



**CONSTITUTIONAL COURT OF SOUTH AFRICA**

**Case CCT 37/21**

<b>ESKOM HOLDINGS SOC LIMITED</b>	<b>Applicant</b>
and	
<b>RESILIENT PROPERTIES (PTY) LIMITED</b>	<b>First Respondent</b>
<b>CHANGING TIDES 91 (PTY) LIMITED</b>	<b>Second Respondent</b>
<b>RETRACTION PROPS 7 (PTY) LIMITED</b>	<b>Third Respondent</b>
<b>MOGWELE TRADING 278 (PTY) LIMITED</b>	<b>Fourth Respondent</b>
<b>EMALAHLENI LOCAL MUNICIPALITY</b>	<b>Fifth Respondent</b>
<b>MEMBER OF THE EXECUTIVE COMMITTEE: COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS, MPUMALANGA</b>	<b>Sixth Respondent</b>
<b>MINISTER OF ENERGY</b>	<b>Seventh Respondent</b>
<b>NATIONAL ENERGY REGULATOR OF SOUTH AFRICA</b>	<b>Eighth Respondent</b>
<b>SAKELIGA NON-PROFIT COMPANY</b>	<b>Amicus Curiae</b>

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**ORDER DATED 4 AUGUST 2021**

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**CORAM: Zondo ACJ, Madlanga J, Majiedt J, Mhlantla J, Pillay AJ, Theron J, Tlaletsi AJ and Tshiqi J**

The Constitutional Court has considered the application for condonation and the application for leave to appeal and has concluded that the delay in bringing the

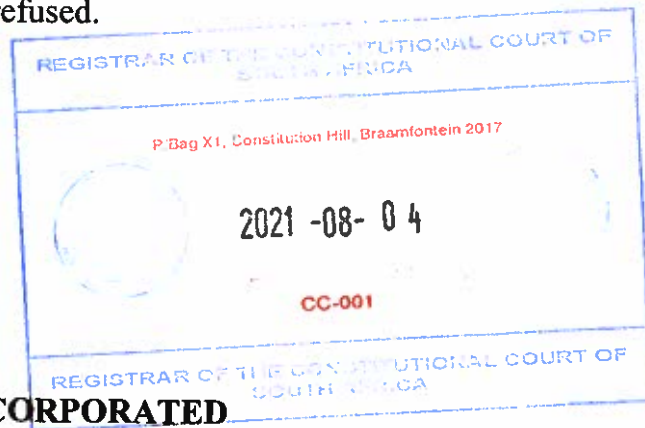
application for leave to appeal is minimal, the explanation for the delay is adequate and there is no prejudice to the respondents. However, there are no reasonable prospects of success on the merits of the application for leave to appeal. Consequently, condonation is granted, but leave to appeal must be refused for lack of reasonable prospects of success.

Order:

1. Condonation is granted.
2. Leave to appeal is refused.



**MR DUNISANI MATHIBA  
ACTING REGISTRAR  
CONSTITUTIONAL COURT**



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