



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

Case No: 2025-090751

DELETE WHICHEVER IS NOT APPLICABLE	
(1)	REPORTABLE: YES/NO
(2)	OF INTEREST TO OTHER JUDGES: YES/NO
(3)	REVISED ✓
<u>18-11-2025</u>	
DATE	SIGNATURE

In the matter between:

AFRIFORUM NPC

APPLICANT

and

**CITY OF TSHWANE METROPOLITAN
MUNICIPALITY**

FIRST RESPONDENT

**THE MUNICIPAL COUNCIL OF THE CITY
OF TSHWANE METROPOLITAN MUNICIPALITY**

SECOND RESPONDENT

**THE EXECUTIVE MAYOR OF THE CITY OF
TSHWANE METROPOLITAN MUNICIPALITY**

THIRD RESPONDENT

**THE MUNICIPAL MANAGER OF THE CITY OF
TSHWANE METROPOLITAN MUNICIPALITY**

FOURTH RESPONDENT

THE MINISTER OF FINANCE

FIFTH RESPONDENT

This judgment is made an order of court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court, and is submitted electronically to the parties/their legal representatives by email. This judgment is further uploaded to the electronic file of this matter on CaseLines by the Judge or his/her secretary. The date of this order is deemed to be 18 November 2025.

**JUDGMENT - APPLICATION IN TERMS OF SECTION 18(3) OF THE SUPERIOR
COURTS ACT 10 OF 2013**

AVVAKOUMIDES, AJ

INTRODUCTION

1. This is an application brought by the applicant seeking the following relief in its Notice of Motion:
 - 1.1 That the operation and execution of the order of His Lordship Mr Justice Avvakoumides (dated 31 July 2025) (this date was amended from 27 June 2025 to 31 July 2025, without any objection by the City) (*"the order"*), which is the subject of an application for leave to appeal to the Supreme Court of Appeal ("SCA"), should not be suspended pending the decision of the application for leave to appeal, or if it is granted, the appeal.
 - 1.2 That the first respondent pays attorney and clients costs, alternatively costs that include the costs consequent upon the appointment of the senior advocate on Scale C in terms of rule 67A(2) and (7).

2. The applicant submits that there are exceptional circumstances because the City, on its own version will not suffer irreparable harm if the order is not suspended. The applicant submits that the City's application for leave to appeal has no prospects of success.
3. Pursuant to the dismissal of the City's application for leave to appeal the main judgment and, prior to the issuing of the City's application for leave to appeal to the SCA, the City proceeded to charge residents for a cleansing levy and charged such residents retrospectively. Such conduct, the applicant submits is in defiance of this court's main judgment. (During the period after the application for leave to appeal against the main judgment was dismissed and the issuing of the application for leave to appeal to the SCA).
4. The applicant submits that the City charges residents who do not have a waste account with the City and some who do have an existing account with the City. The applicant states that this conduct is contrary to the City's version under oath and I will deal with this submission hereunder.
5. The applicant submits that the City charges the cleansing levy to residents who are already paying a levy through their body corporate and sectional title schemes and this notwithstanding, the City persists in charging these residents. These residents are charged double the cleansing levy tariff.
6. The applicant contends that ratepayers will suffer irreparable harm because of retrospective charging of the cleansing levy in order to avoid credit control measures.

7. Some residents are financially unable to make payments in respect of the levy when they are already being charged, and this will lead to residents struggling to meet their ordinary monthly expenses.
8. It is uncertain when the SCA may decide on the City's application for leave to appeal and the applicant submits that the ongoing delay and continuous charging by the City of the cleansing levy. The applicant submits that even if the City is granted leave to appeal, such appeal may take several months or years to be heard and the financial burden on residents will increase.
9. The City has threatened action against residents who do not pay the levy and explains such short message services (SMS's) as "billing issues" that are divorced from the cleansing levy.
10. The above constitutes a brief synopsis of the main litigation between the parties. I turn to the requirements contained in section 18(3) and to consider whether the applicant has made out a case for the relief it seeks. The applicant submitted that some rate payers will suffer irreparable harm because the retrospective charging of the cleansing levy has a drastic effect on residents.
11. In the main judgment, this court found that the City had fallen foul of the principle of legality in that it had not complied with legislation applicable to the City. The prospects of success on appeal, given the legality issue, is an indication that the prospects are, in my view, poor.

THE SECTION 18 APPROACH

12. Section 18 provides an exception to the general rule that an application for leave to appeal suspends the operation and execution of the decision.¹
13. Its purpose is to regulate the interim position between the parties pending the finalisation of the appeal process.²
14. Section 18(1) provides that the court may make such an order such '*under exceptional circumstances*',³ and Section 18(3) requires the consideration of the parties' '*irreparable harm*'.⁴
15. Read together, the subrules mention three requirements: (1) exceptional circumstances; (2) that the applicant will suffer irreparable harm if the order is not made; and (3) that the party against whom the order is made will not suffer irreparable harm if the order is made.⁵ How should these requirements be approached?

¹ Section 18(1) provides "(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." [Emphasis added]

² Maughan v Zuma and Another; Downer v Zuma & Another [2023] ZAKZPHC 75 ('Maughan') para 13.

³ *Ibid.*

⁴ Section 18(3) "(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."

⁵ See *Knoop NO and Another v Gupta (Execution)* 2021 (3) SA 135 (SCA) ('Knoop') para [45]

16. Such applications require a factual enquiry, and I will deal with such enquiry hereunder. The overarching enquiry is whether exceptional circumstances exist. It is not a compartmentalised, tick box-exercise.
17. In *Tyte*,⁶ the SCA examined the question whether the applicant had to establish the mentioned three requirements as separate, distinct and self-standing requirements:⁷

'An important point of departure, so it seems to me, is that consideration of each of the so-called three requirements is not a hermetically sealed enquiry and can hardly be approached in a compartmentalised fashion.'

18. The court concluded that the applicant does not need to establish three separate, distinct and self-standing requirements:⁸

'The use of the words 'in addition proves' in s 18(3) ought not to be construed as necessarily enjoining a court to undertake a further or additional enquiry. The overarching enquiry is whether or not exceptional circumstances subsist. To that end, the presence or absence of irreparable harm, as the case may be, may well be subsumed under the overarching exceptional circumstances enquiry. As long as a court is alive to the duty cast upon it by the legislature to enquire into, and satisfy itself in respect of, exceptional circumstances, as

⁶ *Tyte Security Services CC v Western Cape Provincial Government and Others* 2024 (6) SA 175 (SCA) ('*Tyte*').

⁷ *Tyte* para 10.

⁸ *Tyte* para 14.

also irreparable harm, it does not have to do so in a formulaic or hierarchical fashion.'

EXCEPTIONAL CIRCUMSTANCES

19. The applicant submitted correctly that *exceptional circumstances* is a necessary prerequisite for the exercise of the court's discretion. If the circumstances are not exceptional, it is the end of the matter.⁹
20. In Tyte the following appears: Exceptional circumstances '*... "...is something out of the ordinary and of an unusual nature; something which is excepted in the sense that the general rule does not apply to it; something uncommon, rare or different"...*'¹⁰

IRREPARABLE HARM

21. Whether there is *irreparable harm* depends upon the factual situation in which the dispute arises, and the legal principles that govern the rights and obligations of the parties. The question of *irreparable harm* is closely linked to the question of exceptional circumstances.

⁹ Tyte para 11.

¹⁰ Tyte para 11 to 12.

22. The question whether the parties will suffer irreparable harm – the second and third requirements – ‘...are perhaps more accurately to be understood as being two sides of the same coin.’¹¹

ONUS

23. The *onus* is on the applicant.¹² A respondent, however, may well attract something in the nature of an evidentiary burden, especially where the facts relevant to its harm are peculiarly within the respondent’s knowledge. In that event it will perhaps fall to the respondent to raise those facts in an answering affidavit to, which may invite a response from the applicant by way of a replying affidavit.¹³

THE APPLICANT’S CASE

ARE THERE EXCEPTIONAL CIRCUMSTANCES?

24. The applicant submits that there are indeed exceptional circumstances in this case. There will no harm to the City if the order is not suspended, but members of the public will suffer irreparable harm if the order remains suspended.

¹¹ *Tyte* para 13 and 15.

¹² Section 18(3).

¹³ *Tyte* para 15.

25. Although it is not a *hermetically sealed* enquiry that should not be approached in a *compartmentalised* fashion,¹⁴ the reasons appear below. The enquiry demonstrates that the circumstances are exceptional.

The City will not suffer any harm if the order is not suspended

26. The Mayor confirms that the City will not suffer harm if it is unable to collect the cleansing levy.¹⁵ No expenses were allocated against the amount.¹⁶ Service delivery will remain unaffected.¹⁷
27. The deponent to the answering affidavit seeks to avoid this in two ways. First, he disputes the admissibility of the news report of Cllr Ramabadu.¹⁸ Yet, he does not dispute the fact that the Mayor of the City stated officially and confirmed that the City will not suffer harm if it is unable to collect the cleansing levy.¹⁹
28. No expenses were allocated against the amount.²⁰ Service delivery will remain unaffected.²¹

¹⁴ Tyte para 10 and 14.

¹⁵ FA, 076-13, para 15 to 16.

¹⁶ Annexure "B", 076-31, para 4.

¹⁷ Annexure "B", 076-31, para 5.

¹⁸ FA, 076-12, para 12 to 14; Annexure "A", 076-25; and AA, 079-17, para 52.

¹⁹ FA, 076-13, para 15 to 16.

²⁰ Annexure "B", 076-31, para 4.

²¹ Annexure "B", 076-31, para 5.

29. The similarity in their respective statements is striking.²² Secondly, the City puts up a new version, that there will be some interruption of 'services'. For reasons that are now obvious, this is contradicted by the Mayor. This is also a recent fabrication – the deponent did not put up this version in dealing with just and equitable relief in the main application.
30. The applicant contends that the City will suffer no harm. Even if a reduction in the budgeted surplus²³ is taken to be harm, it is not irreparable. This is the one side of the coin. The other side is that the City is threatening ratepayers, some of whom will suffer irreparable harm if the order remains suspended, with legal action and an interruption of service.

The City charges ratepayers and threatens service interruption and legal action, even if they are not liable for the cleansing levy

31. On 26 September 2025 the City acknowledged that it was incorrectly charging ratepayers like Mr Kannemeyer, promising a '*quick resolution*'.²⁴ Less than a

²² Compare Annexure "B", 076-31, para 4 and 5, where the Mayor answers '[t]he full amount budgeted for the Cleansing Levy was R278 052 090.00. No expenses were allocated against this amount, which means that the removal of the levy only reduces the City's budgeted surplus. The budget nevertheless remains fully funded ... albeit with a reduced margin ... It must be reiterated that the R278 052 090.00 from the levy had no corresponding expenditure against it. Its removal therefor reduces the surplus but does not create an immediate fiscal or compromise service delivery'; with Annexure "A", 076-27, where Cllr Ramabodu is quoted as saying "[t]he actual income provided for in the 2025-26 budget is R278 million... [t]he decision by the court to set aside the levy has therefore not materially affected the city's cash flow. The budget remains fully funded albeit with a reduced cash surplus."

²³ Annexure "B", 076-31, para 4.

²⁴ FA, para 42, 076-19; and Annexure "H", 076-48.

month later, instead of resolving the matter quickly, the City charged him again.²⁵

32. Less than two weeks later, and after the deponent expressed his regret concerning Mr Kannemeyer's circumstances in the answering affidavit, the City sends him a message threatening service interruption and legal action.²⁶
33. The applicant contends that there can be no doubt that the City's conduct in the circumstances *'is something out of the ordinary and of an unusual nature; something which is excepted in the sense that the general rule does not apply to it; something uncommon, rare or different.'*²⁷

There are ratepayers that will suffer irreparable harm

34. The applicant, relying on evidence such as that of a pensioner, Ms du Toit,²⁸ is that some ratepayers will suffer irreparable harm.²⁹ This is now further supported by the evidence concerning the case of Mr Kannemeyer.³⁰
35. Ms du Toit says that:³¹

²⁵ RA, para 7 to 7.1, 80-3; and Annexure "I", 80-15.

²⁶ RA, para 7.2, 80-3; and Annexure "J", 80-17.

²⁷ Tyte para 11 to 12.

²⁸ FA, 076-21, para 53 to 58; and compare with AA, 079-21, para 67 to 70.

²⁹ FA, 076-11, para 11.6. The City does not plead to this allegation.

³⁰ *Supra*.

³¹ Annexure "D", 076-39, para 1 to 6.

'The continued imposition of the cleansing levy will have a detrimental impact on my limited pension income. As a pensioner, my monthly budget is fixed and carefully allocated to essential living expenses such as medication, food, and utilities.

The additional and unlawful levy places an undue financial strain on me and other residents in personal circumstances, making it increasingly difficult to meet these basic needs, and may ultimately force me to seek alternative accommodation that I can afford.'

36. The City does not dispute any of the facts placed before the court on this score. It now calls the uncontested detrimental effect on those ratepayers whom the City has labelled 'freeloaders', an 'exaggeration'.³²
37. Circumstances such as ratepayer Ms du Toit is evidence of irreparable harm proven on a balance of probabilities.³³ It is exceptional circumstances in every sense of the word.

The City's disregard for the order

38. In the period between dismissal of the first application for leave to appeal and the petition to the SCA – during which period, the order was not suspended – the City levied the cleansing levy contrary to the order of this court.³⁴

³² AA, 079-19, para 58.

³³ See *Tyte* para 15 concerning the *onus* of proof being a balance of probabilities.

³⁴ FA, 076-20, para 47 to 51.

39. The City does not dispute these facts. It attempts to manufacture a legal principle that, for such a disregard for an order to be exceptional circumstances, the applicant must prove contempt of court. There is no such requirement, and there is no closed category of what the court can take into account as being exceptional circumstances.
40. No court should ever view a countenance a contravention of its orders or view it as 'normal' or 'usual'. It is exceptional in the most unconstitutional way for a sphere of government to disregard court orders.

Prospects of success

41. The applicant submits that prospects of success is relevant but should not be overemphasised.
42. The applicant submits however that, in this case, the City's prospects of success are poor and relies on the reasoning and decision by the court in the main judgment and the judgment in the first application for leave to appeal.³⁵ The grounds in the petition do not change anything. The applicant noted that the second and fourth respondents have not joined the first applicant in the application for leave to appeal to the SCA and submits that this is so because they have lost hope.

³⁵ Judgment in the first application for leave, 074-152.

43. The applicant lastly submitted that the lack of merit in the City's defence and lack of prospect of success on appeal is exceptional. There is nothing normal about '*obfuscating issues*', putting up a '*completely unmeritorious defence*', being '*mischievous*' and bringing an '*unmeritorious*' application for leave to appeal.

THE CITY'S PROCEDURAL OBJECTIONS

44. The City's raised issues about the procedure adopted by the applicant in launching this application. The applicant submits that such issues, which I will deal with hereunder, must be considered against the backdrop of the introductory paragraph of the notice of motion.
45. The applicant left the time and date of the hearing and the process to be followed firmly in the discretion of the court, as it should have.³⁶ The penultimate paragraph of the notice of motion does the same with regards to the timelines within which affidavits had to be filed.³⁷
46. In any event, the City does not demonstrate any prejudice.³⁸

³⁶ 076-2.

³⁷ 076-4.

³⁸ RA, para 23, 80-7.

47. Section 18(3) applications are interlocutory proceedings that are incidental to the main application.³⁹ They are by their very nature inherently urgent.⁴⁰
48. In *Okuli*,⁴¹ the court – relying on a judgment of this court⁴² – held as follows concerning an argument like that of the City:⁴³

'The narrow interpretation presently urged upon me by the applicants would not advance the efficient administration of justice. Decisions appealed against may be the product of lengthy and complex litigation. What the applicants are now suggesting is that an acting judge whose period of appointment has expired may competently adjudicate upon an application for leave to appeal against that decision if it has not yet been disposed of at the expiry of his/her period of appointment; but anterior thereto the interlocutory decision, concerning whether or not to allow the operation or execution of the decision pending the application for leave to appeal, would have to be considered afresh by another judge. The intention of the legislature could never have been to fetter the administration of justice in this way.'

³⁹ *Okuli* para 22.

⁴⁰ *Maughan* para 10.

⁴¹ *Okuli Security Services CC v City of Cape Town and Another; In re: Comwezi Security Services (Pty) Ltd v City of Cape Town and Another; In re: Command Security Services SA (Pty) Ltd v City of Cape Town and Another* [2016] ZAWCHC 117 ('*Okuli*').

⁴² *Airy v Cross-Border Road Transport Agency* 2001 (1) SA 737 (TPD) ('*Airy*'); paragraphs 13, 14 and 15 at 741 A – F.

⁴³ *Okuli* at para 16 and 19, relying on *Airy* and *South Cape Corporation (Pty) Ltd v Engineering Management Services (Pty) Ltd* 1977 (3) SA 534 (AD) at 551 E – G, relying in turn on *South Cape Corporation (Pty) Ltd v Engineering Management Services (Pty) Ltd* 1977 (3) SA 534 (AD) at 551 E – G.

49. The effective administration of justice is critical. Section 173 of the Constitution provides that the court has the inherent power to protect and regulate its own process, taking into account the interests of justice. This is what Section 18 requires, what the notice of motion called for, and what this court, through Acting Deputy Judge President's office and the Judge seized with the matter, directed.

APPLICANT'S CONCLUSION

50. The applicant submits that for the reasons advanced, there are exceptional circumstances, given the facts of this case, why the order should not be suspended and that the applicant has made out a case in terms of section 18(3). The City will not suffer irreparable harm if the order is in operation and executed. The public will suffer irreparable harm if the order continues to be suspended.
51. In respect of costs the applicants submits that if an order is granted in its favour, the costs should be borne by the City.

THE CITY'S CASE

52. The City submits that the applicant is overtly wrong [in all instances] where it says that irreparable harm is established and therefore the existence of exceptional circumstances has been established.

53. Secondly, the City contends that the applicant's argument that the City will not suffer irreparable harm because it does not need the money now, as the cleansing activities are, for now, funded outside the amounts received from the cleansing levy, is misplaced.
54. The City takes issue with the procedure adopted by the applicant and argued that the procedure is not envisaged by the rules of court. The applicant abridged the time limits and prescribed time periods without an explanation. It is unnecessary in my view to widely debate the City's procedural complaints because it is so that section 18 (3) applications are by their very nature and, the argument that the application is not interlocutory by nature, is flawed. The application for leave to appeal to the SCA is pending and it must follow that the section 18(3) application is interlocutory to such application for leave to appeal.
55. Insofar as the City's argument that the judge who decided the main application ought not to preside over the section 18(3) application, I disagree. It is practice that the judge who hears the main litigation would preside over an application for leave to appeal and a section 18(3) application.
56. It is not an absolute rule and in the absence of the judge, for whatever reason, a different judge assigned by the Acting Deputy Judge President may hear either an application for leave to appeal or a section 18(3) application. When this application was uploaded and came to my attention, I approached the Acting Deputy Judge President for a directive and was informed that I should hear the application.

57. The City proceeded to, in their heads of argument to re-submit their contentions in the main application which is not helpful or necessary in the present application. In addition, the City annexed the entire application for leave to appeal to the SCA to its answering affidavit in the section 18(3) application. I enquired from counsel for the City what the purpose was for annexing such papers and the response was that I should have cognisance thereof. I do not believe it was necessary and simply added to the papers becoming voluminous, without any purpose.
58. The City persisted in arguing its legal contentions in the main application. The heads of argument contain several pages allocated to rehashing submissions made in the main application.

The practical implementation of the order

59. The City has charged residents a cleansing levy. The residents have paid the cleansing levy, and the practical implementation of the order would entail the City having to refund the residents who have paid the cleansing levy, pending the appeal.
60. The City does not disclose in this application that it charges for the cleansing levy to residents who do not have an account with the City or who already are paying for the waste removal through body corporates and sectional title schemes.

61. The City goes on to argue “...**when** (my emphasis) *the City’s appeal succeeds, the refunded residents would have to repay the City the refunded levies.*” In my view it is an irresponsible approach by an organ of state to conduct itself in this manner.
62. The City argues that the reality of the situation is that the ratepayers would be obliged to back-pay the cleansing levy **when** the appeal court substitutes an order granted by this Court, with an order dismissing the application. The City also argues and questions whether the applicant can competently bind residents to repay the back-pay levies if it is successful. This is not a cogent argument and certainly not in these proceedings.

The exceptional circumstances requirement

63. The City submitted that the incorrect levying of fees or rates, or an incorrect billing by a Municipality is not an exceptional circumstance. All municipalities across the country, and the continent, including the world over, are daily confronted with complaints by ratepayers related to incorrect billing, or miscalculation of the amounts payable. This argument is flawed and ignores the core issue in the main application.
64. The cleaning levy was found to be unlawful and to trivialise the unlawful levy or to couple and conflate such levy with general charges of municipalities is clear about how misguided the City is about the cleansing levy.

65. The City argued that an incorrect levying of fees or rates, or an incorrect billing by a Municipality, is not an exceptional circumstance. All municipalities across the country, and the continent, including the world over, are daily confronted with complaints by ratepayers related to incorrect billing, or miscalculation of the amounts payable.
66. The City thus persisted in arguing that there are no exceptional circumstances and relied on *Ekapa Minerals*, to buttress this point.⁴⁴ The city mischaracterizes the applicant's argument case to be "*because the City will not suffer harm, therefore there exists exceptional circumstances.*" This is not how I understood the applicant's case and it is in any event not correct to conflate the unlawful cleansing levy as a billing issue.
67. The City correctly submitted that the legislature has determined that exceptional circumstances must first established. It quotes from the Act and argues that this much is clear from the use of the words "*in addition proves*" in section 18(3).
68. It is thus difficult to understand how the City can trivialise the unlawfulness of the cleansing levy and argue that there are no exceptional circumstances.

⁴⁴ *Ekapa Minerals (Pty) Ltd and Another v Sol Plaatje Local Municipality and Others* 2025 (6) SA 1 (CC).

Irreparable harm

69. The City submitted that the applicant has not made out a case for irreparable harm on the part of the citizens of the City. The City explains this by equating the levying the unlawful cleansing to a monetary debt which is “reparable”. The urgent motion refuses, daily, to hear enforcement of monetary claims because the harm associated with such claims is ameliorated with an order of interest.
70. The City argued and submitted, incorrectly in my view, that a claim that the applicant (or the public it purports to represent) is therefore “throttled by the existence of an alternative remedy”.
71. The City then embarked on an argument dealing with claims for repayment and claims for mora interest which the public may have if the cleansing levy is found to be unlawful by the SCA, relying on *Madibeng Local Municipality v Public Investment Corporation Ltd* [2020] ZASCA 157. This argument is not helpful at all, and neither does it find application given the core issue in this case.
72. Despite acknowledging that it erred in respect of Mr Kannemeyer and stating that in his case, the City’s error was “regrettable”, the City persist in submitting that there exists no irreparable harm to the applicant or to residents of the City. The City contended that any person entitled to repayment now would be entitled to receive payment with interest in due course.

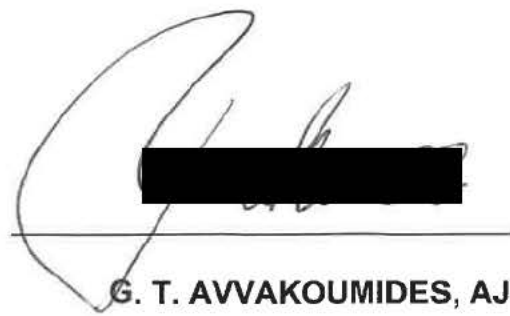
CITY'S CONCLUSION

73. Harm on the side of the City falls to be assessed as against the eventuality of a successful appeal. What is the City expected to do then? So, the City argued.
74. The applicant eloquently talks to issues of affordability to residents. The point made in that regard undermines any prospect that the City will obtain back-pay for the levies, in the eventuality of a successful appeal.

ORDER AND REASONS

75. I have considered the submissions made by the applicant and the City. I cannot align myself to the arguments put forward by the City. In my view there are indeed exceptional circumstances warranting an order sought by the applicant. There is indeed irreparable harm to residents of the City. The facts speak to themselves. The City, arguably, on these facts, does not refund residents and, only if residents lodge objections and queries, there are not resolved and at best, credited to the residents if and when it suits the City.
76. The cleansing levy is unlawful. Whatever the City may contend on appeal cannot change the fact that it proceeded with a resolution and cleansing tariff and policy (2025), whilst purporting to rely on an earlier (2016) policy and tariff.

77. Instead of desisting from imposing the cleansing levy pending the appeal to the SCA, the City has adopted a foregone conclusion that the SCA will come to its assistance on a question of legality which the City has flouted.
78. On the other hand, the residents continue to be levied with a cleansing levy, irrespective whether they have a waste management account with the City or not. Moreover, the City believes that it can charge for a cleansing levy to citizens who already pay for waste management through their body corporates and sectional title schemes. Under the circumstances, and given the opposition to this application on the facts and law, the applicant is entitled to the relief sought and the following order is made:
- 70.1 The operation and execution of the order of court (Avvakoumides AJ), dated 31 July 2025, which is the subject of an application for leave to appeal to the Supreme Court of Appeal ("SCA"), is not suspended pending the decision of the application for leave to appeal to the Supreme Court of Appeal, or if it is granted, such appeal.
- 70.2 The first respondent is ordered to pay the applicant's costs on the scale as between attorney and client, which costs shall include the costs of employing senior counsel.



A handwritten signature in black ink, appearing to be 'G. T. Avvakoumides', is written over a horizontal line. A black rectangular redaction box covers the lower portion of the signature.

G. T. AVVAKOUMIDES, AJ

Acting Judge of the High Court

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