

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

**CASE NUMBER: UM169/19**

**ON 15 MARCH 2024**

**BEFORE HER LADYSHIP MADAM JUSTICE MFENYANA**

*Via MS Teams*

In the application between:

<b>SAKELIGA NPC</b>	First Applicant
<b>JACOBUS JOHANNES ROOTMAN</b>	Second Applicant
<b>JACOBUS PHILIPPUS SNYMAN</b>	Third Applicant
and	
<b>KGETLENGRIVIER LOCAL MUNICIPALITY</b>	First Respondent
<b>THE MUNICIPAL MANAGER, KGETLENGRIVIER LOCAL MUNICIPALITY</b>	Second Respondent
<b>IDEAL PREPAID (PTY) LTD</b>	Third Respondent
<b>THE MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS</b>	Fourth Respondent
<b>THE MINISTER OF FINANCE</b>	Fifth Respondent
<b>THE MEMBER OF THE EXECUTIVE COMMITTEE FOR LOCAL GOVERNMENT, NORTH WEST PROVINCE</b>	Sixth Respondent
<b>THE MEMBER OF THE EXECUTIVE COMMITTEE FOR FINANCE, NORTH WEST PROVINCE</b>	Seventh Respondent

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**DRAFT ORDER**

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**HAVING** read the papers filed of record, heard counsel and considered the matter:

**IT IS ORDERED THAT:**

1. It is declared that the First and Second Respondents are in contempt of the Court Order granted on 24 March 2022 by this Court under case number UM169/19 and annexed to the applicants' supplementary founding affidavit, marked "**SFA11**".
2. The decision by the First Respondent and/or the Second Respondent in terms of which the Third Respondent was appointed to manage all aspects of the billing of customers of the First Respondent in respect of any utilities or other services (except for electricity), including sewerage, refuse / waste removal, rates and taxes is declared unlawful and is reviewed and set aside.
3. Any contract, whether oral or otherwise, entered into by and between the First Respondent and/or the Second Respondent on behalf of the First Respondent with the Third Respondent as a consequence of the decision referred to in paragraph 2 above and in respect of which the Third Respondent was appointed to manage all aspects of service delivery, billing and invoicing of customers of the First Respondent in respect of water, sewerage, refuse / waste removal and rates and taxes is declared unlawful and is reviewed and set aside.

4. The First and Second Respondents are finally interdicted from issuing notices to customers of municipal services and/or to rate payers to the effect that payment for such services and rates and taxes be made to the Third Respondent and be paid into bank accounts of the Third Respondent.
5. The Third Respondent is finally interdicted from collecting payment from customers and/or rate payers in respect of municipal services rendered by the First Respondent in respect of rates and taxes and such payments to be made into the bank accounts of the Third Respondent.
6. The First and Second Respondents be ordered to:
  - 6.1. only collect payment in respect of municipal services and rates and taxes from customers and/or rate payers after delivery of a tax invoice by the First Respondent for such services, rates and taxes to customers and/or rate payers; and
  - 6.2. only to collect such payments into a bank account of the First Respondent.
7. The reserved costs of this application in respect of Part A of the Notice of Motion, be paid by the First Respondent and the Third Respondent, jointly and severally, including the costs of two counsel, where so employed.

8. The costs of this application in respect of Part B of the amended Notice of Motion, be paid by the First Respondent and Third Respondent, jointly and severally, on the party and party scale.

**BY ORDER**

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REGISTRAR

Appearance for the Applicant:

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Appearance for the First & Second Respondents:

Counsel: No appearance.

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Appearance for the Third Respondent:

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