



**IN THE HIGH COURT OF SOUTH AFRICA
(GAUTENG DIVISION, JOHANNESBURG)**

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

SIGNATURE

DATE: 6 February 2026

Case no. 2023-077080

In the matter between:

ORDICODE (PTY) LTD

Applicant

and

CITY OF JOHANNESBURG

First Respondent

CITY POWER (SOC) LTD

Second Respondent

JUDGMENT

WILSON J:

- 1 On 9 September 2025, I ordered the parties to enter into a debatement of the municipal electricity account rendered to the applicant, Ordicode, by the first respondent, the City of Johannesburg. A meeting to facilitate the debatement was apparently held, after which each party agreed to forward to the other a statement of what they considered was owed on the account.

- 2 The City never followed through on its undertaking to provide its estimate of what was owed. Despite there being strong reasons to believe that Ordicode's electricity account is inaccurate (those reasons having been recorded at paragraphs 12 and 13 of my decision in *Ordicode (Pty) Ltd v City of Johannesburg* [2025] ZAGPJHC 865 (9 September 2025)), the City ultimately argued before me that it considered Ordicode's electricity account to be perfectly accurate.
- 3 For its part, Ordicode filed an affidavit, dated 20 October 2025, which contained what it claimed were calculations done by an expert. On the basis of those calculations, Ordicode claimed that it was entitled to a credit of R1 285 317.56 to reverse incorrectly levied electricity charges. Ordicode also claimed that it was due further credits, which it did not quantify, in respect of interest, penalties and tax levied on the electricity charges.
- 4 The City did not respond to Ordicode's affidavit, and its erstwhile attorneys withdrew from the case. On 20 November 2025, I issued a *rule nisi* calling on the City to show cause why I should not direct it to credit Ordicode's account with R1 285 317.56, and interdict and restrain it from levying interest, penalties and tax on that amount. With the assistance of new attorneys, the City then filed an affidavit alleging that Ordicode's calculations were based on a so-called "reseller's tariff" to which Ordicode was not entitled.
- 5 On 2 December 2025, I extended the *rule* to 20 January 2026, and granted the parties leave to file further papers dealing with whether the credit was incorrectly based on the reseller's tariff. Further affidavits were filed, in which Ordicode claimed that its calculations were not based on a reseller's tariff,

but upon what it called a “mixed-use residential” tariff, applicable to buildings used for both residential and commercial purposes.

6 The City retorted that there is no such thing as a “mixed-use residential” tariff, but that “mixed-use” tariffs generally are merely varieties of a reseller’s tariff. Besides, the City claimed, Ordicode could not reasonably expect to be given the benefit of a mixed-use tariff, since, as is common cause before me, there are two meters on its property – one of which measures the electricity supplied to the commercially-tenanted portion of the property, and the other of which measures electricity fed through to the residential occupants of the property. In other words, there is simply no electricity being put to a mixed-use.

7 The matter came back before me on 20 January 2026. At the hearing, Mr. Sithole, who appeared for the City, produced and relied upon the “tariff book” published by the second respondent, City Power. The parties were agreed that the tariff book has the status of delegated legislation in the sense that it forms part of the schedule of tariffs published by the City in terms of the relevant empowering provisions of the Municipal Systems Act 32 of 2000.

8 The tariff book does not specifically provide for a “mixed-use residential” tariff. Clause 6 of the tariff book, however, makes clear that a person who supplies electricity to a multi-tenanted dwelling may apply to be designated as a “reseller” of electricity, in which case certain “resellers’ tariffs” will apply. These tariffs are available for multi-tenanted commercial buildings supplied through a bulk meter (in which case a business reseller’s tariff applies); for multi-tenanted residential buildings supplied through a bulk meter (in which

case a residential reseller's tariff applies); or for properties used for both residential and commercial purposes (in which case, depending on how the property is metered, business, residential, or both residential and business resellers' tariffs may apply). Mr. Sithole argued that these resellers' tariffs are the only tariffs available to mixed-use properties.

9 It was common cause that Ordicode had applied in the past to be designated as a reseller of electricity, but that its application had been declined. For this reason, Mr. Sithole submitted, Ordicode could not claim the benefit of a reseller's tariff for a mixed-use property. In any event, Mr. Sithole argued, Ordicode would never qualify for a "mixed-use" tariff, since its commercial and residential consumption is separately metered. Resellers' tariffs of that sort are only available where a property put to two different uses is supplied electricity through a single meter.

10 Ms. Rodrigues, who appeared for Ordicode, could not really gainsay any of this. The upshot is that the mixed-use tariff apparently employed to calculate the credit Ordicode claimed lacks any discernible foundation in the applicable tariff book. That, it seems to me, is reason enough to disallow the credit Ordicode claims.

11 That result leaves me with a sense of unease. The City appears to have prevailed in this case not by proving that its electricity account is accurate, but by disproving the extent to which it is inaccurate. For all the reasons recorded in my judgment of 9 September 2025, I remain unconvinced that Ordicode's electricity account is correct. However, Ordicode has not shown the extent to which the account is incorrect. Nor has Ordicode demonstrated

that its ability to identify what it truly owes depends on information that is peculiarly within the respondents' knowledge. In addition, there is no serious dispute that Ordicode has not made regular payment on its electricity account of amounts it accepts it owes.

12 For all these reasons, I do not think that I can grant Ordicode any relief. It has not demonstrated the extent to which the City has overbilled it, and it appears to have taken advantage of the ambiguity surrounding its electricity account to justify a pattern of payment for its consumption which is, to put it mildly, erratic.

13 The application will be dismissed, but I do not think that Ordicode should be mulcted in costs. Ordicode approached me on the good-faith basis that its account was wrong. The City has plainly not demonstrated that the account is correct. Substantially for this reason, the interim interdict granted by Badenhorst AJ restraining the City from disconnecting services to the property will also be extended by a month in order to allow Ordicode either to make arrangements to pay its account as it stands, or to lodge a properly delineated dispute about its indebtedness under section 102 (2) of the Municipal Systems Act.

14 Accordingly –

14.1 The *rule nisi* is discharged.

14.2 The application is dismissed.

14.3 The interim interdict contained in paragraphs B1 and B2 of the order of Badenhorst AJ in *Ordicode (Pty) Ltd v City of*

Johannesburg [2025] ZAGPJHC 13 (6 January 2025) is discharged with effect from 7 March 2026.

14.4 Each party will pay their own costs.

S D J WILSON
Judge of the High Court

This judgment is handed down electronically by circulation to the parties or their legal representatives by email, by uploading it to the electronic file of this matter on Caselines, and by publication of the judgment to the South African Legal Information Institute. The date for hand-down is deemed to be 6 February 2026.

HEARD ON: 20 January 2026

DECIDED ON: 6 February 2026

For the Applicant: M Rodrigues
TNS Incorporated

For the Respondents: E Sithole
Madhlopa & Thenga Attorneys