

**REPUBLIC OF SOUTH AFRICA**



**IN THE HIGH COURT OF SOUTH AFRICA**

**GAUTENG DIVISION, PRETORIA**

**CASE NO.: 13164/2022  
13165/2022  
13166/2022**

- (1) REPORTABLE: NO  
(2) OF INTEREST TO OTHER JUDGES: NO  
(3) REVISED: NO

Date: 18 November 2024 E van der Schyff

In the application for leave to appeal between:

The Minister of Mineral Resources and Energy

First Applicant

Regional Manager: Mineral Regulation

Northern Cape Regional Office

Second Applicant

and

Assmang Proprietary Limited

Respondent

---

**JUDGMENT**

---

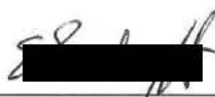
Van der Schyff J

- [1] This is an application for leave to appeal against a judgment and order handed down on 20 November 2023. The applicants in this application were the first and second respondents in the respective applications before me. They are referred to as cited in this application.
- [2] The judgment handed down on 20 November 2023 is comprehensive and contains the reasons for the judgment. It is in the interest of justice to consider this application for leave to appeal despite the respondent's contention that it was issued late.
- [3] I considered the grounds for appeal. I am of the opinion that another court would not come to a different view. The appeal does not have a reasonable prospect of success. The applicants mainly fail to differentiate between the nature of the relief sought and granted in this court, and the nature of the appeals in terms of section 96 of the Mineral and Petroleum Resources Development Act 28 of 2002, which are pending.
- [4] In the result, the application for leave to appeal stands to be dismissed.
- [5] As far as costs are concerned, I am not convinced that the matter required the involvement of two counsel on the respondent's side. The main applications were rather complex, but the application for leave to appeal was straightforward, and no novel or complex issues were raised.

## ORDER

**In the result, the following order is granted:**

- 1. The first and second applicant's application for leave to appeal is dismissed with costs of one counsel on scale B.**

  
\_\_\_\_\_  
E van der Schyff  
Judge of the High Court

Delivered: This judgment is handed down electronically by uploading it to the electronic file of this matter on CaseLines. As a courtesy gesture, it will be emailed to the parties/their legal representatives.

|                                      |                    |
|--------------------------------------|--------------------|
| For the first and second applicants: | Adv. L Gumbi       |
| Instructed by:                       | The State Attorney |
| For the respondent:                  | Adv. E Eksteen     |
| With:                                | Adv. R. Molefe     |
| Instructed by:                       | Werkmans Attorneys |
| Date of the hearing:                 | 12 November 2024   |
| Date of judgment:                    | 18 November 2024   |