



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

DELETE WHICHEVER IS NOT APPLICABLE

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

01 December 2025

DATE

[REDACTED]

SIGNATURE

CASE NO: 2022-058302

In the matter between:

**THE MINISTER OF MINERAL RESOURCES
AND ENERGY**

First Applicant

**THE DIRECTOR-GENERAL: DEPARTMENT OF
MINERAL RESOURCES AND ENERGY**

Second Applicant

**THE REGIONAL MANAGER: MPUMALANGA REGION,
DEPARTMENT OF MINERAL RESOURCES AND ENERGY**

Third Applicant

JAMENTS (PTY) LTD

Fourth Applicant

And

MAFUBE COAL MINING (PTY) LTD

Respondent

This judgment was prepared and authored by the Judge whose name is reflected and is handed down electronically by circulation to the parties/their legal representatives by e-mail and by uploading it to the electronic file of this matter on Caselines. The date for hand-down is deemed to be 1 December 2025.

JUDGMENT

TOLMAY J

1. This matter is an application for leave to appeal following judgment against the first to fourth respondents in the main application.
2. After having considered the judgment in the main application as well as arguments from all parties I am of the view that there is a reasonable prospect that another court may come to a different conclusion therefore leave to appeal should be granted.

The following order is made:

1. Leave to appeal is granted to the full court of the High Court against the whole judgment and order.
2. Costs to be costs in the appeal.


R TOLMAY

JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Appearances

Counsel for 1st to 3rd Applicants: Adv H Modisa SC & Adv TT Sebata instructed by State Attorney Pretoria.

Counsel for 4th Applicant: Adv T Modise instructed by Moorosi Attorneys.

Counsel for Respondent: Adv M Wesley SC instructed by Werksmans Attorneys.

Date heard: 26 November 2025.

Date of Judgment: 1 December 2025.