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13 May 2026

Reportable:	NO
Circulate to Judges:	NO
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IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NUMBER: 2026/092424

In the matter between:-

MMAMA ELIZABETH MOKHONDO Applicant

and

ESKOM HOLDINGS SOC LTD Respondent

This judgment is handed down by being electronically circulated in uploading it on Case-Lines. The date of the judgment is deemed to be 13 May 2026.

JUDGMENT

Reid J

Introduction

[1] This application is heard as a matter of urgency in terms of Rule 6(12) of

the Uniform Rules of Court and this Court condones the non-compliance with the ordinary forms, service, and time periods prescribed by the Rules of Court.

[2] This is an opposed urgent application in which the applicant seeks final mandatory relief compelling the respondent to restore electricity supply to her residential property in Hammanskraal. The applicant also seeks a punitive costs order on an attorney-and-client scale.

[3] The matter was enrolled for hearing on 5 May 2026. The respondent opposes the application, raising several points *in limine*, including that the applicant lacks *locus standi*, that the founding affidavit is materially defective, and that the matter does not meet the requirements for urgency under Rule 6(12) of the Uniform Rules of Court.

[4] The respondent ultimately opposed the application on the basis that the matter was not urgent, and that connecting the electricity without the applicant paying a "tampering" fine, the respondent would be acting against its statutory regulations.

Material background

[5] The applicants power went out after heavy rains on 7 April 2026. When an Eskom technician ("Long") came to fix it, he opened her meter box for the first time, claimed it had been tampered with, and left the wiring

exposed and unsafe.

[6] The applicant denies any form of tampering with the electricity boxes or electricity supply. She also states that she is not aware of any tampering that might have taken place.

[7] The applicant argues that she is a vulnerable person, being a pensioner living with her daughters and her two minor grandchildren as well as a Grade 12 student.

[8] During the period of 7 April 2026 and after heavy rains, the electricity went off at Ms. Mokhondo's house and that of some neighbours'. Power returned to the neighbours, but not to her house.

[9] On 9 April 2026 an Eskom technician named "Long" arrived. He fixed a switch on the pole and suggested the underground cable (approx. 30 years old) might be damaged. He then entered the room with the meter box, opened it for the first time, and accused Ms. Mokhondo of tampering with it. He left the meter box stripped open with exposed wires and said he would return with a fine.

[10] Ms Mokhondo attaches photos of the electricity boxes to her founding affidavit. The photos depict two boxes next to each other: one a small

box in which the pre-paid token numbers are entered (the “pre-paid” box), and another which is larger and have wires protruding from the box (the “DB board”).

[11] During 10 - 15 April 2026, Ms. Mokhondo repeatedly called Eskom. A second technician visited the property on 13 April 2026 but did not do any work on the two electrical boxes.

[12] On 16 April 2026 an Eskom employee finally returned and gave Ms. Mokhondo's daughter a "tampering fine" of R6,052.60, demanding payment before electricity would be restored.

[13] On 20 April 2026 the applicant’s lawyers sent a letter of demand to Eskom, which received an automated response and no substantive reply.

Urgency

[14] The applicant argues the following as grounds for urgency:

14.1. Ms. Mokhondo is a pensioner over the age of 60, living with her daughters and grand-daughters. The occupants to the property include minor children and a learner writing exams. They have been without electricity for over two weeks.

14.2. They are left desolate in that they have no warm water, no lights, and their perishable food has rotted.

14.3. They cannot afford to buy alternative food daily.

14.4. The ordinary court roll would take 2-4 months, causing irreparable harm in the winter months.

14.5. Eskom has refused to engage in any internal dispute resolution and holds steadfast that it will only reconnect the electricity after the tampering fine has been paid. I will refer to the tampering fine hereunder.

The nature of urgency

[15] Rule 6(12) permits a court to dispense with the ordinary Rules of Court and to hear a matter urgently, but only where the applicant sets forth explicitly the circumstances which render the matter urgent and, more importantly, the reasons why the applicant cannot obtain substantial redress at a hearing in due course. Mere lip service to these requirements will not suffice. The degree of relaxation of the Rules must be commensurate with the exigencies of the case.

[16] The purpose of the urgent motion court is not to bypass the ordinary rolls

for the sake of convenience or to obtain a speedier hearing than other litigants would receive. It exists to provide truly exceptional relief where a delay of even a few months would cause irreparable harm that cannot be adequately remedied later.

The applicant's case on urgency

[17] The applicant's electricity was interrupted on 7 April 2026. According to her, the interruption followed heavy rains. By 16 April 2026, Eskom had issued a tampering fine of R6,052.60 and refused to reconnect pending payment. The applicant has attached photographs of the electrical boxes as it was after being opened by the electrician from the respondent. The photographs show that there are protruding wires, with one wire being taped to another with a sort of tape. According to the applicant this was the first time that she saw the inside of the boxes, and the cables that were taped together.

[18] The applicant denies any tampering and says she cannot afford to pay the fine. She launched this urgent application on 22 April 2026, seeking an order compelling reconnection.

[19] In her founding affidavit, the applicant alleges the following in support of urgency:

19.1. That she and other occupants (including a pensioner, two minor children and a Grade 12 learner) have been left without electricity for more than two weeks.

19.2. That perishable food has been lost.

19.3. That there is no warm water or lights.

19.4. That she has no alternative remedy because she cannot afford to pay the fine.

19.5. That if the matter proceeds on the normal roll, she will only be heard in approximately four months, which would be untenable.

[20] I accept that the prolonged interruption of electricity supply to a residential home occupied by vulnerable persons – including a pensioner and minor children – causes genuine hardship. The applicant has my sympathy. However, hardship alone does not transform a matter into one of urgency as contemplated by Rule 6(12).

[21] The critical defect in the applicant's case is the failure to demonstrate why she cannot obtain substantial redress at a hearing in due course.

[22] In *Luna Meubel Vervaardigers (Edms) Bpk v Makin & Another (t/a*

Makin's Furniture Manufacturers 1977 (4) SA 135 (W) at 136H the court held that:

> *"Practitioners should carefully analyse the facts of each case to determine, for the purposes of setting the case down for hearing, whether a greater or lesser degree of relaxation of the Rules and of the ordinary practice of the Court is required. The degree of relaxation should not be greater than the exigency of the case demands. It must be commensurate therewith. Mere lip service to the requirements of Rule 6 (12) (b) will not do and an applicant must make out a case in the founding affidavit to justify the particular extent of the departure from the norm, which is involved in the time and day for which the matter be set down."*

and further

> *". . . there are degrees of urgency. As a result, our courts deal with the question of urgency according to the merits of each case. The degree of relaxation of the rules and of the ordinary practice or the court depends on the degree of urgency of each matter. On the other hand, were a matter lacks the requisite degree of urgency, the court can, for that reason alone, strike the application from the roll."*

[23] In *East Rock Trading 7 (Pty) Ltd v Eagle Valley Granite (Pty) Ltd* 2011 JDR 1832 (GSJ) the following guidelines were given by Notsche AJ in determining whether a matter should be treated as urgent:

> *"[5] The issue of whether a matter should be enrolled and heard as an urgent application is governed by the provisions of 6(12) of the Uniform Rules. The aforesaid sub rule allows the court or a Judge in urgent applications to dispense with the forms and service provided for in the rules and dispose of the matter at such time and place in such manner and in accordance with such procedure as to*

> *it seems meet. It further provides that in the affidavit in support of an urgent application the applicant "... shall set forth explicitly the circumstances which he avers render the matter urgent and the reasons why he claims that he could not be afforded substantial redress at a hearing in due course."*
>
> *[6] The import thereof is that the procedure set out in rule 6(12) is not there for taking. An applicant has to set forth explicitly the circumstances which he avers render the matter urgent. More importantly, the Applicant must state the reasons why he claims that he cannot be afforded substantial redress at a hearing in due course. The question of whether a matter is sufficiently urgent to be enrolled and heard as an urgent application is underpinned by the issue of absence of substantial redress in an application in due course. The rules allow the court to come to the assistance of a litigant because if the latter were to wait for the normal course laid down by the rules it will not obtain substantial redress.*
>
> *[7] It is important to note that the rules require absence of substantial redress. This is not equivalent to the irreparable harm that is required before the granting of an interim relief. It is something less. He may still obtain redress in an application in due course but it may not be substantial. Whether an applicant will not be able obtain substantial redress in an application in due course will be determined by the facts of each case. An applicant must make out his cases in that regard."*

[24] The applicant has several potential remedies available that do not require urgent court intervention. She can regularise the electricity account (which, on her own version, remains registered in the name of her late husband) by applying for its transfer into her own name and concluding a supply agreement with the respondent. She can pursue the

dispute over the alleged tampering through the internal dispute resolution mechanisms available to Eskom customers. She can lodge a complaint with the National Energy Regulator of South Africa (NERSA) under section 30 of the *Electricity Regulation Act* 4 of 2006. She can also bring proceedings on the ordinary motion roll, where the substantial disputes of fact that plainly exist in this matter (including whether tampering occurred and whether the meter was bypassed) can properly be ventilated.

[25] The applicant stated, and it was argued on behalf of the applicant, that there was no change in the amount of electricity used over the past 6 months. I requested the parties to submit receipts and reports from the electricity use of the applicant's household as from October 2025, in order to see if there was any change in the electricity paid for by the applicant for the period of October 2025 to March 2026. The electricity that was used by the applicant is summarised as follows:

25.1.	October 2025	R660
25.2.	November 2025	R800
25.3.	December 2025	R720
25.4.	January 2026	R170
25.5.	February 2026	R200
25.6.	March 2026	R150

[26] There is a drastic reduction in the amount being paid for electricity from January 2026. The average amount paid from October 2025 to December 2025 is R726, whilst the average amount paid from January 2026 to March 2026 is R173. It is argued on behalf of the respondent that it is a common occurrence with people where tampering is found, the household proceed to pay a minimum amount to act as a ruse in an attempt to guise tampering. Due to the finding I come to on urgency, it is not necessary for me to make any finding on whether I suspect that there was tampering or not and I specifically refrain from making any such finding.

[27] Whether tampering to the electricity exists or not, is a factual dispute that cannot be resolved on the papers before me.

[28] The applicant contends that she cannot afford to pay the tampering fine and that this compels urgent relief. But the existence of a monetary obstacle to obtaining reconnection under Eskom's policies does not, without more, create urgency in the legal sense. If that were the case, any indigent consumer who disputes a disconnection could bypass the ordinary Rules of Court. That is not the law.

[29] Moreover, the relief sought is final mandatory relief. This Court is being asked to compel Eskom to restore electricity supply on the basis of an affidavit that is disputed on material facts: whether tampering and

bypassing occurred; whether the technicians acted properly; and whether the applicant's version or the respondent's version of events is correct. Final relief is not ordinarily granted in urgent motion proceedings where there are substantial disputes of fact. The proper forum for the resolution of such disputes is the ordinary motion court, where full answering affidavits can be filed and, if necessary, referral to oral evidence can be considered.

[30] The fact that the applicant would prefer to have the matter resolved in days rather than months does not make the matter urgent. The test is not whether the applicant will suffer prejudice – some prejudice is inherent in any delay – but whether substantial redress can be obtained at a hearing in due course. In my view, it can. The applicant is not facing an imminent threat that cannot be undone. The electricity is already off. The harm, while serious, is not of such a nature that it cannot be compensated for or adequately addressed if the matter proceeds on the ordinary roll, particularly where the applicant has other remedies available to her.

Conclusion on urgency

[31] The applicant has failed to make out a case for the abridgment of time periods and the deviation from the ordinary rules of court that urgency requires. The application is not urgent within the meaning of Rule 6(12).

[32] In the circumstances, the application is struck from the urgent roll. This does not leave the applicant without recourse. She may re-enrol the matter on the ordinary motion roll if she is so advised, or pursue the alternative remedies available to her.

Costs

[33] The respondent seeks costs. Ordinarily, a court has a discretion as to costs in urgent applications that are struck for lack of urgency. In this matter, the applicant, although unsuccessful on urgency, is a pensioner who genuinely believes her electricity was cut off unlawfully and who faces real hardship.

[34] The respondent, for its part, was obliged to oppose an application that sought final relief on a truncated timetable. In my view, the appropriate order is that each party pay its own costs. There is no basis for a punitive costs order against either party.

Order

[35] In the result, the following order is made:

(i) The application is struck from the urgent roll for lack of urgency.

(ii) Each party shall pay its own costs.

[redacted]

FMM REID
JUDGE OF THE HIGH COURT
GAUTENG DIVISION NORTH PRETORIA

DATE OF HEARING:	7 and 8 May 2026
DATE OF JUDGMENT:	13 May 2026

Appearances:

For the applicant:	Adv PT Makhondo (Bares & Basson Attorneys)
For the respondent:	Adv Ms SJ Gumbi (instructed by Maswanganyi Hlapolosa Inc)