IN THE HIGH COURT OF SOUTH AFRICA
NORTHWEST DIVISION, MAHIKENG

CASE NO. UM117/201

In the matter between:

SAKELIGA NPC	Applicant
and	
SEDIBENG WATER BOARD	First Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTHWEST PROVINCE: COOPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS	Second Respondent
MEMBER OF THE EXECUTIVE COUNCIL: NORTHWEST PROVINCE: FINANCE	Third Respondent
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS	Fourth Respondent
MINISTER OF FINANCE	Fifth Respondent
MINISTER OF HUMAN SETTLEMENT, WATER AND SANITATION	Sixth Respondent
NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY	Seventh Respondent
DITSOBOTLA LOCAL MUNICIPALITY	Eighth Respondent
MAHIKENG LOCAL MUNICIPALITY	Ninth Respondent
RATLOU LOCAL MUNICIPALITY	Tenth Respondent
PREMIER OF THE NORTHWEST PROVINCE	Eleventh Respondent

FIRST RESPONDENT'S HEADS OF ARGUMENT

Documents filed by: MR MP MOLEFE
076 529 6977

6. On 31 May 2021, the applicant addressed a further letter advising that Parts B and C of the application had become academic in light of the undertaking provided to the applicant and would also be removed from the roll.[2]

7. While the first respondent initially indicated that no decision had been taken, the answering affidavit made it clear that the first respondent exercised its statutory power in terms of section 31(3) of the Water Services Act 108 of 1997, and took a decision to suspend the water services.

8. It was open to the applicant to proceed with Parts B and, specifically Part C, in light of this. It elected not to do so. Consequently, Parts B and C are still pending and have not been withdrawn.

9. In prayer 6 of Part A of the notice of motion, the applicant seeks an order that the costs of Part A be reserved for determination at the hearing of Part B of the application.

10. It is common cause that the applicant elected to remove, as opposed to withdraw, Part B. Furthermore, the relief sought in Parts A and B, is interim relief pending the determination of the main relief sought in Part C. This includes the following:

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2 Supplementary Affidavit in Support of Costs, Annexure CC5, p 6

this stage, Parts B and C are pending and there is no determination of the final relief.

CONCLUSION

12. For the reasons enumerated above, we submit that it in the absence of a determination of the relief in Part C, this Honourable Court cannot determine the issue of costs.

13. The appropriate order is to reserve the issue of costs for determination together with Part C.

M DEWRANCE SC

K PILLAY

Chambers
13 February 2022

DATED AT MAHIKENG ON THIS THE 14th DAY OF FEBRUARY 2022.

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TO: THE REGISTRAR OF THE HIGH COURT

NORTH WEST DIVISION: MAHIKENG

AND TO: **KRIEK WASSENAAR & VENTER INC**
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Received copy hereof on this 14 day of FEBRUARY 2022.

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APPLICANT'S ATTORNEYS