relied on the principle laid down in *Valor IT v Premier, North West Province and Others*[2], where the Constitutional Court held that contracts concluded in violation of procurement prescripts are invalid and cannot be enforced, even where the other party acted in good faith.

[2] [2021] ZACC 39; 2022 (4) SA 1 (CC) paragraphs [28]-[29] and [54].

[18] Ditsobotla argued that the acknowledgment of debt and certificate of compliance cannot override the principle of legality, if the underlying appointment was unlawful, the municipality cannot be compelled to pay.

[19] Ditsobotla also contended that the founding affidavit in the main application, although unsigned when filed, does not automatically invalidate the application. They relied on the principle that courts may condone such defects if the affidavit was later signed or if the deponent testifies and adopts it.

[20] Finally, Ditsobotla argued that the amount claimed by Kwende was not properly set out nor substantiated by detailed invoices and supporting documents.

Legal Framework

Emergency Procurement

[21] Section 217(1) of the Constitution requires that public procurement be fair, equitable, transparent, competitive and cost-effective. However, it permits deviations when authorised by law.

[22] The authority of a municipality to deviate from ordinary competitive procurement processes in emergency circumstances is expressly provided for in Regulation 36(1)(a)(i) of the Municipal Supply Chain Management Regulations, issued under section 168 of the Local Government: Municipal Finance Management Act 56 of 2003 (MFMA).

[23] Regulation 36(1)(a)(i) reads:

> *"The accounting officer may dispense with the official procurement processes established by this policy and procure any required goods or services through any convenient process, which may include direct negotiations, but only—(a) in an emergency."*

[24] Furthermore, Regulation 36 deviations must also be properly recorded and reported to the municipal council and relevant authorities to ensure transparency and accountability. There was no evidence that such reporting did not occur.

[25] Section 55 of the Municipal Systems Act 32 of 2000 ("the MSA") and section 65(2)(e) of the MFMA place a duty on the municipal manager to ensure that the municipality complies with its contractual and financial obligations, and that all monies due are paid within 30 days, unless validly disputed.

[26] In *AllPay Consolidated Investment Holdings (Pty) Ltd v Chief Executive Officer, SASSA*[3], the court recognised that while adherence to procurement rules is vital, deviations are justified when properly authorised and recorded, as was done here.

[27] In *Valor IT*, however, the court cautioned that even good faith reliance on an invalid appointment cannot cure a contract concluded in breach of procurement laws. But unlike in *Valor IT*, where no evidence of lawful deviation was presented, here the acting municipal manager expressly authorised emergency procurement, the work was completed and certified, and Ditsobotla signed the acknowledgment of debt without raising illegality at the time.

Promotion of Administrative Justice Act 3 of 2000 ("PAJA")

[28] Ditsobotla did not formally invoke the Promotion of Administrative Justice Act 3 of 2000 ("PAJA") in its pleadings, nor was it properly pleaded or advanced that the acknowledgment of debt, the certificate of completion, or the appointment of Kwende constituted reviewable administrative action under PAJA. The court therefore did not and could not consider PAJA applicable to the merits of this contractual dispute.

[29] This is because the counter-application concerns an ordinary enforcement of a contractual claim for payment of a certified debt, based on an acknowledgment of

[3] 2014 (1) SA 604 (CC) at paragraph 23.

debt signed by the municipal manager, rather than a review of an administrative act. In *Oudekraal Estates (Pty) Ltd v City of Cape Town*[4], the Supreme Court of Appeal explained:

> *"Until the invalid administrative act is set aside by a court in proceedings for judicial review it exists in fact, and it has legal consequences that cannot simply be overlooked."*

[30] Thus, even if there were irregularities in the appointment or contract, which have not been established, the act remains effective and binding until and unless it is reviewed and set aside in proper proceedings under PAJA.

[31] The Constitutional Court later reaffirmed in *Merafong City Local Municipality v AngloGold Ashanti Ltd*[5] following:

> *"An administrative act remains legally effective until properly set aside by a court on review. An organ of state cannot unilaterally repudiate or ignore its own decisions without a proper challenge."*

[32] Ditsobotla has not launched review proceedings under PAJA or sought to set aside its own acknowledgment of debt or the underlying procurement decision. Its opposition in the counter-application rests on vague assertions of irregularity rather than a formally instituted review, which is procedurally impermissible.

[33] In *Kirland Investments (Pty) Ltd v Minister of Medical Aid and Others*[6], Cameron J observed the following:

> *"The decision, until properly set aside, exists in fact and has legal consequences. Public authorities must respect and enforce it. They cannot simply ignore it because they consider it defective."*

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[4] 2004 (6) SA 222 (SCA) at paragraph [29].
[5] 2017 (2) SA 211 (CC) at paragraph [41].
[6] 2014 (3) SA 481 (CC) at paragraphs [65]–[66].

[34] The debt claimed here flows from services performed, certified, and acknowledged in writing. Those instruments remain valid and binding until a competent court, in properly instituted review proceedings, declares them invalid. PAJA therefore has no application in the counter-application for payment of a contractual debt.

[35] Furthermore, the counter-application does not fall within the ambit of "administrative action" as defined in section 1 of PAJA, which excludes contractual disputes[7] In *Gijima*, the Court states:

> *"PAJA does not apply to the exercise of public power that does not constitute administrative action as defined. Here the claim arose ex contractu and not ex lege."*

[36] In the present matter, I am of the view that Kwende's claim rests squarely on the acknowledgment of debt, the completed and certified work, and the contractual undertakings made by Ditsobotla. It is not founded on any public-law duty. Accordingly, PAJA does not apply to the present dispute.

Evaluation

[37] On the evidence, the main application remains alive but is not before me for determination. Ditsobotla's reliance on its unsigned founding affidavit in the main application does not assist it here. While procedural defects in affidavits can be cured if promptly addressed in terms of Rule 6(5)(b) and by appropriate application to the court, no such application was made here.

[38] Even if curable, the defective affidavit and lack of authority to launch proceedings, as discussed in *Ganes and Another v Telecom Namibia Ltd*[8], raise serious questions about the *bona fides* of the main application.

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[7] *Gijima Holdings (Pty) Ltd v State Information Technology Agency SOC Ltd* 2018 (2) SA 23 (CC) at paragraph [26].
[8] 2004 (3) SA 615 (SCA) at paragraph [19].

[39] The main application was removed from the roll by agreement after Kwende undertook not to remove its equipment, pending resolution of the dispute. In terms of *Kekana*, the main application remains live, but there is no evidence that Kwende has breached its undertaking or threatened unlawful conduct since then.

[40] Turning to the counter-application, the evidence shows:

1) The emergency procurement was authorised under Regulation 36(1)(a)(i) by the acting municipal manager.

2) The work was completed and certified as compliant by the municipality on 17 December 2023.

3) Ditsobotla signed an acknowledgment of debt on 22 December 2023.

4) Ditsobotla paid R1 000 000,00 but refused to pay the outstanding R7 518 171.22.

[41] Ditsobotla now seeks to impugn its own contract and acknowledgment of debt by alleging illegality. But no concrete evidence has been presented to suggest that the emergency was fabricated or that the deviation was unauthorised. In *Steenkamp v Provincial Tender Board, Eastern Cape*[9], the Constitutional Court stressed the importance of respecting finality in certified public works unless fraud or gross irregularity is shown.

[42] While *Valor IT* recognises the principle of legality, the facts here are distinguishable: Ditsobotla itself invoked emergency procurement, certified the work, and signed the acknowledgment of debt. It cannot now rely on its own dereliction to escape liability[10].

[9] 2007 (3) SA 121 (CC) at paragraph [29].
[10] *Cool Ideas 1186 CC v Hubbard* 2014 (4) SA 474 (CC) at paragraph [33].

[43] The request for referral to oral evidence is without merit. As held in *Room Hire Co (Pty) Ltd v Jeppe Street Mansions (Pty) Ltd*[11], such referral is justified only when there is a genuine, material factual dispute incapable of resolution on the papers, which is absent here.

[44] Ditsobotla's bare and unsubstantiated denials fall far short of creating a genuine dispute of fact. In *Wightman t/a JW Construction v Headfour (Pty) Ltd*[12], it was held:

> *"A real, genuine and bona fide dispute of fact can exist only where the court is satisfied that the party who purports to raise the dispute has seriously and unambiguously addressed the fact said to be disputed."*

[45] Similarly, the argument that the amount claimed was not set out in sufficient detail is contradicted by the appointment letter, the certificate of compliance, and the acknowledgment of debt specifying the amount. The certificate of completion is *prima facie* proof of proper performance and remains unchallenged by any credible evidence.

[46] The municipality's refusal to pay despite its acknowledgment of debt, certificate of completion, and the statutory obligation under s 65(2)(e) of the MFMA, amounts to a blatant breach of its duties. The MFMA obliges municipalities to pay undisputed debts within 30 days, a duty clearly ignored here without lawful justification.

Conclusion

[47] In view of the evidence and the legal framework, I find that the main application remains alive, but there is no evidence to justify interdictory relief at this stage, given Kwende's undertaking and the absence of any threat.

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[11] 1949 (3) SA 1155 (T) at 1165.
[12] 2008 (3) SA 371 (SCA) at paragraph [13].

[48] Furthermore, that the counter-application is meritorious. The emergency procurement was lawful; the work was completed and certified; the debt was acknowledged; and no valid defence has been raised.

Costs

[49] The award of costs is discretionary and must be exercised judicially, taking into account the particular circumstances of the case. The general rule in civil litigation is that the successful party is entitled to its costs. As stated in *Zwane v Elias and Another*[13], the principle is:

> *"The successful party is, as a general rule, entitled to be awarded his costs unless there are special circumstances which warrant a different order."*

[50] The rationale behind the general rule was explained in *Kruger Bros & Wasserman v Ruskin*[14]:

> *"The rule of our law is that all costs — unless expressly otherwise enacted — are in the discretion of the judge, but that discretion must be judicially exercised upon a consideration of the facts of each case, and, where the proceedings are properly and reasonably taken, the successful party should have his costs."*

[51] While costs ordinarily follow the result, there are circumstances where a court will depart from the ordinary rule and award costs on a punitive scale, such as attorney-and-client costs. This is a measure of the court's displeasure at a litigant's conduct and is designed both to penalise the offending party and to indemnify the successful party from being out of pocket.

[52] In *Plastic Converters Association of SA v NUMSA*[15], the Constitutional Court noted:

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[13] 1998 (2) SA 624 (W) at 632D.
[14] 1918 AD 63 at 69.
[15] [2016] ZACC 3; 2016 (5) BCLR 578 (CC), paragraph [46].

"Punitive costs are awarded when the conduct of a party warrants disapproval by the court, usually when it has acted frivolously, vexatiously, or in bad faith."

[53] Similarly, in *Public Protector v South African Reserve Bank*[16], the court held that a punitive costs order is appropriate where a party's conduct constitutes an abuse of the court's process, wastes judicial resources, and unfairly burdens the opponent.

[54] In this matter, Ditsobotla's conduct warrants such censure:

1) It launched an urgent main application on defective and unsigned papers, without genuine urgency, and despite having accepted Kwende's undertaking not to remove equipment.

2) It refused to pay an admitted and certified debt, despite issuing a Certificate of Completion and signing an Acknowledgment of Debt.

3) It opposed the counter-application on spurious grounds, raising bare denials unsupported by any substantive evidence.

4) It invoked serious allegations of unlawful procurement without producing evidence to substantiate them and raised a request for oral evidence that was speculative and contrived.

[55] This conduct amounts to an abuse of the court's process, wasted judicial time and resources, and caused unnecessary expense and prejudice to Kwende.

[56] The court cannot allow its processes to be used as a tactical tool to evade lawful obligations or to harass a counter-party who has lawfully performed its duties.

[16] 2019] ZACC 29; 2020 (5) SA 487 (CC) at paragraph [144].

[57] Ditsobotla's conduct, launching defective and unnecessary urgent proceedings, refusing to pay an admitted and certified debt, opposing the counter-application on spurious grounds, raising unsubstantiated allegations of illegality, and making a speculative request for oral evidence, amounts to an abuse of the court's process.

[58] Accordingly, the court is satisfied that this is an appropriate case to mark its disapproval by awarding costs in the counter-application on the punitive scale of attorney-and-client.

Order

[59] In the result, the following order is made:

1. The Applicant's application dated 9 February 2024 is dismissed with costs on the attorney and client scale.

2. The Applicant is ordered to make payment to the Respondent in the amount of R7,518.171.22, including interest thereon a *tempore morae* at the legally prescribed interest rate, calculated from 31 January 2024 to date of final payment, which payment is to be made within 14 days of this order.

3. The Applicant is ordered to pay the Respondent's costs on attorney and client scale in respect of the Applicant's counter-claim.

CSP OOSTHUIZEN-SENEKAL
ACTING JUDGE OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION, MAHIKENG

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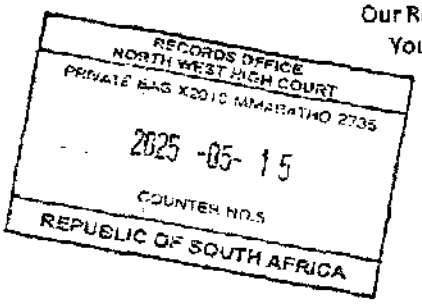
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PROKUREURS - ATTORNEYS

SRA8

Our Ref: R Eloff / QB1272
Your ref: UM192/2022



14 May 2025

THE HONOURABLE JUDGE PRESIDENT
HIGH COURT NORTH WEST DIVISION
MAHIKENG (MMABATHO)

By hand

Dear Judge

REQUEST FOR SPECIAL ALLOCATION DATE

IN RE: SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS

CASE NO: UM192/2022

1. We refer to the above matter wherein we act on behalf of two of the applicants, Sakeliga NPC and Mr BL Snyman, respectively.

2. We are instructed to direct this letter to the Office of the Judge President in terms of Practice Directive 12, read with Practice Directive 14, of the Practice Directives of the North West Division of the High Court in order to request a special allocation for the hearing of this urgent, opposed application. We copy the letter to the representatives of the respondent parties in the above matter.

3. The matter is an urgent, constitutional matter of public importance in which the applicants seek an order *inter alia* directing the National Executive to intervene in the Ditsobotla Local Municipality as contemplated in section 139 (7) of the Constitution, read together with section 150 of the MFMA. The relief sought is more fully set out in this letter below. The failure of the National Executive to comply with their constitutional obligations risks *inter alia* further incidents of public violence (described herein below).

4. To contextualise our clients' request, it is necessary to provide certain background facts regarding the present application and the history of the litigation.

BACKGROUND TO LITIGATION

5. The matter was initially issued as an urgent application on 7 October 2022. The matter was heard on 6 October 2023, wherein the parties reached an agreement regarding the majority of the relief sought by the applicants. The agreement was set out in an order of court granted by Her Ladyship Madam Justice Reid which, *inter alia*, ordered:

"1. THAT: *The Provincial Executive for the Province of the North West Province, as contemplated in section 139 of the Constitution (the "Provincial Executive"), is obliged to exercise the powers and perform the functions referred to in section 139 (5) of the Constitution of the Republic of South Africa (the "Constitution").*

2. THAT: *Pending the resolution of the crisis in the financial affairs of Ditsobotla and the securing of the ability of Ditsobotla to meet its obligations to provide basic municipal services:*

2.1 *The Provincial Executive must comply, as a matter of urgency, with its obligations and duties in terms of section 139 (5) of the Constitution in respect of Ditsobotla, and to exercise the powers and perform the functions referred to in section 139 (5) of the Constitution.*

2.2 *The Provincial Executive must assume responsibility for the implementation of the financial recovery plan approved by the sixth Respondent, (the Finance MEC), on 12 JULY 2023 in accordance with the notice published by the Provincial Executive on 23 MAY 2023 to invoke section 139 (5) (c) of the Constitution.*

2.3 *The Provincial Executive must forthwith impose and implement the approved recovery plan aimed at securing the ability of Ditsobotla to meet its obligations to provide basic municipal services and to meet its financial commitments as envisaged in section 139 (5) (a of the Constitution, read together with section 146 of the MFMA.*

3. THAT: *The Provincial Executive is ordered and directed to monitor the restoration of and continuation of basic municipal services to the community of Ditsobotla, and to report back on the aforesaid and the implementation of the financial recovery plan, including:*

3.1 To report every third month in terms of the reporting requirements set out in part 4 of the financial recovery plan, and to serve on the parties and file such progress reports with court together with an affidavit confirming such reports.

4. THAT: The third to sixth Respondents are ordered and directed to meaningfully engage with the Applicants and their representatives on the recovery of Ditsobotla and the issues underlying the financial crisis of the municipality.

5. THAT: The Applicants are granted leave to supplement the founding affidavit, to amend the notice of motion, and to seek such further relief as may be necessary, including in terms of section 139 (7) of the Constitution, should further breaches and/alternatively continued breaches, of the constitutional rights of the communities of Ditsobotla, in relation to the provision of basis [sic] municipal services to the communities of Ditsobotla, occur after the granting of this order alternatively should there not be substantial implementation and progress made regarding Ditsobotla's recovery within a period of three months and every three months thereafter in terms of the financial recovery plan, or the Applicants be of the view that the Respondents have failed to comply with the order of this court, in which event the Respondents shall have a period of 15 (fifteen) days to answer such supplemented papers and to such supplementary relief claimed."

6. The above order will be referred to as the "**Provincial Intervention Order**". A copy of the Provincial Intervention Order accompanies this letter, marked "**A**".

7. The Provincial Executive filed various quarterly reports as required in paragraph 3.1 of the Provincial Intervention Order. Upon consideration of the reports and feedback received from residents in the Ditsobotla Local Municipality, it became evident that the urgent recovery efforts required to be undertaken by the Provincial Executive, as ordered in the Provincial Intervention Order, have failed. Furthermore, it was clear that the Provincial Executive could not, did not, or did not adequately exercise its powers, functions and responsibilities under section 139(5) of the Constitution.

8. In fact, the Ditsobotla Local Municipality is no nearer a turnaround than it was when the Provincial Intervention Order was granted such that the National Executive is constitutionally

obliged and duty-bound to intervene in the stead of the Provincial Executive as contemplated in section 139(7) of the Constitution.

9. Yet, the National Executive fails to act in accordance with its Constitutional obligations.

CURRENT APPLICATION

10. In light of this, our clients, on 7 April 2025, proceeded in accordance with paragraph 5 of the Provincial Intervention Order and issued an amended notice of motion and supplementary founding affidavit seeking, *inter alia*, the following relief:

"1. THAT the application be enrolled as an urgent application and the forms, service and time periods prescribed by the uniform rules of court are dispensed with in terms of rule 6(12) of the uniform rules of court;

2. THAT it be declared that:

2.1 notwithstanding the order granted by this court under the above case number on 6 October 2023:

*2.1.1 there has not been any improvement or progress made regarding the recovery of the Ditsobotla Local Municipality ("**Ditsobotla**");*

2.1.2 the constitutional rights of the community of Ditsobotla in relation to the provision of basic municipal services continue to be breached;

*2.2 the Provincial Executive for the North West Province, as contemplated in section 139 of the Constitution (the "**Provincial Executive**"), cannot, alternatively has not, further alternatively has not adequately, exercised the powers or performed the functions referred to in section 139(5) of the Constitution of the Republic of South Africa (the "**Constitution**");*

*2.3 in terms of the provisions of section 139(5) of the Constitution read with section 146(3) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 ("**MFMA**"), the Provincial Executive has failed to assume responsibility for the implementation of the Municipal Financial Recovery Plan ("**MFRP**") approved by the sixth respondent (the Finance MEC) on 12 July 2023 in accordance with the notice published by the Provincial Executive on 23 May 2023;*

2.4 *the conduct of the Provincial Executive, in failing effectively to carry out their constitutional and statutory duties and obligations in terms of section 139 of the Constitution and the MFMA, to properly and effectively intervene in and resolve the crises of Ditsobotla and to assume responsibility for the implementation of the MFRP, is unlawful, unconstitutional and invalid to the extent of these inconsistencies.*

3. *THAT it further be declared that the failure by the President of the Republic of South Africa, as the head of the National Executive as contemplated in section 139 of the Constitution (the "**National Executive**"), the Minister of Cooperative Governance and Traditional Affairs ("**Minister of COGTA**"), as the Cabinet Minister responsible for local government, and the National Executive as a whole, to comply with their constitutional duties to intervene in Ditsobotla in terms of sections 139(7) read with 139(5) of the Constitution is unlawful, unconstitutional and invalid to the extent of these inconsistencies;*

4. *THAT the President of the Republic of South Africa, the Minister of COGTA, and the National Executive are directed to intervene forthwith in the stead of the Provincial Executive, as contemplated in section 139 (7) of the Constitution read together with section 150 of the MFMA, in respect of Ditsobotla.*

5. *THAT the President of the Republic of South Africa, the Minister of COGTA, and the National Executive are directed to exercise the powers and perform the functions referred to in section 139 (5) of the Constitution, and in this regard:*

5.1 *The National Executive is declared to be directly responsible for the recovery of Ditsobotla, and is directed to impose the MFRP in order to secure Ditsobotla's ability to meet its obligations to provide basic services and to meet its financial commitments;*

5.2 *It is declared that the executive and legislative authority of Ditsobotla is wholly and entirely bound by the MFRP;*

5.3 *The National Executive shall forthwith assume responsibility for the implementation of the MFRP in its entirety.*

6. *THAT it further be declared that there is an urgent need to restore the basic municipal services of water and electricity to the community of Ditsobotla, and further to*

paragraph 5, the National Executive is ordered and directed to prioritise such restoration and to assume responsibility therefor, and in this regard further:

6.1 *The National Executive is directed to report to this court within 10 days of this order setting out detailed measures that need to be taken to restore the provision of water and electricity supply to Ditsobotla;*

6.2 *The National Executive shall forthwith, and as a matter of urgency, take all such steps as may be necessary to restore the aforesaid basic municipal services of water and electricity to Ditsobotla within 30 days of the date of this order;*

6.3 *The National Executive shall ensure the provision of water and electricity supply to Ditsobotla for the duration of the National Intervention.*

7. *THAT the seventh to the tenth respondents, alternatively such respondent or respondents as the court deems appropriate, be ordered and directed to monitor and to report on: (i) the implementation of the MFRP, (ii) the restoration of and continuation of basic municipal services to the community of Ditsobotla, and (iii) Ditsobotla's financial affairs and the recovery of Ditsobotla (collectively "**the municipal affairs**"), and for such purpose is ordered and directed:*

7.1 *To report to this court on affidavit, in detail, all relevant facts dealing with the municipal affairs, and all facts relevant to any challenges in respect of the municipal affairs together with a proposed solution thereto, such report to be served on the applicants and to be filed on the court file within 30 days of this order;*

7.2 *Thereafter, to file an affidavit report, as contemplated in paragraph 7.1 at the end of each calendar month, such report to be served on the applicants and to be filed on the court file on or before the last day of each calendar month.*

8. *THAT the seventh to the tenth respondents, alternatively such respondent or respondents as the court deems appropriate, be ordered and directed to, at least once every three months, meaningfully engage with the applicants and their representatives on the recovery of Ditsobotla and the issues underlying the financial crisis of the municipality.*

9. *THAT the orders granted in paragraphs 4 to 8 shall continue to operate until such time as they may be discharged by this court, on application by one or more of the*

respondents with notice to the applicants, the applicants being afforded a period of 15 days to answer thereto, and upon such respondent/s furnishing proof to the satisfaction of the court that:

9.1 the crisis in Ditsobotla's financial affairs is resolved; and

9.2 Ditsobotla's ability to meet its obligations to provide basic municipal services and its ability to meet its financial commitments is restored.

10. THAT the seventh to the tenth respondents be directed to serve a copy of this order on the Speaker of the National Assembly and the Chairperson of the National Council of Provinces.

11. THAT, in the event that the court finds that the remedies sought by the applicants are, for any reason, not appropriate, the court grant an order that is just and equitable as envisaged in section 172 of the Constitution which has the remedial effect of the restoration of basic municipal services to the community of Ditsobotla and thereafter the continued functionality of Ditsobotla, the resolution of the crisis in the financial affairs of Ditsobotla and the securing of the ability of Ditsobotla to meet its obligations to provide basic services, alternatively the court grant an order that is just and equitable as envisaged in section 172 of the Constitution which has the remedial effect that alleviates the constitutional infringements set out in the applicants' affidavits.

(...)"

11. We confirm that, in terms of the amended notice of motion (a copy of which accompanies this letter marked "B"), the application was enrolled on the urgent roll for 9 May 2025. The respondents were granted 15 days, as stipulated in paragraph 5 of the Provincial Intervention Order, within which to file their answering affidavit to the said application.

12. On 7 May 2025, the third to sixth respondents (the Provincial respondents) filed an answering affidavit as required by the Provincial Intervention Order. No further answering affidavits have been filed. It must be noted that the ninth respondent (Minister of Finance) and the tenth respondent (Minister of Water and Sanitation) opposed the application but did not file answering papers. Their time to do so has lapsed.

13. Subsequent to the filing of the answering affidavit, the applicants and the Provincial respondents agreed that the matter be removed from the urgent roll of 9 May 2025. The applicants have further mentioned in their papers that they intend to approach the Judge

President's office for a special allocation should the matter be opposed due to the fact that the matter is of public importance, raises discrete constitutional issues and due to the fact that the matter remains urgent due to the common cause collapse of basic municipal services and the concomitant persistent breach of Constitutional rights, such as the right to health, safety, water and the environment.

14. At present, the total record consists of approximately 3,168 pages. Of this, the current application comprises approximately 726 pages. Given the extensive history of the matter, and subject to your discretion, we suggest that it may be an efficient use of judicial resources should Her Ladyship Madam Justice Reid be allocated to hear the current application, as she has read the historical affidavits and is familiar with the matter.

15. Simultaneously with this letter, we are finalising our clients' replying affidavit and anticipate that it will be filed imminently by Thursday, 15 May 2025. We anticipate that the replying affidavit will add approximately 50 pages to the record.

16. We further point out that the eighth respondent, the Minister of Cooperative Governance and Traditional Affairs, withdrew his opposition to the current application. On 5 May 2025, the State Attorney, on behalf of the eighth respondent, indicated to us that the eighth respondent wished to file an explanatory affidavit and requested a period of three weeks within which to do so. The request was respectfully declined by our clients due to the urgent need for the Minister to take action in Ditsobotla rather than filing explanatory affidavits.

17. Notwithstanding the above, the facts are largely common cause, and the application is opposed principally on the basis that the application is premature. With this in mind, we submit that the duration of the hearing ought to be one to two days.

LACK OF GOVERNANCE, URGENCY AND INCIDENTS OF PUBLIC VIOLENCE

18. We submit that the inherent urgency of the matter was recognised by the court when granting the Provincial Intervention Order which contemplated urgent positive action on the part of the Provincial Executive, failing which, permitted the applicants to re-approach the court for further urgent constitutional relief, setting strict time periods for the filing of opposing papers.

19. Regrettably, the urgency of the matter is exacerbated by the following incidents of public violence which threaten life, security and the rule of law in the municipality:

19.1 In early March 2025, following a ruling by the Labour Court, the one municipal manager returned to the municipality with "security officers" in order to resume his position. This led to a clash with municipal workers who resisted the returning municipal manager and which led to a shootout resulting in two municipal workers being wounded and hospitalised;

19.2 Mere days thereafter, at different sittings of the municipal council presided over by two different municipal managers, two different mayors and two different speakers were elected to Ditsobotla. This led to an urgent application in this court confirming the one mayor as the mayor of Ditsobotla. To the best of our knowledge, this judgment is under appeal;

19.3 Notwithstanding the above, on Sunday, 4 May 2025, two separate security firms, appointed by the different municipal managers, clashed again, resulting in one security guard being shot. This incident has been reported in the media outlets, specifically the following news articles:

19.3.1 News Article – " Security guard shot as rival firms clash at NW municipality officer" – SABC News dated 4 May 2025;[1] and

19.3.2 News Article – "Lichtenburg-fiasko duur voort: sekuriteitwag ernstig gewond in 'leierdispuut" – Netwerk24 dated 5 May 2025.[2]

20. There is no end in sight to the open hostilities between the warring factions at the municipal council. The grounds of urgency as set out in our clients' founding affidavit continue to be borne out by the conduct on the ground – there is an urgent need for judicial intervention.

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1 https://www.sabcnews.com/sabcnews/security-guard-shot-as-rival-firms-clash-at-nw-municipality-offices/

2 https://www.netwerk24.com/netwerk24/nuus/munisipaliteite/lichtenburg-fiasko-duur-voort-sekuriteitswag-ernstig-gewond-in-leiersdispuut-20250505

REQUEST FOR SPECIAL ALLOCATION

21. The applicants and residents of Ditsobotla respectfully urgently require an order compelling the National Executive to intervene in Ditsobotla to take charge of the municipality, restore law and order, and ensure that Ditsobotla provides basic services to the community.

22. In the circumstances, we are of the view that the matter is of sufficient public importance and urgency to warrant the matter being allocated a special and preferential date for hearing as soon as possible. In this regard, we respectfully request that the matter be allocated to a Judge for two days for hearing. Alternatively, we request that the matter be judicially case managed to ensure and arrange the expedited filing of papers and allocation of a date for hearing.

23. We respectfully request your direction as soon as possible.

Yours faithfully,

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A

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

CASE NO: UM 192/2022

Held at MMABATHO on this the 06th day of OCTOBER 2023
BEFORE the Honourable Madam Justice REID J

In the matter between:

SAKELIGA NPC	1st Applicant
CENTER FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	2nd Applicant
BAREND LOURENS SNYMAN	3rd Applicant
and	
DITSOBOTLA LOCAL MUNICIPALITY	1st Respondent
THE MUNICIPAL MANAGER/ACTING MUNICIPAL MANAGER OF THE DISTOBOTLA LOCAL MUNICIPALITY	2nd Respondent
THE PREMIER OF NORTH WEST PROVINCE	3rd Respondent
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	4th Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORHT WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	5th Respondent
MEMBER OF THE EXEVUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	6th Respondent
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	7th Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG
Private Bag X3010, Mmabatho 2735
2023 -10- 12
NWD-NW-004
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG

MINISTER NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	8th Respondent
MINISTER: NATIONAL DEPARTMENT OF FINANCE	9th Respondent
MINISTER: WATER AND SANITATION	10th Respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	11th Respondent
ESKOM SOC LTD	12th Respondent
MAGALIES WATER BOARD	13th Respondent
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	14th Respondent

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG
Private Bag X2010, Mmabatho 2735
2023 -10- 12
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION

HAVING HEARD ADV G R EGAN on behalf of the Applicants and ADV MAKOLA SC with ADV THOBAKGALE on behalf of the 1st and 2nd Respondents, ADV MOKADIKOA-CHAUKE SC with ADV MAJOKO and MR DUBE on behalf of the 3rd, 4th, 5th, 7th and 8th Respondents, MS ZIKALALA on behalf of the 9th Respondent and MS MAKGATE on behalf of the 11th Respondent and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

1. THAT: The Provincial Executive for the Province of the North West Province, as contemplated in section 139 of the Constitution (the **"Provincial Executive"**), is obliged to exercise the powers and perform the functions referred to in section 139 (5) of the Constitution of the Republic of South Africa (the **"Constitution "**).

2. THAT: Pending the resolution of the crisis in the financial affairs of Ditsobotla and the securing of the ability of Ditsobotla to meet its obligations to provide basic municipal services:

   2.1 The Provincial Executive must comply, as a matter of urgency, with its obligations and duties in terms of section 139 (5) of the Constitution in respect of Ditsobotla, and to exercise the powers and perform the functions referred to in section 139 (5) of the Constitution.

2.2 The Provincial Executive must assume responsibility for the implementation of the financial recovery plan approved by the sixth Respondent, (the Finance MEC), on 12 JULY 2023 in accordance with the notice published by the Provincial Executive on 23 MAY 2023 to invoke section 139 (5) (c) of the Constitution.

2.3 The Provincial Executive must forthwith impose and implement the approved recovery plan aimed at securing the ability of Ditsobotla to meet its obligations to provide basic municipal services and to meet its financial commitments as envisaged in section 139 (5) (a of the Constitution, read together with section 146 of the MFMA.

3. THAT: The Provincial Executive is ordered and directed to monitor the restoration of and continuation of basic municipal services to the community of Ditsobotla, and to report back on the aforesaid and the implementation of the financial recovery plan, including:

THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
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2023 -10- 12
NWD-ANN-004
REGISTRAR OF THE HIGH COURT
NORTH WEST DIVISION
MAHIKENG

3.1 To report every third month in terms of the reporting requirements set out in part 4 of the financial recovery plan, and to serve on the parties and file such progress reports with court together with an affidavit confirming such reports.

4. THAT: The third to the sixth Respondents are ordered and directed to meaningfully engage with the Applicants and their representatives on the recovery of Ditsobotla and the issues underlying the financial crisis of the municipality.

5. THAT: THE Applicants are granted leave to supplement the founding affidavit, to amend the notice of motion, and to seek such further relief as may be necessary, including in terms of section 139 (7) of the Constitution, should further breaches and/alternatively continued breaches, of the constitutional rights of the communities of Ditsobotla, in relation to the provision of basis municipal services to the communities of Ditsobotla, occur after the granting of this order alternatively should there not be substantial implementation and progress made regarding Ditsobotla's recovery within a period of three months and every three months thereafter in terms of the financial recovery plan, or the Applicants be of the view that the Respondents have failed to comply with the order of this court, in which event the Respondents shall have a period of 15 (fifteen) days to answer such supplemented papers and to such supplementary relief claimed.

6. THAT: The third to the sixth Respondents are ordered to pay the costs of Part B of this application, including all reserved costs and the costs of all

appearances to date, jointly and severally, the one to pay the other to be absolved, such costs to include the costs consequent upon the employ of two counsel where so employed.

7. THAT: Costs of Part A to be argued.

BY THE COURT
REGISTRAR OF HIGH COURT
NORTH WEST HIGH COURT
MAFIKENG
REGISTRAR

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG
Private Bag X2010, Mmabatho 2735
2023 -10- 12
NWD-NW-004
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION,
MAHIKENG

L Att.

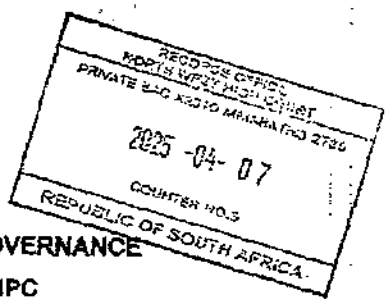
B

IN THE HIGH COURT OF SOUTH AFRICA

(NORTH WEST DIVISION, MAHIKENG)

Case no: UM192/2022

In the matter between:



SAKELIGA NPC	**First applicant**
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	**Second applicant**
BAREND LOURENS SNYMAN	**Third applicant**
and	
DITSOBOTLA LOCAL MUNICIPALITY	**First respondent**
THE MUNICIPAL MANAGER / ACTING MUNICIPAL MANAGER OF THE DITSOBOTLA LOCAL MUNICIPALITY	**Second respondent**
PREMIER OF THE NORTH WEST PROVINCE	**Third respondent**
PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE	**Fourth respondent**
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	**Fifth respondent**
MEMBER OF THE EXECUTIVE COUNCIL: NORTH WEST PROVINCE: FINANCE	**Sixth respondent**

DOCUMENTS FILED BY:
GEYER LABUSCHAGNE
Tel:018 381 6828
Cell:063 266 6913
litigation2@labuschagneatt.co.za

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	**Seventh respondent**
MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	**Eighth respondent**
MINISTER: NATIONAL DEPARTMENT OF FINANCE	**Ninth respondent**
MINISTER: WATER AND SANITATION	**Tenth respondent**
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	**Eleventh respondent**
ESKOM SOC LTD	**Twelfth respondent**
MAGALIES WATER BOARD	**Thirteenth respondent**
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	**Fourteenth respondent**

AMENDED NOTICE OF MOTION

TAKE NOTICE THAT the first and third applicants (hereinafter referred to as "**the applicants**") intend to make application to the above Honourable Court on **9 MAY 2025** at 10h00 or as soon thereafter as counsel for the applicants may be heard, for an order in the following terms:

1 THAT the application be enrolled as an urgent application and the forms, service and time periods prescribed by the uniform rules of court are dispensed with in terms of rule 6(12) of the uniform rules of court;

2 THAT it be declared that:

2.1 notwithstanding the order granted by this court under the above case number on 6 October 2023:

2.1.1 there has not been any improvement or progress made regarding the recovery of the Ditsobotla Local Municipality ("**Ditsobotla**");

2.1.2 the constitutional rights of the community of Ditsobotla in relation to the provision of basic municipal services continue to be breached;

2.2 the Provincial Executive for the North West Province, as contemplated in section 139 of the Constitution (the "**Provincial Executive**"), cannot, alternatively has not, further alternatively has not adequately, exercised the powers or performed the functions referred to in section 139(5) of the Constitution of the Republic of South Africa (the "**Constitution**");

2.3 in terms of the provisions of section 139(5) of the Constitution read with section 146(3) of the Local Government: Municipal Finance Management Act, Act 56 of 2003 ("**MFMA**"), the Provincial Executive has failed to assume responsibility for the implementation of the Municipal Financial Recovery Plan ("**MFRP**") approved by the sixth respondent (the Finance MEC) on 12 July 2023 in accordance with the notice published by the Provincial Executive on 23 May 2023;

2.4 the conduct of the Provincial Executive, in failing effectively to carry out their constitutional and statutory duties and obligations in terms of section 139 of the Constitution and the MFMA, to properly and effectively

intervene in and resolve the crises of Ditsobotla and to assume responsibility for the implementation of the MFRP, is unlawful, unconstitutional and invalid to the extent of these inconsistencies.

3 THAT it further be declared that the failure by the President of the Republic of South Africa, as the head of the National Executive as contemplated in section 139 of the Constitution (the "**National Executive**"), the Minister of Cooperative Governance and Traditional Affairs ("**Minister of COGTA**"), as the Cabinet Minister responsible for local government, and the National Executive as a whole, to comply with their constitutional duties to intervene in Ditsobotla in terms of sections 139(7) read with 139(5) of the Constitution is unlawful, unconstitutional and invalid to the extent of these inconsistencies;

4 THAT the President of the Republic of South Africa, the Minister of COGTA, and the National Executive are directed to intervene forthwith in the stead of the Provincial Executive, as contemplated in section 139 (7) of the Constitution read together with section 150 of the MFMA, in respect of Ditsobotla.

5 THAT the President of the Republic of South Africa, the Minister of COGTA, and the National Executive are directed to exercise the powers and perform the functions referred to in section 139 (5) of the Constitution, and in this regard:

5.1 The National Executive is declared to be directly responsible for the recovery of Ditsobotla, and is directed to impose the MFRP in order to secure Ditsobotla's ability to meet its obligations to provide basic services and to meet its financial commitments;

5.2 It is declared that the executive and legislative authority of Ditsobotla is wholly and entirely bound by the MFRP;

5.3 The National Executive shall forthwith assume responsibility for the implementation of the MFRP in its entirety.

6 THAT it further be declared that there is an urgent need to restore the basic municipal services of water and electricity to the community of Ditsobotla, and further to paragraph 5, the National Executive is ordered and directed to prioritise such restoration and to assume responsibility therefor, and in this regard further:

6.1 The National Executive is directed to report to this court within 10 days of this order setting out detailed measures that need to be taken to restore the provision of water and electricity supply to Ditsobotla;

6.2 The National Executive shall forthwith, and as a matter of urgency, take all such steps as may be necessary to restore the aforesaid basic municipal services of water and electricity to Ditsobotla within 30 days of the date of this order;

6.3 The National Executive shall ensure the provision of water and electricity supply to Ditsobotla for the duration of the National Intervention.

7 THAT the seventh to the tenth respondents, alternatively such respondent or respondents as the court deems appropriate, be ordered and directed to monitor and to report on: (i) the implementation of the MFRP, (ii) the restoration of and continuation of basic municipal services to the community of Ditsobotla, and (iii) Ditsobotla's financial affairs and the recovery of Ditsobotla (collectively **"the municipal affairs"**), and for such purpose is ordered and directed:

7.1 To report to this court on affidavit, in detail, all relevant facts dealing with the municipal affairs, and all facts relevant to any challenges in respect of the municipal affairs together with a proposed solution thereto, such report to be served on the applicants and to be filed on the court file within 30 days of this order;

7.2 Thereafter, to file an affidavit report, as contemplated in paragraph 7.1 at the end of each calendar month, such report to be served on the applicants and to be filed on the court file on or before the last day of each calendar month.

8 THAT the seventh to the tenth respondents, alternatively such respondent or respondents as the court deems appropriate, be ordered and directed to, at least once every three months, meaningfully engage with the applicants and their representatives on the recovery of Ditsobotla and the issues underlying the financial crisis of the municipality.

9 THAT the orders granted in paragraphs 4 to 8 shall continue to operate until such time as they may be discharged by this court, on application by one or more of the respondents with notice to the applicants, the applicants being afforded a period of 15 days to answer thereto, and upon such respondent/s furnishing proof to the satisfaction of the court that:

9.1 the crisis in Ditsobotla's financial affairs is resolved; and

9.2 Ditsobotla's ability to meet its obligations to provide basic municipal services and its ability to meet its financial commitments is restored.

10 THAT the seventh to the tenth respondents be directed to serve a copy of this order on the Speaker of the National Assembly and the Chairperson of the National Council of Provinces.

11 THAT, in the event that the court finds that the remedies sought by the applicants are, for any reason, not appropriate, the court grant an order that is just and equitable as envisaged in section 172 of the Constitution which has the remedial effect of the restoration of basic municipal services to the community of Ditsobotla and thereafter the continued functionality of Ditsobotla, the resolution of the crisis in the financial affairs of Ditsobotla and the securing of the ability of Ditsobotla to meet its obligations to provide basic services, alternatively the court grant an order that is just and equitable as envisaged in section 172 of the Constitution which has the remedial effect that alleviates the constitutional infringements set out in the applicants' affidavits.

12 THAT the third to the tenth respondents, together with any of the other respondents that may oppose the relief sought herein, be ordered to pay the costs of this application, jointly and severally, the one to pay the other to be absolved, on the scale as between attorney and client, such costs to include the costs of two counsel, where so employed.

13 THAT the applicants are granted leave to supplement the founding affidavits, to amend the amended notice of motion, and to seek such further relief as may be necessary, should further breaches and/alternatively continued breaches, of the constitutional rights of the communities of Ditsobotla, in relation to the provision of basic municipal services to the communities of Ditsobotla, occur after the granting of this order, alternatively should there not be substantial

implementation and progress made regarding Ditsobotla's recovery, or the applicants be of the view that the respondents have failed to comply with the order of this court, in which event the respondents shall have a period of 15 (fifteen) days to answer such supplemented papers and to such supplementary relief claimed.

14 THAT the court grant the applicants such further and/or alternative relief as the court deems meet.

TAKE FURTHER NOTICE that the founding affidavit of **CHRISTO BESTER**, as well as the annexures thereto, will be used in support of the application.

TAKE FURTHER NOTICE that the applicants have appointed **KRIEK WASSENAAR & VENTER INCORPORATED c/o LABUSCHAGNE ATTORNEYS, MAHIKENG** of the address below, at which address all notices and service in these proceedings will be accepted.

TAKE FURTHER NOTICE that, if you intend opposing this application, you are required to:

(i) file a written notice of intention to oppose this application on or before Wednesday, 16 April 2025 at 16h00;

(ii) file your answering affidavit on or before Wednesday, 7 May 2025 at 16h00;

(iii) in your written notice of intention to oppose this application provide an address as envisaged in Rule 6(5)(b) of the Uniform Rules of Court at which address you shall accept notice of all process in this application.

TAKE FURTHER NOTICE that:

(i) if you file your answering affidavit **on or before 7 MAY 2025**, as indicated above, then the applicants will remove the matter from the roll of 9 May 2025 and seek a special allocation for the hearing of this application;

(ii) if no answering affidavits are filed **on or before 7 MAY 2025**, as indicated above, then the applicants will proceed with the application on 9 May 2025.

KINDLY PLACE THE MATTER ON THE ROLL ACCORDINGLY.

SIGNED AT PRETORIA ON 4 APRIL 2025

KRIEK WASSENAAR & VENTER INC
ATTORNEYS FOR APPLICANTS
IN UM192/2022
3rd Floor, HB Forum Building
13 Stamvrug Street
Val De Grace, Pretoria
Tel: (012) 803 4719
E-mail: rohann@kriekprok.co.za
Ref: R ELOFF/Ld/QB1272
C/O LABUSCHAGNE ATTORNEYS
19 Constantia Drive
Riviera Park, Mahikeng

Tel: 018 381 6828
Fax: 018 381 2420
E-mail: litigation2@labuschagneatt.co.za
Ref: Mr Labuschagne/GW1763

TO: **THE REGISTRAR OF THE HIGH COURT**
MAHIKENG

AND TO: **M.E TLOU ATTORNEYS & ASSOCIATES**
ATTORNEYS FOR THE FIRST AND SECOND RESPONDENT
No 43 Cnr Baden Powell and Visser Street
P.O Box 1921, Mahikeng, 2745
Golfview, MAHIKENG
Tel: 018 011 0036/7/8/9
Fax: 018 011 0527/28
E-mail: naledi@tlouattorneys.co.za
Ref: Mr Tlou/NT/DLM/0001

COPY RECEIVED WITHOUT PREJUDICE
Date: 7/4/25
Time: 16:09
Signed by:
M.E. Tlou Attorneys & Associates

AND TO: **DITSOBOTLA LOCAL MUNICIPALITY**
FIRST RESPONDENT
Cnr Nelson Mandela Drive and Transvaal Street
Lichtenburg
2740

BY SHERIFF

AND TO: **MR OT BOJOSINYANE**
(MUNICIPAL MANGER)
SECOND RESPONDENT
Civi Centre
Cnr Nelson Mandela and Transvaal Street
Lichtenburg
2740
Tel: 018 100 0950

BY SHERIFF

AND TO: **MR RC MOOKETSI**
(ACTING MUNICIPAL MANAGER)
SECOND RESPONDENT
Civi Centre
Cnr Nelson Mandela and Transvaal Street
Lichtenburg
2740
Tel: 018 100 0950

BY SHERIFF

AND TO: **THE STATE ATTORNEY- MMABATHO**
ATTORNEYS FOR THE THIRD – SIXTH AND TENTH RESPONDENTS
First Floor, East Gallery
Mega City Complex
Cnr Sekame Road & Dr James Moraka Drive
Mmabatho
(T) 018 384 0269
REF: Mr Musa Moholo / 0955/21/P3
Email: isekoota@justice.gov.za
lmatshinyatsimbi@justice.gov.za
MuMoholo@justice.gov.za
MMoholo@justice.gov.za

DEPARTMENT OF JUSTICE
2025 -04- 07
REPUBLIC OF SOUTH AFRICA
STATE ATTORNEY
15:39

AND TO: **PREMIER OF THE NORTH WEST PROVINCE**
THIRD RESPONDENT
Garona Building,
South Wing, 3rd Floor,
Dr James Moroka Drive,
Mmabatho

BY SHERIFF

AND TO: **PROVINCIAL EXECUTIVE OF THE NORTH WEST PROVINCE**
FOURTH RESPONDENT
Garona Building,
South Wing, 3rd Floor,
Dr James Moroka Drive,
Mmabatho

BY SHERIFF

AND TO: **MEMBER OF THE EXECUTIVE COUNCIL:**
NORTH WEST PROVINCE: COOPERATIVE GOVERNANCE,
HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS)
FIFTH RESPONDENT
NWDC Building,
1st Floor,
Cnr Provident and University Drive
Mmabatho

BY SHERIFF

AND TO: **MEMBER OF THE EXECUTIVE COUNCIL:**
NORTH WEST: FINANCE
SIXTH RESPONDENT
Garona Building,
West Wing, 2nd Floor,
University Drive,
Mmabatho

BY SHERIFF

AND TO: **PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA**
SEVENTH RESPONDENT
Union Buildings,
Government Avenue,
Pretoria

BY SHERIFF

AND TO: **MINISTER: NATIONAL DEPARTMENT OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS)**
EIGHTH RESPONDENT
87 Hamilton Street,
Arcadia,
Pretoria, 0083

BY SHERIFF

AND TO: **THE STATE ATTORNEY- PRETORIA**
ATTORNEYS FOR THE NINTH RESPONDENT
Salu Building
255 Francis Baard Street
Cnr Thabo Sehume (Andries) and Francis Baard (Schoeman) Streets
Pretoria
(T) 012 309 1575
REF: 1685/2021/Z32
Email: ZZenani@justice.gov.za
Phetolo.Mokoena@treasury.gov.za
IChowe@justice.gov.za
phemokoena@justice.gov.za
Enq: Z. Zenani
C/O STATE ATTORNEY – MMABATHO
First Floor, East Gallery
Mega City Complex
Cnr Sekame Road & Dr James Moraka Drive
Mmabatho
(T) 018 384 0269
Email: MuMoholo@justice.gov.za
MMoholo@justice.gov.za

2025 -04- 07
REPUBLIC OF SOUTH AFRICA
18:34

AND TO: **MINISTER: NATIONAL DEPARTMENT OF FINANCE**
NINTH RESPONDENT
40 Church Street,
Old Reserve Bank Building,

2nd Floor,
Pretoria

BY SHERIFF

AND TO: **MINISTER: WATER AND SANITATION**
TENTH RESPONDENT
185 Francis Baard Street,
Sedibeng Building,
10th Floor, Room 1029,
Pretoria

BY SHERIFF

AND TO: **MOLEFE ATTORNEYS**
ATTORNEYS FOR THE ELEVENTH RESPONDENT
2 Jakaranda Ave
Riviera Park
Mafikeng
(T) 073 260 5691
(F) 086 694 9053
(C) 073 260 5691
REF: Molefe / NMMDM2/UM/2022
Email: thapelo@lawyer.com



AND TO: **NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY**
ELEVENTH RESPONDENT
Corner 1st Avenue and Carrington Street,
Industrial Site,
Mafikeng

BY SHERIFF

AND TO: **ESKOM SOC LTD**
TWELFTH RESPONDENT
Megawatt Park,



From:	Rohann Eloff
Date:	2025/05/14 11:22:00
To:	'Sekgota Itumeleng'
CC:	Dayne Van Wyk
Subject:	FW: SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS - CASE NO: UM192/2022
Attachments:	Judge President sent 2025-05-14.pdf;
Size:	4054,04 KB

Good day

We refer to the e-mail below and attach hereto a letter which our clients' will deliver to the Office of the Judge President.

We trust you find the above in order.

Yours faithfully

ROHANN ELOFF
rohann@kriekprok.co.za

Senior Associate / Senior Assosiaat

Kriek Wassenaar & Venter Inc
2012/030418/21
(+27) 12 803 4719
Third Floor, HB Forum Building,
13 Stamvrug Street, Val de Grace, Pretoria

From: Rohann Eloff
Sent: Wednesday, 14 May 2025 11:20
To: Naledi Tlhabi <naledi@tlouattorneys.co.za>; isekgota@justice.gov.za; 'Nokuthula Khumalo' <nokuthula.khumalo@treasury.gov.za>; mumoholo@justice.gov.za; mmoholo@justice.gov.za; 'Thapelo Molefe' <thapelo@lawyer.com>; 'Tsholofelo Maluleke' <maluletp@eskom.co.za>
Cc: Dayne Van Wyk <dayne@kriekprok.co.za>
Subject: SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS - CASE NO: UM192/2022

Good day

We refer to the above matter.

Please find attached a copy of our clients' letter addressed to the Office of the Judge President. Please note that the letter will be delivered to the Office of the Judge President in due course

We trust you find the above in order.

Yours faithfully

ROHANN ELOFF
rohann@kriekprok.co.za

Senior Associate / Senior Assosiaat

Kriek Wassenaar & Venter Inc
2012/030418/21
(+27) 12 803 4719
Third Floor, HB Forum Building,
13 Stamvrug Street, Val de Grace, Pretoria

KRIEK WASSENAAR & VENTER INC
PROKUREURS - ATTORNEYS

COPY COPY

SRA9

Our Ref: R Eloff / QB1272
Your ref: UM192/2022

23 May 2025

RECORDS OFFICE
NORTH WEST HIGH COURT
PRIVATE BAG X2010 MMABATHO 2735
2025 -05- 23
COUNTER NO.5
REPUBLIC OF SOUTH AFRICA

THE HONOURABLE JUDGE PRESIDENT HENDRICKS
HIGH COURT NORTH WEST DIVISION
MAHIKENG (MMABATHO)

By hand

Dear Judge President,

REQUEST FOR SPECIAL ALLOCATION DATE

IN RE: SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS

CASE NO: UM192/2022

1. We refer to the above matter as well as our letter dated 14 May 2025, delivered on 15 May 2025, on behalf of the applicants in the above matter.

2. With the utmost respect to the demands placed on your office and the ordinary business of the court, we address this letter to you in order to follow up on the request for an urgent, special allocation for the hearing of the above matter as set out in our letter dated 14 May 2025.

3. The full details of the matter are contained in our previous letter. The matter is a constitutional matter of public importance which requires urgent judicial intervention on behalf of the community of Ditsobotla Local Municipality.

4. All affidavits have been filed, and the matter is ripe for hearing. The parties who have not filed an answering affidavit cannot delay the matter, and it is trite that their failure to file papers is at their own peril.

5. We respectfully request a response to our previous letter, either allocating the matter to a Judge for two days for hearing or referring the matter for case management with an expedited hearing date or such other procedure as you may deem fit. Should you require, we will also make ourselves available to meet with you to discuss our request further in the presence of the other parties' legal representatives.

6. We trust that you find this request in order, and we eagerly await your response.

Yours faithfully,

KRIEK WASSENAAR & VENTER INC
ROHANN ELOFF – SENIOR ASSOCIATE
(t) 012 803 4719
(e) rohann@kriekprok.co.za

CC: **M.E TLOU ATTORNEYS & ASSOCIATES**
MAHIKENG

By e-mail: naledi@tlouattorneys.co.za

CC: **THE STATE ATTORNEY – MMABATHO**
MMABATHO

By e-mail: isekgota@justice.gov.za

CC: **THE STATE ATTORNEY – PRETORIA**
PRETORIA

By e-mail: nokuthula.khumalo@treasury.gov.za
MuMoholo@justice.gov.za
MMoholo@justice.gov.za

CC: **MOLEFE ATTORNEYS**
MAFIKENG

By e-mail: thapelo@lawyer.com

CC: **ESKOM HOLDINGS SOC LTD**
SUNNINGHILL

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

From:	Rohann Eloff
Date:	2025/05/22 16:59:00
To:	Naledi Tlhabi; 'Sekgota Itumeleng'; Nokuthula Khumalo; mumoholo@justice.gov.za; mmoholo@justice.gov.za; 'Thapelo Motefe'; 'Tsholofelo Maluleke'
CC:	Charne van den Berg; Gideon Swart
Subject:	SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS - CASE NO: UM192/2022
Attachments:	Judge President sent 2025-05-22.pdf;
Size:	221,83 KB

Good day

We refer to the above matter.

Please find attached a copy of our clients' letter addressed to the Office of the Judge President. Please note that the letter will be delivered to the Office of the Judge President in due course.

We trust you find the above in order.

Yours faithfully

ROHANN ELOFF
rohann@kriekgrok.co.za

Senior Associate / Senior Assosiaat

Kriek Wassenaar & Venter Inc
2012/030418/21
(+27) 12 803 4719
Third Floor, HB Forum Building,
13 Stamvrug Street, Val de Grace, Pretoria

SRA10

COPY
COPY

KRIEK WASSENAAR & VENTER INC
PROKUREURS · ATTORNEYS

2025 -06- 30

Our Ref: R Eloff / QB1272
Your ref: UM192/2022

23 May 2025

RECORDS OFFICE
NORTH WEST HIGH COURT
PRIVATE BAG X2010 MMABATHO 2735
2025 -05- 23
COUNTER NO.5
REPUBLIC OF SOUTH AFRICA

THE HONOURABLE JUDGE PRESIDENT HENDRICKS
HIGH COURT NORTH WEST DIVISION
MAHIKENG (MMABATHO)

By hand

2025 -07- 03

RECORDS OFFICE
NORTH WEST HIGH COURT
PRIVATE BAG X2010 MMABATHO 2735
2025 -06- 26
COUNTER NO.5
REPUBLIC OF SOUTH AFRICA

Dear Judge President,

REQUEST FOR SPECIAL ALLOCATION DATE

IN RE: SAKELIGA NPC & OTHERS / DITSOBOTLA LOCAL MUNICIPALITY & 13 OTHERS

CASE NO: UM192/2022

1. We refer to the above matter as well as our letter dated 14 May 2025, delivered on 15 May 2025, on behalf of the applicants in the above matter.

2. With the utmost respect to the demands placed on your office and the ordinary business of the court, we address this letter to you in order to follow up on the request for an urgent, special allocation for the hearing of the above matter as set out in our letter dated 14 May 2025.

3. The full details of the matter are contained in our previous letter. The matter is a constitutional matter of public importance which requires urgent judicial intervention on behalf of the community of Ditsobotla Local Municipality.

4. All affidavits have been filed, and the matter is ripe for hearing. The parties who have not filed an answering affidavit cannot delay the matter, and it is trite that their failure to file papers is at their own peril.

5. We respectfully request [illegible] allocating the matter to a Judge for two days [illegible] with an expedited hearing date or [illegible] require, we will also make ourselves [illegible] the presence of the other parties.

SRA11

OFFICE OF THE CHIEF JUSTICE
HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION
MAHIKENG

Private Bag X 2010 **MMABATHO** 2735, Cnr Hector Peterson and University Drive – **MMABATHO**,
Tel. (010) 494 7739, - Fax 086 642 4290
OFFICE OF THE REGISTRAR

Our Ref: UM192/2022
Enq: Mr L MOKETE
E-mail: LMokete@judiciary.org.za

Date: 21 JULY 2025

RE: SAKELIGA NPC & OTHERS // DITSOBOTLA LOCAL MUNICIPALITY

The above matter and your letter dated 23 May 2025 refers.

This letter serves to inform your offices that this matter has been allocated Honorable Madam Justice Matlhape AJ for judicial case management.

Your offices will be notified about the date for judicial case management in due course.

Regards,

2025 -07- 21

.....
L M MOKETE
Registrar
High Court of South Africa
North West Division
MAHIKENG

TO: LABUSCHAGNE ATTORNEYS
19 CONSTANTIA DRIVE
RIVIERA PARK
MAHIKENG
REF: MR LABUSCHANGNE/GW1763

AND TO: STATE ATTORNEYS

MEGACITY COMPLEX
MMABATHO
REF: 0955/21/P3

AND TO: ME TLOU ATTORNEYS
NO 43 CNR BADEN POWELL & VISSER STREET
MAHIKENG
REF: MR TLOU/NT/DLM/0001

AND TO: MOLEFE ATTORNEYS
2 JAKARANDA AVENUE
MAHIKENG
REF: MOLEFE/NMMDM2/UM/2022

GW178

SRA12

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

CASE NO: **UM 192/2022**

In the matter between:

SAKELIGA NPC	1st APPLICANT
CENTRE FOR GOOD GOVERNANCE AND SOCIAL JUSTICE NPC	2nd APPLICANT
BAREND LOURENS SNYMAN	3rd APPLICANT

2025 -07- 22

And

DITSOBOTLA LOCAL MUNICIPALITY	1st RESPONDENT
THE MUNICIPAL MANAGER /ACTING MUNICIPAL MANAGER DITSOBOTLA LOCAL MUNICIPALITY	2nd RESPONDENT
PREMIER OF THE NORTH WEST PROVINCE	3rd RESPONDENT
PROVINCIAL EXECUTIVE IF THE NORTH WEST PROVINCE	4th RESPONDENT
MEC FOR COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS NW	5th RESPONDENT
MEC FOR FINANCE, NW	6th RESPONDENT
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA	7TH RESPONDENT
MINISTER OF COOPERATIVE GOVERNANCE, HUMAN SETTLEMENT AND TRADITIONAL AFFAIRS NW	8th RESPONDENT
MINISTER OF FINANCE	9th RESPONDENT
MINISTER OF WATER AND SANITATION	10th RESPONDENT
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	11th RESPONDENT
ESKOM SOC LTD	12th RESPONDENT
MAGALIES WATER BOARD	13th RESPONDENT
THE ADMINISTRATOR: DITSOBOTLA LOCAL MUNICIPALITY	14th RESPONDENT

NOTICE OF UNIFORM RULE 37: ALLOCATION FOR A PRE-TRIAL CONFERENCE READ WITH PRACTICE DIRECTIVE 17 & 18 OF THE PRACTICE DIRECTIVES

KINDLY TAKE NOTICE that pursuant to the provisions of **Rule 37** of the Uniform Rules of Court read with **Practice Directive 17** of this Division, the Registrar will place the abovementioned matter before the Honourable **MADAM JUSTICE MATLHAPE(AJ)** (or Judge designated by the Judge President) on **05 AUGUST 2025** for ***Judicial Case Management*** (Pre-Trial) in terms of the above provisions. (***Virtual***) at **08:30am.**

Legal Practitioners need not attend an in-person conference for the said Judicial Case Management. The Judge before whom the matter is placed for Judicial Case Management will issue directives to be communicated to the parties through the Annexure attached hereto, dealing *inter alia* with the current status of the matter as well as provide a provisional timetable with dates by which both parties are to comply with all outstanding pre-trial issues. This is to establish the status and trial-readiness of the matter.

IT IS IMPORTANT TO NOTE THE FOLLOWING:

[1] No application for a date of hearing may be filed unless accompanied by a minute in terms of Rule 37(6) in proper form signed by the legal practitioners for the parties or an unrepresented litigant – **Practice Directive 17(5).**

[2] The minutes of the conference shall comply with rule 37(6) of the Uniform Rules of Court – **Practice Directive 17(3).**

[3] The file in the records office must be Indexed AND Paginated by not later than **28 JULY 2025.**

[4] A trial date shall not be allocated by the office of the Registrar in conjunction with the office of the Judge President unless a proper pre-trial minute is filed, or the matter has been certified trial ready by a designated judge at a judicial case management conference – **Practice Directive 17(7).**

Dated at **MAHIKENG** on **22 JULY 2025** 2025 -07- 22

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA
NORTH WEST DIVISION

1. Messrs. : KRIEK WASSENAAR & VENTER INC. ATTORNEYS
C/O LABUSCHAGNE ATTORNEYS
ATTORNEYS FOR THE APPLICANTS/S
19 CONSTANTIA DRIVE
MAHIKENG

REFERENCE: Mr Labuschagne/GW1763

RECEIVED BY : _____

DATE : _____

2. Messrs. : ME TLOU ATTORNEYS ASSOCIATES
ATTORNEYS FOR THE 1st & 2nd RESPONDENT/S
#43 Cnr BADEN POWELL AND VISSER STREETS
MAHIKENG

REFERENCE: Mr Tlou/NT/DLM/0001

RECEIVED BY : _____

DATE : _____

3. Messrs. : OFFICE OF THE STATE ATTORNEYS
ATTORNEYS FOR THE 3rd – 6th & 10th RESPONDENT/S
1st FLOOR, EAST GALLERY MEGACITY COMPLEX
MAHIKENG

REFERENCE: 0955/21/P3

RECEIVED BY : _____

DATE : _____

4. Messrs. : THE STATE ATTORNEYS (PRETORIA)
C/O THE STATE ATTORNEYS (MAHIKENG)
ATTORNEYS FOR THE 9th RESPONDENT/S
1st FLOOR, EAST GALLERY MEGACITY COMPLEX
MAHIKENG

REFERENCE: 1685/2021/Z32

RECEIVED BY : _____

DATE : _____

5. Messrs. : **MOLEFE ATTORNEYS**
ATTORNEYS FOR THE 11 RESPONDENT/S
2 JAKARANDA AVENUE
RIVIERA PARK
MAHIKENG

REFERENCE: **Molefe/NMMDM2/UM/2022**

RECEIVED BY : _____

DATE : _____

ANNEXURE IN TERMS RULE 37A OF THE UNIFORM RULES READ WITH PRACTICE DIRECTIVE 18 OF THE DIVISION: JUDICIAL CASE MANAGEMENT

CASE NO: **UM 192/2022**

Before the HONOURABLE JUDGE:.....

Date on the Roll for Judicial Case Management: 05/08/2025

TRIAL DATE ALLOCATED:.....

PRE-TRIAL POSTPONED TO:.....

DIRECTIVES BY HONOURABLE PRESIDING JUDGE

A. DIRECTIVES:

1. (i) Trial to proceed on merits and quantum
   (ii) Merits and quantum are separated and trial to proceed on merits only.
   (iii) Merits are conceded and trial to proceed on quantum only.
2. **Expert reports** by Plaintiff's expert witnesses to be filed by .....

   Expert reports by Defendant's expert witnesses to be filed by .....
3. Like experts to meet on or before .....
4. Minutes of the meetings held by like experts to be filed on or before .....
5. Parties' legal representatives to meet to discuss the narrowing of issues and/or settlement prospects on or before.....
6. Minutes of meeting held by legal representatives and compliance Memorandum to be filed on or before.....
7. The court file must be indexed, paginated and bound.

B. OTHER/FURTHER DIRECTIVES:

From:	Rohann Eloff
Date:	2025/07/31 16:46:00
To:	Naledi Tlhabi; 'Sekgota Itumeleng'; Nokuthula Khumalo; mumoholo@justice.gov.za; mmoholo@justice.gov.za; Thapelo Molefe; 'Tsholofelo Maluleke'; Chowe Isaac
CC:	Charne van den Berg
Subject:	Sakeliga NPC / Ditsobotla Local Municipality and North West Provincial Executive and Others - QB1272
Attachments:	Filing notice - First and Third Applicants' Further Replying Affidavit 2025-07-31.pdf;
Size:	11634,04 KB

Good day

We refer to the above matter and deliver herewith the following:

- Filing notice -First and Third Applicants' Further Replying Affidavit

Kindly confirm receipt of same.

Yours faithfully

ROHANN ELOFF
rohann@kriekprok.co.za

Senior Associate / Senior Assosiaat

Kriek Wassenaar & Venter Inc
2012/030418/21
(+27) 12 803 4719
Third Floor, HB Forum Building,
13 Stamvrug Street, Val de Grace, Pretoria