



IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: UM 169/2019

Held at MMABATHO on this the 24th day of MARCH 2022
BEFORE the Honourable Madam Justice DJAJE J

In the matter between: -

SAKELIGA NPC

JACOBUS JOHANNES ROOTMAN

JACOBUS PHILIPPUS SNYMAN

And

KGETLENGRIVIER LOCAL MUNICIPALITY
THE MUNICIPAL MANAGER

KGETLENGRIVIER LOCAL MUNICIPALITY

IDEAL PREPAID (PTY) LTD

THE MINISTER OF COOPERATIVE GOVERNANCE
AND TRADITIONAL AFFAIRS

THE MINISTER OF FINANCE

THE MEMBER OF THE EXECUTIVE COMMITTEE
FOR LOCAL GOVERNMENT, NORTH WEST PROVINCE

THE MEMBER OF THE EXECUTIVE COMMITTEE
FOR FINANCE IN THE NORTH WEST PROVINCE

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| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA NORTH WEST DIVISION, MAHIKENG | | 1 st Applicant |
| RECEIVED 24 MARCH 2022, MMABATHO 2725 | | 2 nd Applicant |
| 2022 -03- 29 | | 3 rd Applicant |
| NWD-NW-004 | | |
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA NORTH WEST DIVISION, MAHIKENG | | |

1st Respondent

2nd Respondent

3rd Respondent

4th Respondent

5th Respondent

6th Respondent

7th Respondent

HAVING HEARD ADV B RILEY on behalf of the Applicants and having read the Notice of Motion and other documents filed of record;

IT IS ORDERED

- 1.THAT: The first and second Respondents are ordered to deliver a supplementary record in terms of Rule 53(1) (b), within 21 days from the date of this order, including the following:
- 1.1. Copies of all documentation relating to the first Respondent's municipal council's decision to appoint the third Respondent to provide services to the first Respondent;
 - 1.2. Copies of all documentation relating to powers and delegations of authority by the first Respondent to the third Respondent to act on its behalf;
 - 1.3. Copies of all communications between the first Respondent, second Respondent and third Respondent regarding the appointment of the third Respondent, with specific reference to the period of JANUARY 2018 to DECEMBER 2019;
 - 1.4. Copies of all communications between the first Respondent, fifth Respondent, sixth Respondent and/ or the seventh Respondent regarding the appointment of the third Respondent;
 - 1.5. A copy of the feasibility study done by the first Respondent in respect of the appointment of the third Respondent;
 - 1.6. Copies of all submissions made by the first Respondent, alternatively the second Respondent to the seventh Respondent and/ or the fifth Respondent regarding the future budgetary implications of the third Respondent;
 - 1.7. Copies of all minutes of meetings and/ or resolutions passed by the council of the first Respondent for the period 01 JANUARY 2015 to 01 JANUARY 2020;

REGISTRAR OF HIGH COURT
NORTH WEST HIGH COURT
MAFIKENG

- 2.THAT: The first and / or second Respondents are ordered to provide full reasons for the impugned decision by the first Respondent and / or the second Respondent in terms of which the third Respondent was appointed.
- 3.THAT: In the event that any of the aforementioned documentation are not provided, the first and/or second Respondents are ordered to provide, simultaneously with the supplementary record, comprehensive reasons and details under oath as to why such documentation are not available and / or not within the possession of the first and/ or second Respondent, including full and comprehensive details as to all steps taken, searches conducted and other Respondents or officials consulted to obtain such documentation and where the documents are to be found.
- 4.THAT: Should the first and/or second Respondents fail to comply with any of the orders granted in terms of prayers 2.1,2.2 and 2.3 above, that the Applicants be permitted to make application on the same papers, suitably amplified, for an order that the first and second Respondents be declared to be in contempt of court and ancillary relief relating to such declaring of contempt or any other appropriate relief including final relief in terms of Part B of the Notice of Motion in the main review application.
- 5.THAT: The first Respondent is ordered to pay the costs of this application on the scale as between attorney and client.

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| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA NORTH WEST DIVISION, MAHIKENG | |
| Private bag X2010, Mmabatho 2705 | BY THE COURT |
| 2022 -03- 29 | REGISTRAR OF THE HIGH COURT NORTH WEST DIVISION MAHIKENG |
| NWD-NW-004 | |
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA NORTH WEST DIVISION, MAHIKENG | |

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