



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 36/21

ESKOM HOLDINGS SOC LIMITED

Applicant

and

**SABIE CHAMBER OF COMMERCE
AND TOURISM**

First Respondent

**LYDENBURG CHAMBER OF COMMERCE
AND TOURISM**

Second Respondent

**GRASKOP CHAMBER OF COMMERCE
AND TOURISM**

Third Respondent

THABA CHWEU LOCAL MUNICIPALITY

Fourth Respondent

**MUNICIPAL MANAGER: THABA CHWEU
LOCAL MUNICIPALITY**

Fifth Respondent

**EXECUTIVE MAYOR: THABA CHWEU
LOCAL MUNICIPALITY**

Sixth Respondent

**CHIEF FINANCIAL OFFICER: THABA CHWEU
LOCAL MUNICIPALITY**

Seventh Respondent

**NATIONAL ENERGY REGULATOR
OF SOUTH AFRICA**

Eighth Respondent

MINISTER OF ENERGY

Ninth Respondent

**MEC: COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS**

Tenth Respondent

**MINISTER: COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS**

Eleventh Respondent

and

ORDER DATED 1 SEPTEMBER 2021

CORAM: Zondo ACJ, Madlanga J, Madondo AJ, Majiedt J, Mhlantla J, Pillay AJ, Rogers 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 dismissed for lack of reasonable prospects of success.

Order:

1. The application for condonation is granted.
2. The application for leave to appeal is dismissed.



**MR DUNISANI MATHIBA
ACTING REGISTRAR
CONSTITUTIONAL COURT**

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AND TO: NATIONAL ENERGY REGULATOR OF SOUTH AFRICA

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