

REPUBLIC OF SOUTH AFRICA



IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, JOHANNESBURG

Case no: 2024/131953

(1)	REPORTABLE: No
(2)	OF INTEREST TO OTHER JUDGES: No
28.01.24	
DATE	SIGNATURE

In the matter between:

BOKSBURG STEEL PRESSINGS (PTY) LTD

Applicant

and

THE CITY OF JOHANNESBURG

First respondent

BRINK N.O., FLOYD

Second respondent

BRINK, FLOYD

Third respondent

CITY POWER JOHANNESBURG SOC LTD

Fourth respondent

MASHABELA N.O., MARGIN MALOKE

Fifth respondent

MASHABELA, MARGIN MALOKE

Sixth respondent

MASHAVA N.O., TSHIFULARO SUDZULUWANI

Seventh respondent

MASHAVA, TSHIFULARO SUDZULUWANI

Eighth respondent

MKHWANAZI N.O., ALFRED

Ninth respondent

MKWHANAZI, ALFRED

Tenth respondent

**THE JOHANNESBURG METROPOLITAN
POLICE DEPARTMENT**

Eleventh respondent

DLEPU N.O., SIPHO

Twelfth respondent

DLEPU, SIPHO

Thirteenth respondent

In re:

Case no: 2023/130701

In the matter between:

BOKSBURG STEEL PRESSINGS (PTY) LTD

Applicant

and

THE CITY OF JOHANNESBURG

First respondent

BRINK N.O., FLOYD

Second respondent

BRINK, FLOYD

Third respondent

This judgment was delivered by uploading it to the court online digital database of the Gauteng Division of the High Court of South Africa, Johannesburg, and by email to the attorneys of record of the parties on 28 January 2026.

REASONS

VAN DER WALT AJ

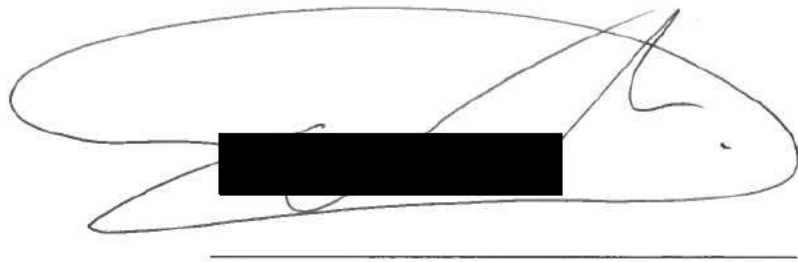
- [1] This matter came before me during this court's special initiative to clear the unopposed motion rolls. The relief sought included a declaration that the respondents were in contempt of an order granted by Senyatsi J on 8 December 2023. The applicant (Boksburg Steel) asked also that the respondents be ordered to pay the costs of the application on the attorney and client scale, which in effect would have included personal cost orders against employees of state functionaries. I ordered that the matter be removed from

the role and that costs be reserved for determination by the court that ultimately disposes of the matter. Boksburg Steel sought reasons for the order. These are the reasons.

- [2] The application concerns a property located in Turffontein, in the south of Johannesburg. At its core are allegations about the billing for electricity provided to the property, the disconnection of electricity to the property and an order interdicting the disconnection of electricity to the property.
- [3] The respondents are the City of Johannesburg, the municipal manager of the City of Johannesburg at the relevant times, City Power Johannesburg SOC Ltd (City Power), the executive director of City Power at the relevant times, the current executive director of City Power, an employee of City Power, the Johannesburg Metropolitan Police Department, and the current acting chief of the Johannesburg Police Department. The municipal manager of the City of Johannesburg at the relevant times, the executive director of City Power at the relevant times, the current executive director of City Power, the employee of City Power, and the current acting chief of the Johannesburg Metropolitan Police Department were joined to the proceedings in both their official and personal capacities. The employee of City Power is a respondent in the matter on the basis of an allegation that he was the one who disconnected the electricity to the property in contravention of a court order.
- [4] The true villain of the piece, according to Boksburg Steel's papers, is the City of Johannesburg. If the allegations against it are accepted by the court ultimately disposing of the application, the City's conduct, both in conducting the litigation and in respect of Boksburg Steel's property, would fall far below the standard for an entity charged with serving the public. Notices opposing the relief sought were filed on behalf of all the respondents, but no answering papers had been filed at the time of the hearing. If the City is of the view that it

does not owe a duty, at least to the taxpayer, to answer the serious allegations Boksburg Steel makes against it, it should now know that its view is wrong.

- [5] When counsel rose, I asked them for heads of argument as to whether the orders sought could follow. Boksburg Steel persisted in asking for the orders against all the respondents, including those cited in their personal capacities. Upon consideration I was not convinced that any of these respondents had proper notice of the relief sought against them, knew that the relief sought against them would be granted on the day of the hearing, understood the serious consequences that would follow upon the order sought or for that matter knew that they had an opportunity to present their cases in court. Hence the order.



Nico van der Walt

Acting Judge, Gauteng Division,
Johannesburg.

Heard: 17 June 2025

Reasons 28 January 2026

Appearances:

For the applicant:

Mr T.H. Skosana

Instructed by Vermaak Marshall Wellbeloved Inc.

For the respondents

Mr Q.M. Dzimba

Instructed by Madhlopa & Tenga Inc.