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REPUBLIC OF SOUTH AFRICA



**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

Case Number: B40251/2022

- (1) REPORTABLE: NO/YES
(2) OF INTEREST TO OTHER JUDGES: YES/NO
(3) REVISED: YES/NO
DATE 12/6/2026
SIGNATURE

In the matter between:

BOKAMOSO PASSENGER SERVICES CC	First Applicant
MBITA CONSULTING SERVICES CC	Second Applicant
MATHAFENG BUS SERVICES	Third Applicant
AMOGELANG LOGISTICS	Fourth Applicant
MYBOETS TRANSPORT	Fifth Applicant
MATHOLE BUS SERVICES	Sixth Applicant
and	
TSHWANE UNIVERSITY OF TECHNOLOGY	First Respondent
VICE-CHANCELLOR N.O THWANE UNIVERSITY OF TECHNOLOGY	Second Respondent
IKHWEZI BUS SERVICES (PTY) LTD	Third Respondent

TRIPONZA TRADING 548 CC	Fourth Respondent
DEVINE INSTINCT FOUNDATION (PTY) LTD	Fifth Respondent
MPHAKATHI TOURS CC	Sixth Respondent
PURCO SA	Seventh Respondent

This judgment is prepared and authored by the Judge whose name is reflected as such 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 handing down is deemed to be ___ JUNE 2026.

JUDGMENT

MAKHOB A J

1. The First Applicant is Bokamoso Passenger Services CC, a close corporation duly registered and incorporated in terms of the Close Corporations Act, 69 of 1984.
2. The Second Applicant is Mbita Consulting Services CC, a close corporation duly registered and incorporated in terms of the Close Corporation Act, 69 of 1984.
3. The Third Applicant is Mathafeng Bus Service Pty (Ltd), (Registration No: 2014/059290/07) a company duly registered and incorporated in terms of the company laws of South Africa with registered address at 3[...] Extension 1, S[...] S[...], Pretoria, Gauteng.
4. The Fourth Applicant is Amogelang Logistics CC, a Close Corporation duly registered and incorporated in terms of the Close Corporations Act, 69 of 1984.

5. The Fifth Applicant is Myboets Transport CC, (Registration No. 2008/038213/23) a Close Corporation duly registered and incorporated in terms of the Close Corporations Act, 69 of 1984 with registered address at 1[...] D[...], Hazyview, Mpumalanga.
6. The Sixth Applicant is Mathole Bus Services CC, a company duly registered and incorporated in terms of the company laws of South Africa.
7. The First Respondent is the Tshwane University of Technology, a tertiary institution established in terms of Section 20 read with Section 23(1) and Section 24 of the Higher Education Act 101 of 1997.
8. The Second Respondent is Vice-Chancellor: Tshwane University of Technology an official responsible for the day-to-day management and administration of the university with the Vice-Chancellor who performs the role of Chief Executive Officer, appointed in terms of Section 26 read with Section 30 and Section 34 of the Higher Education Act
9. The Third Respondent is Ikhwezi Bus Service (Pty) Ltd, a company duly registered and incorporated in terms of the company laws of South Africa.
10. The Fourth Respondent is Triponza Trading 548 CC, a Close Corporation duly registered and incorporated in terms of the Close Corporations Act, 69 of 1984.
11. The Fifth Respondent is Devine Instinct Foundation (Pty) Ltd, a company duly registered and incorporated in terms of the company laws of South Africa.
12. The Sixth Respondent is Mpakathi Tours CC, a Close Corporation duly registered and incorporated in terms of the Close Corporations Act, 69 of 1984.

13. The Seventh Respondent is Purchasing Consortium Southern Africa NPC [Purco SA], a non-profit company registered in terms of the Companies Act, 71 of 2008.
14. The Eighth Respondent is Devine Instincts (Pty) Ltd, a company duly registered and incorporated in terms of the company laws of South Africa.
15. The Ninth Respondent is Pal and Sons Bus Services CC, a Close Corporation duly registered and incorporated in terms of the Close Corporations Act, 69 of 1984.
16. Counsel for the first Applicants asked the court to hear both the application in terms of Section 7 read with Section 9 of PAJA and the review application.
17. Counsel for the Respondents objected and asked the court to entertain first the application whether this court has jurisdiction to entertain the review application.
18. This court decided to hear first the issue of jurisdiction and if Applicant is successful the court will then hear the review application.
19. Counsel for the First and Second Respondent argued that, the application was instituted long after the expiry of the 180 days period and the delay is unreasonable and this court does not have jurisdiction to entertain the review application.
20. Counsel argued further that, the applicants have not made out a case that this is an application in which the interest of justice so require that the 180 days period be extended.
21. Counsel contended that, the delay is extremely excessive and unreasonable. Furthermore there is no full and reasonable explanation for the delay covering the entire period of the delay.

22. In addition it is contended that the university will be prejudiced if the relief sought is granted.
23. On behalf of the Third, Fourth and Sixth Respondents counsel chose to abide by any decision of the court. The Fifth and Seventh Respondents were not represented.
24. On behalf of the Eighth Respondent, counsel for the Respondent also contended that, this application was instituted long after the expiry of the 180 days period and the delay is unreasonable. Consequently this court does not have jurisdiction to entertain the review application.
25. On behalf of the Ninth Respondent counsel argued that, the applicants do not seek condonation for their non-compliance with time limitations. For this reason alone, the application against the Ninth Respondent cannot be sustained and stands to be dismissed.
26. Section 7 of PAJA provides as follows:

“(1) Any proceedings for judicial review in terms of s 6(1) must be instituted without unreasonable delay and not later than 180 days after the date-

(a) Subject to subsection 2(c), on which any proceedings instituted in terms of internal remedies as contemplated in subsection 2(a) have been concluded; or

(b) Where no such remedies exist, on which the person concerned was informed of the administrative action, became aware of the action and the reasons for it or might reasonably have been expected to have become aware of the action and the reasons.

(2)(a) Subject to paragraph (c), no court or tribunal shall review an administrative action in terms of this Act, unless any internal remedy provided for in any other law has first been exhausted.....”

27. Where the parties agree the prescribed 180 days time period may be extended for a fixed period in terms of Section 9. Where the parties are unable to agree to this, the court may extend the period where the interest of justice so require.

28. In opposition to *Urban Tolling v South African National Roads Agency Ltd*¹, the court said the following: *“Before the effluxion of 180 days, the first inquiry in applying S 7(1) is still whether the delay (if any) was unreasonable. But after the 180 days period the issue of unreasonableness is pre-determined by the legislature; it is unreasonable per se. it follows that the court is only empowered to entertain the review application if the interest of justice dictates an extension in terms of s 9. Absent such extension the court has no authority to entertain the review application at all....”*

29. In *Passenger Rail Agency of South Africa v Siyangena Technologies (Pty) Ltd and others*² the court held that, what Section 9 envisages is not a condonation application but an application to extend the period of 180 days. A party who needs an extension must motivate it with regard to the ‘interest of justice’. The Supreme Court of Appeal said the following about the requirement to satisfy the court: *“...And the question whether the interest of justice require the grant of such extension depends on the facts and circumstances of each case: the party seeking it must furnish a full and reasonable explanation for the delay which covers the entire duration thereof and relevant factors include the nature of the relief sought, the extent and cause of*

¹ [2013] ZASCA 148; [2013] 4 All SA 629 (SCA) (OUTA) para26.

² [2017] ZAGPHC 138 & 2010 (2) All SA 519 (SCA) at para 54.

the delay, its effect on the administration of justice and other litigants, the importance of the issue to be raised in the intended proceedings and the prospects of success.”

30. In my view the Applicants ought to have cited all the Respondents in the review application from the beginning.

31. The Applicants became aware that some of the Respondents were not joined in December 2022 during the urgent application. From December 2022 the Applicants did not act with speed to join all the interested parties. The joinder application order was granted in November 2023.

32. It is eleven months after the Applicants became aware of the decision to award the tender to the successful bidders and the reasons for it.

33. The successful bidders have been executing the tender since December 2022, it has since been approximately three years.

34. In order for this court to entertain the review application, it must be in the interest of justice to do so in terms of Section 9 of PAJA, absent such extension there is no authority to entertain the review application at all³.

35. It is further my view that, the tenders awarded to the various Respondents have run their course. The Applicant's founding affidavit does not contain a full and reasonable explanation covering the entire period of eleven months for the delay in instituting the review application against the Respondents. The delay cannot in my view be condoned.

³ Opposition to Urban Tolling Id par 26 and Camps Bay Ratepayers par 54.

36. I conclude that the applicants failed to make out a case to be granted the relief contemplated in Section 9(2) of PAJA. I am of the view that, this court does not have jurisdiction to entertain this application.

37. I make the following order:

1. The application is dismissed with costs on Scale C, such costs to include the costs of two counsel.

D MAKHOBA
JUDGE OF THE HIGH COURT
GAUTENG DIVISION, PRETORIA

Date of Hearing : **14 May 2026**

Date of Judgment :

For the applicant : **APJ ELS SC**

For the respondents : **1st and 2nd Res – Adv K. Tsatsawane SC**
: **3rd-6th Res – Adv Michael Dafel**
: **8th Res – Adv L Van Gass**
: **9th Res – Adv T.P. Kruger SC**

