

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA

LIMPOPO DIVISION, POLOKWANE

- (1) REPORTABLE: YES/NO
 (2) OF INTEREST TO THE JUDGES: YES/NO
 (3) REVISED.

CASE NO: 4587 / 2018

7729 / 2019

DATE: 29 September 2025

SIGNATURE...

A handwritten signature in black ink, appearing to be "R. M. M.", is written over a black rectangular redaction box.

In the matter between:

MEKAN ENGINEERING SERVICES (PTY) LTD

Applicant / Respondent

(Registration Number: 2017/123673/07)

And

GATEWAY AIRPORT AUTHORITY (SOC) LTD

Respondent / Applicant

(Registration Number : 1995/002792/06)

Delivered: This judgment is handed down electronically by circulation to the parties through their legal representatives' email addresses. The date for the hand-down is deemed to be **29 September 2025**.

REVISED ORDER

Makoti AJ

Introduction

- [1] On 28 August 2025 I delivered judgment in two matters which were consolidated for purposes of hearing. Upon delivery of the judgment I was alerted to the fact that the orders are somewhat misaligned to some of the conclusions that I made in the body of the judgment.
- [2] By way of example, my orders with respect to costs are not entirely reflective of my conclusion in paragraph [60] of the judgment. The calculation of interest also does not reflect that reflect the reality that some of the invoices have already been settled while others are still outstanding. Different interest rates apply in respect of different dates and the payment statuses. In my error I did not reflect that in my order.
- [3] It is my considered view therefore that the order contains patent errors which should be corrected in accordance with the provisions of Rule 42(1)(b) of the Uniform Rules of Court, which reads as follow:
- “The court may, in addition to any other powers it may have, *mero motu* or upon the application of any party affected, rescind or vary—**
- (a) ...
- (b) **an order or judgment in which there is an ambiguity, or a patent error or omission, but only to the extent of such ambiguity, error or omission.”**
- [4] Having dealt with the errors in my judgment, I substitute my order with the revised orders which are canvassed below.

REVISED ORDER

[5] The corrected / revised orders are as follows:

"1. Gateway Airport Authority (SOC) Ltd's ("Gateway") review application is dismissed.

2. Gateway is ordered to make payment to Mekan Engineering Services (Pty) Ltd ("Mekan"):

2.1 R5,352,255.57 (incl. vat) in respect of outstanding invoices;

2.2 interest in respect of the amounts, for the period, and at rates of interest per annum, as set out in the table below:

	amount (incl. vat)	Period		rate per annum
		Commenci ng	until	
1.	R256,443.00	2016/09/18	2017/04/26	10.5%
2.	R397,518.00	2016/10/15	2017/04/26	10.5%
3.	R397,518.00	2016/11/20	2017/04/26	10.5%
4.	R397,518.00	2016/12/25	2017/06/01	10.5%
5.	R397,518.00	2017/01/15	2017/06/30	10.5%
6.	R397,518.00	2017/02/19	2017/07/28	10.5%
7.	R397,518.00	2017/03/24	2017/09/22	10.5%
8.	R397,518.00	2017/04/27	date payment	of 10.5%
9.	R397,518.00	2017/05/29	date payment	of 10.5%
10.	R397,518.00	2017/06/29	date payment	of 10.5%
11.	R397,518.00	2017/07/24	date payment	of 10.5%
12.	R397,518.00	2017/08/25	date payment	of 10.5%

13.	R416,922.66	2017/11/26	date payment	of	10.25%
14.	R437,269.80	2017/11/26	date payment	of	10.25%
15.	R349,301.26	2017/12/02	date payment	of	10.25%
16.	R437,269.80	2017/12/25	date payment	of	10.25%
17.	R305,040.86	2017/12/31	date payment	of	10.25%
18.	R437,269.80	2018/01/11	date payment	of	10.25%
19.	R437,269.80	2018/02/26	date payment	of	10.25%
20.	R437,269.80	2018/03/29	date payment	of	10.25%
21.	R437,269.80	2018/04/22	date payment	of	10.25%
22.	R67,300.00	2018/07/15	date payment	of	10%

2.3 R1,420,225.00 (incl. vat), plus R39,204.28 (incl. vat), plus R11,125.44 (incl. vat) as damages; and

2.4 interest on each of the amounts of damages set out in paragraph 2.3 (above) at 10% per annum from 31 July 2018 to date of payment.

3. Gateway is ordered to pay Mekan's costs for the failed review application on an attorney-client scale, including costs of two counsel, one being senior counsel where so employed.

4. Gateway is further ordered to pay the costs of Mekan's claim, including all the costs that were previously reserved, on an attorney client scale with two counsel on scale C (including for the following dates: 27 to 30 August 2024, 28 October 2024 to 1 November 2024, 6 and 7 November 2024, and 2 and 3 December 2024)."



M. Z. MAKOTI

**ACTING JUDGE OF THE HIGH COURT
LIMPOPO DIVISION**

APPEARANCES:

**FOR APPLICANT : ADV H J SMITH SC
A MEYERS
MEYERS INC. ATTORNEYS
C/O CKVZ ATTORNEYS INC.
POLOKWANE**

**FOR FIRST RESPONDENT : ADV L NEMUKULA
KGATLA INC. ATTORNEYS
POLOKWANE**

JUDGMENT DELIVERED : 28 AUGUST 2025

DATE REVISED : 29 SEPTEMBER 2025