IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 050181/26

(1)	REPORTABLE: NO
(2)	OF INTEREST TO OTHER JUDGES: NO
(3)	REVISED: YES
30 March 2026	[redacted]
DATE	SIGNATURE

In the matter between:

DANGOR MEDICAL CENTRE (PTY) LTD Applicant

And

INDEPENDENT ELECTORAL COMMISSION OF SOUTH AFRICA First Respondent

THE CHIEF ELECTORAL OFFICER OF THE INDEPENDENT ELECTORAL COMMISSION OF SOUTH AFRICA Second Respondent

REVIVIAL GUEST HOUSE (PTY) LTD Third Respondent

THUNDER STRUCK INVESTMENTS 52 (PTY) LTD Fourth Respondent

SKG AFRICA (PTY) LTD	Fifth Respondent
WESTON GOLD STAR INVESTMENTS (PTY) LTD	Sixth Respondent

NEUKIRCHER J:

1] In this application, brought in terms of Rule 6(12), the applicant originally sought relief in two parts:

a) in Part A the applicant sought to interdict the implementation of a tender award to the fifth respondent (SKG); an interdict to prevent the first respondent (the IEC) from vacating its premises; and an order compelling the IEC to provide reasons for its award in terms of section 5(1) of the Promotion of Administrative Justice Act 3 of 2000[1];

b) in Part B, the applicant seeks to review and set aside the award to SKG.

2] The answering affidavits of the IEC[2] and SKG were filed on 14 March 2026 and 16 March 2026 respectively. The applicants' replying affidavit was filed on 18 March 2026 and with it an amended notice of motion. According to this, the notice of motion dated 4 March 2025 must be deleted and substituted with the following:

"1. …

2. That the period afforded to the first and second respondents to supply adequate written reasons for its award or non-award of tender number IEC/NW-03/2024 be reduced in terms of section 9(1) of Act 3 of 2000 to a date of the order granted in terms hereof.

---

[1] PAJA

[2] As well as the second respondent. In this judgment the first and second respondents are referred to as "the IEC"

3. An order directing the First and Second Respondents, in terms of section 5(1) of the Promotion of Administrative Justice Act 3 of 2000 to furnish the Applicant with adequate written reasons for the administrative action taken in respect of the award of tender number IEX/NW-03/2024 within 15…days, from date of this order."

3] Part B of the amended notice of motion seeks similar review relief to that sought in the original notice of motion, but what is important is (b) of Part B. It states:

"(b) The first and second respondents are further called upon to send, within 15 days after receipt of this amended notice of motion, to the Registrar….the record of the proceedings and administrative process sought to be corrected, reviewed and set aside <u>together with such reasons</u> as the first and second respondents [are] in law […] required to give and to notify the applicant that such reasons and record have been supplied." (my emphasis)

4] Thus, in effect, the applicant seeks the IEC's reasons via two mechanisms: the first is via s5(1) of PAJA and the second is via the provisions of Rule 53(1). The problem with this is that the two provisions have vastly different time periods:

a) s5(1) of PAJA provides:

"Any person whose right have been materially and adversely affected by administrative action and who has not been given reasons for the action may, within 90 days after the date on which that person became aware of the action or might reasonably have been expected to have become aware of the action, request that the administrator concerned furnish written reasons for the action."

b) Rule 53(1) provides that the reasons must be provided, together with the record of the proceedings within 15 days of receipt of the notice of motion.

5]	If one were to accept that the 15 days referred to in Rule 53(1) was to be calculated from the date of the amended notice of motion, those 15 days would expire on 8 April 2026. It was not contentious that the 90-day period referred to in section 5(1) of PAJA would expire during mid-May 2026. It is for this reason that the applicant then sought truncation of that time period to 15 days from date of this order. This would mean that the s5(1) reasons would be due on approximately 22 April 2026, which is after the 15 days period provided for in Rule 53(1).

6]	Even had the applicant been successful on the date that the application was argued on 24 March 2026, the 15 days would only have expired on 16 April 2026 which is after the period provided for in Rule 53(1).

7]	It is also not contentious that the decision-maker has yet to provide reasons. The reason for that is not relevant to this decision. Suffice it to say that all that the applicant has been told is that it was the third ranked bidder, that the first ranked bidder was disqualified due to issues with its bid and that the second ranked bidder was the one with which the IEC would conclude the service level agreement.

8]	It is also common cause that the IEC notified the applicant on 28 January 2026 that it would vacate the applicant’s premises, that the new tender was advertised on 17 January 2025 and that on 13 February 2026, and again on 16 February 2026, the applicant sought the outcome of the tender and the reasons for the award which it has yet to be given. The IEC indicated in correspondence on 3 March 2026 that it would provide the applicant with reasons in due course.

9] The point to all of this is that it is clear that at this stage, the applicant has yet to receive reasons for the award. It is entitled to these reasons whether in terms of section 5(1) of PAJA or in terms of Rule 53(1).

10] But the true issue, and the only one for this court to decide, is whether the 90-day time period provided for in PAJA should be reduced to 15 days. And, indeed, whether this is so urgent that it should be entertained on the urgent roll.

11] The case made out by the applicant in its replying affidavit[3] is that, given the content of the answering affidavit filed by the IEC, the inevitable conclusion is that the IEC has entered into a service level agreement with SKG and that the procurement is complete and "put into effect". It therefore requires the truncation of the time period as, "if the reasons are only produced within 90 days, the contract will have become fully entrenched." It is for this reason that it argues that the application is so urgent that it will not obtain substantial redress in due course if Part A is not decided urgently.

12] But in my view, the argument is artificial:

a) it was conceded during argument that the new contract was for a period of over 9 years;

b) the section 5 PAJA reasons – i.e. the 90 days - would fall due in mid-May 2026;

c) any truncated reasons would fall due on 22 April 2026;

d) the Rule 53 reasons are due on 8 April 2026.

---

[3] Which sought to justify the amended notice of motion

13]	In my view, there is little to be achieved by truncating the time periods. The difference between a truncated time period and the 90-day time period would (at most) be a month. It is common cause that the current lease expires by effluxion of time on 31 March 2026. It is difficult to conceive how "entrenched" the new lease would be when the reasons are ultimately filed.

14]	Both the IEC and SKG have also argued that the manner in which the applicant filed its amended notice of motion is impermissible. It did not file a Rule 28 notice and seek leave to amend its notice of motion – it simply filed an already amended notice of motion. This, they argue, deprives them of an opportunity to object to the amendment. They further argue that that the applicant simply abandoned or withdrew its original notice of motion without their consent or the consent of the court and failed to tender any costs occasioned by the amendment.

15]	In my view the latter argument has some merit. The case originally made out in Part A was one in which the applicant sought to interdict the implementation of the award and interdict the IEC from taking any steps to vacate its property. The fact that reasons for the IEC's decision were also sought, appears to have little impetus. The relief in this regard read:

> "3.	An order compelling the first respondent to provide written reasons within a set timeframe in terms of section 5 of the Promotion of Administrative Justice Act 3 of 2000."

16]	The case met by the IEC and SKG was the one in respect of the interdicts sought. The applicant's entire case changed on 18 March 2026 with little warning and no opportunity to the respondents to either object or file answering papers, and they did not seek to do so before me – instead they argued on the papers already before court.

17] It is clear to me that when this urgent application was conceived, the truncation of PAJA time periods was not of any moment to the applicant despite the fact that it already knew that the lease was at an end on 31 March 2026, that the IEC would be moving on 31 March 2026 and that its bid had been unsuccessful. Its argument that this relief suddenly became urgent on 14 March 2026 when the IEC's answering affidavit was filed simply cannot pass muster for the reasons already stated.

18] Given all of the above, I am of the view that the manner in which the applicant has chosen to litigate Part A does not render the relief sought urgent. Given that at best the Rule 53 reasons are due on 8 April 2026 and, at worst the s5(1) PAJA reasons are due mid-May 2026, the applicant will suffer no prejudice were the relief it seeks not to be granted.

19] Given this, Part A of the application must fail both on the issue of urgency and on its merits. There is no point in striking the matter from the urgent roll so that the applicant can set it down in the ordinary course.

20] The respondents have sought a punitive costs order against the applicant for the manner in which it has chosen to litigate Part A. They were dragged to court on extremely truncated time periods, the applicant's case suddenly changed a few days prior to the hearing and the case was made out in reply to which they had little opportunity to answer. This is especially relevant to SKG – given that no interdict was sought against it in the amended Part A and no costs were tendered for the last-minute withdrawal of relief against it, it was put to the expense of briefing counsel and drafting answering papers which turned out to be irrelevant and unnecessary at this stage.

21] Insofar as the IEC is concerned, it too has been put to the expense of filing an answering affidavit on issues which have, for the most part, become irrelevant to the issues to be decided by me.

22] The applicant argues that it would be misplaced for this court to make a costs order at this stage as the court hearing the review application would be in a better position to decide costs once Part B is adjudicated. It also argued that any costs order may render some issues *res judicata*. I cannot agree. This court must decide whether to grant Part A or not. Part A does not deal with the merits of Part B at all. This court is therefore in the best position to decide the costs in respect of Part A.

23] Whilst I agree that the applicant's conduct thus far has left much to be desired, I am not of a mind to grant punitive costs against it. I am however of the view that, given the issues, the papers that have been filed and the extent of the argument, costs on Scale C are justified as are the costs consequent upon the employment of a senior counsel and a junior counsel (where relevant).

ORDER

1. Part A of the Amended Notice of Motion filed on 18 March 2026 is dismissed.
2. The applicant is ordered to pay the fifth respondent's costs in respect of Part A which costs are taxable in accordance with Scale C.

3. The applicant is ordered to pay the first and second respondent's costs of Part A, which costs are taxable in accordance with Scale C and shall include the costs consequent upon the employment of one senior counsel and one junior counsel.

[redacted]

B NEUKIRCHER
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

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 email and by uploading it to the electronic file of this matter on CaseLines. The date for hand-down is deemed to be 30 March 2026.

For the applicant	:	Adv Jacobs SC, with him Adv Bowles
Instructed by	:	Lourens Bexuidenhout Mokhetle Inc
For the first and second respondents	:	Adv Motau SC, with him Adv Sive
Instructed by	:	Barnard Incorporated Attorneys
For the fifth respondent	:	Adv Pretorius
Instructed by	:	SIM Attorneys Inc
Matter heard on	:	24 March 2026
Judgment date	:	30 March 2026