

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



Case number: 2025-203757

Date of hearing: 18 November 2025

Date delivered: 28 November 2025

DELETE WHICHEVER IS NOT APPLICABLE	
(1) REPORTABLE: YES /NO	
(2) OF INTEREST TO OTHERS JUDGES: YES /NO	
(3) REVISED	
28/11/25	[REDACTED]
DATE	SIGNATURE

In the application between:

**RASENGA SHIBURI
CECILIA SELEMALE
PAULINE MAEMA
TEBOGO MABILETSA
SAMUEL MANGWANE**

**First Applicant
Second Applicant
Third Applicant
Fourth Applicant
Fifth Applicant**

and

ESKOM HOLDINGS SOC LTD

Respondent

This judgment is handed down electronically by the Judge whose name is reflected herein, and is submitted to the parties or their legal representative by email. This order is further uploaded to the electronic file of CaseLines by the Judge or his Registrar. The date of this order is deemed to be 28 November 2025.

JUDGMENT

SWANEPOEL J:

[1] The applicants are all residents of Jericho Village in the Madibeng Local Municipality. The applicants all possess pre-paid electricity meters through which they purchase electricity from the respondent. The respondent is an organ of State which is statutorily tasked with providing electricity to the residents of the Republic of South Africa.

[2] The applicants purport to act on behalf of all of the residents of Jericho in this application, in which they seek the restoration of the village's electricity supply that was terminated on 20 July 2025. The respondent does not take issue with the applicants' locus standi, nor with the relief that they seek on behalf of other persons. It does, however, argue that the matter is not urgent. Furthermore, the respondent argues that the restoration of the electricity supply would jeopardize the safety of the electrical installation. Finally, the respondent argues that the applicants do not have a Constitutional right to an uninterrupted power supply, and they argue that the respondent is operating within the parameters of its Code and regulations by refusing to restore electricity.

[3] A brief synopsis of the facts is as follows: On 20 July 2025 a transformer supplying electricity to some 40 households in Jericho Village failed, allegedly due to overloading from illegal and unmetered connections. The outage was repeatedly reported to the respondent. As part of its reconnection process, the respondent conducted an audit and found that of the 40 households in the village, 22 were compliant and 18 had illegally connected to the transformer. The respondent says that it has a process by which it reconnects failed transformers. Firstly, illegal connections are removed. Then house-to-house audits are conducted. Where illegal connections are found, a “tamper fine” of R 6 052.60 is levied. Only once 60% or more of the households are found to be in good standing is the transformer replaced.

[4] in this case the respondent issued tamper fines to all of the households that were non-compliant, but none have paid their fines. Consequently, the respondent refuses to restore the transformer.

URGENCY

[5] The respondent is no doubt correct that a lengthy period has gone by since 20 July. The respondent argues that any urgency that there may have been is self-created, and that the matter should be struck from the roll. It is so, that for a period of some two months the fifth applicant corresponded with the respondent in an attempt to obtain some form of redress. He was unsuccessful in doing so. This application was launched

on 29 October 2025, some three months after the power supply was interrupted.

[6] Ordinarily, a delay of this nature would result in a matter being struck from the roll due to self-created urgency. However, one cannot simply consider the time that has passed, without considering under what circumstances the application is brought, and what the harm is that is still ongoing.

[7] In this case, simply considering the make-up of South African communities, we have a rural community which is, in all likelihood, not a wealthy one, and its access to justice may not be as easy as for a city-based community. The applicants sought a resolution of the problem by negotiating with the respondent, but have been met with the respondent's reliance on its procedures and policies to refuse to restore power to the community.

[8] In my view, the applicant's approach, in their particular circumstances, was not unreasonable. I also consider that the applicant and their community are suffering ongoing harm by the absence of electricity. A modern society is unable to function without electricity. Commerce is reliant on the internet, communications are jeopardized by the absence of electricity, and as we are at the end of the year, many students are reliant on electricity for their studies.

[9] In view of the above I find that the matter is urgent.

[10] The respondent has argued that it has an obligation to ensure the safety of residents before the transformer is replaced. This argument is disingenuous. It is in fact the failure of the non-compliant households to pay the tamper fines that has motivated the respondent's failure to replace the transformer. The respondent disregards the fact that very few households in these circumstances would have the means to pay a tamper fine. By refusing to restore power, the respondent is holding the compliant households hostage in order to force the non-compliant households to pay the fine, or at least to make part-payment and arrange to pay the balance.

[11] I do not find it necessary to consider whether the respondent has a statutory or Constitutional obligation to provide electricity to the village. The applicants' right to receive electricity, in this case, is an incident of their contractual relationship with the respondent. Their claim, and that of the other compliant households, is therefore one for specific performance. The fact that other persons may again connect illegally to the transformer does not justify the respondent's refusal to supply the applicants, and the other compliant households in the village, with electricity.

[12] The applicants seek an order that the electricity supply be restored within 10 (ten) days. I have not heard evidence whether such a timeline is feasible. Therefore, I will craft an order that imposes an obligation on the respondent to immediately commence the process of restoring electricity to compliant households and to complete the process as expeditiously as possible.

[13] I make the following order:

[13.1] The matter is heard as one of urgency;

[13.2] The respondent shall immediately commence, and continue to take all steps necessary to restore electricity to the applicants and all compliant households within Jericho Village as expeditiously as possible.

[13.3] The respondent shall pay the costs of the application on Scale B.


**SWANEPOEL J
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA**

Counsel for the Applicant:	Adv. S Tshabalala
Instructed by:	TT Mpshe Attorneys
Counsel for the respondent:	Adv. T Mamanyuha
Instructed by:	Ngeno & Mteto Inc
Heard on:	18 November 2025
Judgment on:	28 November 2025