



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 013715/2022

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED.
17/09//2024	[REDACTED]
Date	ML TWALA

**TOPIGS NORSVIN SA PROPRIETARY
LIMITED**

APPLICANT

And

**ESKOM HOLDINGS SOC LTD
ANDRE MARINUS de RUYTER
CALIB CASSIM
MALEGAPURU WILLIAM MAKGOBA
BANOTHILE CHARITY MAKHUBELA
PULANE ELSIE MOLOKWANE**

**FIRST RESPONDENT
SECOND RESPONDENT
THIRD RESPONDENT
FOURTH RESPONDENT
FIFTH RESPONDENT
SIXTH RESPONDENT**

BUSISIWE MAVUSO	SEVENTH RESPONDENT
RODERICK de BRASSIC CROMPTON	EIGHT RESPONDENT
TSHEPO HERBERT TONG-MONGALO	NINTH RESPONDENT
MLAWULI MAYOR MAJINGOLO	TENTH RESPONDENT
DEIDRE HERBST	ELEVENTH RESPONDENT
BONGUMUSA MASHAZI	TWELFTH RESPONDENT
LESIBA KGOBE	THIRTEENTH RESPONDENT
MINSTER OF WATER AND SANITATION	FOURTEENTH RESPONDENT
DIRECTOR-GENERAL: DEPARTMENT OF	
WATER AND SANITATION	FIFTEENTH RESPONDENT
MINSTER OF FORESTRY, FISHERIES	
AND THE ENVIRONMENT	SIXTEENTH RESPONDENT
DIRECTOR-GENERAL: DEPARTMENT OF	
FORESTRY, FISHERIES AND THE	
ENVIRONMENT	SEVENTEEN RESPONDENT
MINISTER OF MINRAL RESOURCES	
AND ENERGY	EIGHTEENTH RESPONDENT
NATIONAL ENERGY REGULATOR OF	
SOUTH AFRICA	NINETEENTH RESPONDENT
CLIVE RAYMOND LE ROUX	TWENTIETH RESPONDENT
PAUL MPHOSHA	TWENTY-FIRST RESPONDENT
AUSTIN LESLIE MKHABELA	TWENTY-SECOND RESPONDENT
BUSISIWE VILAKAZI	TWENTY-THIRD RESPONDENT
LWAZI LEON GOQWANA	TWENTY-FOURTH RESPONDENT
FATHIMA BEE BEE ABDUL GANY	TWENTY-FIFTH RESPONDENT
ANYANDA PEARL ZINHLE	
MAFULEKA	TWENTY-SIXTH RESPONDENT
TSKANI LOTTEN MTHOMBENI	TWENTY-SEVENTH RESPONDENT
BEKI ZACHARIA NTSHALINTSHALI	TWENTY-EIGHT RESPONDENT
NTETO NYATHI	TWENTY-NINTH RESPONDENT
TRYPHOSA RAMANO	THIRTIETH RESPONDENT

JUDGMENT

TWALA J

- [1] On the 19 June 2024 this Court handed down the judgment in this case dismissing the applicant's application with no order as to costs. Dissatisfied with the whole judgment and order, the applicant launched an application for leave to appeal. On the 28 August 2024, realising a patent error in its judgment of the 19 June 2024 and after inviting the parties to make any further submissions in relation thereto, the Court handed down its judgment in terms of Rule 42 of the Uniform Rules of Court.
- [2] Further, it is noteworthy that the parties agreed that, for the sake of convenience and to avoid unnecessary delay in the hearing of this application, the matter be determined on the papers.
- [3] It is a trite principle of our law that leave to appeal may only be given where the Judge or Judges concerned are of the opinion that the appeal would have a reasonable prospect of success or where there is some other compelling reason why the appeal should be heard, including conflicting judgments on the matter under consideration.¹
- [4] The grounds for the leave to appeal are succinctly stated in the notice of application for leave to appeal and I do not intend to repeat them in this judgment. Furthermore, I am grateful to counsel for the parties for the heads of argument and the submissions made therein.

¹ See section 17 (1)(a)(i) and (ii) of the Superior Courts Act, 10 of 2013.

[5] I am satisfied that I have covered and considered all the issues raised in the application for leave to appeal in my judgment. I am therefore not persuaded by the applicant that there are reasonable prospects of success in this appeal. Put differently, it is my considered view that there is no prospect that another Court would come to a different conclusion in this case. Therefore, the inescapable conclusion is that the application for leave to appeal the judgment falls to be dismissed.

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

1. The application for leave to appeal is dismissed with no order as to costs.



TWALA M L

**JUDGE OF THE HIGH COURT OF SOUTH AFRICA
GAUTENG LOCAL DIVISION**

For the Applicant:

**Advocate MM Oosthuizen SC
Advocate N Fourie**

Instructed by:

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**For the Eskom Respondents:
(First to Tenth,
Eleventh to Thirteenth and
Twentieth to Thirty-First
respondents)**

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(Fourteenth to Seventeenth Respondents) Advocate L Maite

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For the Nineteenth Respondent: Advocate Mahlangu

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Date of Hearing: SUBMISSIONS ON PAPER

Date of Judgment: 17 September 2024

Delivered: This judgment and order was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to Parties / their legal representatives by email and by uploading it to the electronic file of this matter on Case Lines. The date of the order is deemed to be the 17 September 2024.