

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

Case no: 23017/2022

In the matter between:

ORGANISATION UNDOING TAX ABUSE NPC
(Registration no: 2012/064213/08)

Applicant

and

THE NATIONAL ENERGY REGULATOR OF
SOUTH AFRICA

First Respondent

KARPOWERSHIP SA COEGA (RF) (PTY) LTD
(Registration no: 2020/754336/07)

Second Respondent

KARPOWERSHIP SA SALDANHA BAY (RF) (PTY) LTD
(Registration no: 2020/754347/07)

Third Respondent

KARPOWERSHIP SA RICHARDS BAY (RF) (PTY) LTD
(Registration no: 2020/754352/07)

Fourth Respondent

KARPOWERSHIP SA (PTY) LTD
(Registration no: 2019/537869/07)

Fifth Respondent

MINISTER OF MINERAL RESOURCES AND
ENERGY N.O.

Sixth Respondent

MINISTER OF FORESTRY, FISHERIES, AND THE
ENVIRONMENT N.O.

Seventh Respondent

ESKOM HOLDINGS (SOC) LTD
(Registration no: 2002/015527/30)

Eighth Respondent

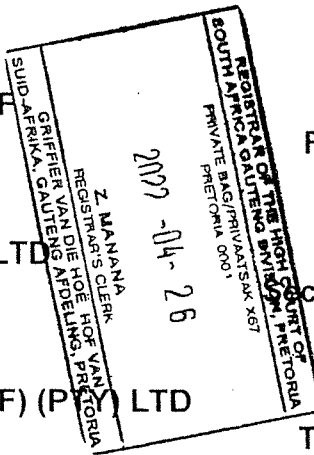
Gesertifiseer 'n ware afskrif
van die oorspronklike.
Certified a true copy of the
original.

NOTICE OF MOTION

W. J. VAN EDE

PROKUREUR R.S.A.
PROKUREUR R.S.A.
PERSON STREET
PRETORIA, 0181

Prokureur / Attorney



TAKE NOTICE THAT application will be made on behalf of the abovementioned applicant to the above Honourable Court on a date to be allocated at 10:00 or as soon thereafter as the matter may be heard, for an order in the following terms:

1. That the decision of the first respondent to award a generation licence to the second respondent under application number NERSA-1532172523-62476 ("the first impugned decision") be reviewed and set aside.
2. That the decision of the first respondent to award a generation licence to the third respondent under application number NERSA-1532172523-62559 ("the second impugned decision") be reviewed and set aside.
3. That the decision of the first respondent to award a generation licence to the fourth respondent under application number NERSA-1532172523-62555 ("the third impugned decision") be reviewed and set aside.
4. That the first, second and third impugned decisions (collectively referred to as "the impugned decisions") be remitted to the first respondent for reconsideration in terms of section 8(1)(c)(i) of the Promotion of Administrative Justice Act 3 of 2000.
5. That the first respondent be ordered to pay the costs of this application.
6. That the second to eighth respondents be ordered to pay the costs jointly and severally with the first respondent, only in the event of opposition by them.

7. Further and/or alternative relief.

TAKE NOTICE FUTHER that the accompanying affidavit of **STEFANIE FICK** together with the annexures thereto as well as supporting affidavits filed herewith will be used in support of this application.

TAKE FURTHER NOTICE:

- a) that in terms of Rule 53(1)(a) of the Uniform Rules of Court, the respondents are called upon to show cause why the decisions referred to above should not be reviewed and set aside;
- b) that in terms of Rule 53(1)(b) of the Uniform Rules of Court, the first respondent is called upon to despatch to the Registrar of the above Honourable Court, within 15 (fifteen) days after service of the Notice of Motion upon it, the records of all documents and all electronic records that relate to the making of the decisions referred to above, together with such reasons as the first respondent is by law required or desires to give or make, and notify the applicant that it has been done;
- c) in terms of Uniform Rule 53(4), the applicant may within 10 (ten) days of receipt of the record from the Registrar, amend, add to or vary the terms of its Notice of Motion and supplement the Founding Affidavit, by delivery of a notice and accompanying Supplementary Founding Affidavit.

TAKE FURTHER NOTICE that if any of the respondents intend to oppose the relief sought in the Notice of Motion, such respondents are required:

- a) within 15 (fifteen) days of delivery of this Notice of Motion or any amendment thereto as contemplated in Uniform Rule 53(4), to deliver a notice to the applicant's attorneys that such respondents intend to oppose, and in such notice to appoint an address referred to in Rule 6(5)(b) of the Uniform Rules of Court within 15 kilometres of the office of the Registrar of this Honourable Court at which the respondents will accept notice and service of all process in these proceedings;
- b) within 30 (thirty) days of the expiry of the time referred to in Uniform Rule 53(4), to deliver any affidavits as the respondents may desire in answer to the allegations made by the Applicant.

TAKE FURTHER NOTICE that the applicant has appointed the offices of **JENNINGS INCORPORATED**, 149 Anderson Street, Brooklyn, Pretoria, 0011 as the address at which it will accept service of any notice and process in these proceedings.

TAKE FURTHER NOTICE that if no such notice of intention to oppose be given, the application will be made on the date and time indicated above.

Kindly enroll the matter for hearing accordingly.

DATED AT PRETORIA ON THIS 26th DAY OF APRIL 2022.


JENNINGS INCORPORATED
ATTORNEYS FOR APPLICANT
149 ANDERSON STREET
BROOKLYN
PRETORIA, 0011
Tel: 012 110 4442
Email: andri@jinc.co.za
Ref: A JENNINGS/OUT015

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
PRETORIA

AND TO: **THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA**
FIRST RESPONDENT
KULAWULA HOUSE
526 MADIBA STREET
ARCADIA
PRETORIA

AND TO: **KARPOWERSHIP SA COEGA (RF) (PTY) LTD**
SECOND RESPONDENT
164 TOTIUS STREET
GROENKLOOF
PRETORIA
0027

AND TO: **KARPOWERSHIP SA SALDANHA BAY (RF) (PTY) LTD**
THIRD RESPONDENT
164 TOTIUS STREET
GROENKLOOF
PRETORIA
0027

AND TO: **KARPOWERSHIP SA RICHARDS BAY (RF) (PTY) LTD**
FOURTH RESPONDENT
164 TOTIUS STREET
GROENKLOOF
PRETORIA
0027

- AND TO: **KARPOWERSHIP SA (PTY) LTD**
FIFTH RESPONDENT
164 TOTIUS STREET
GROENKLOOF
PRETORIA
0027
- AND TO: **THE MINISTER OF MINERAL RESOURCES AND ENERGY N.O.**
SIXTH RESPONDENT
C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA
- AND TO: **THE DIRECTOR-GENERAL OF THE DEPARTMENT OF MINERAL**
RESOURCES AND ENERGY
TREVENNA CAMPUS
71 MEINTJES STREET
CNR MADIBA & FRANCIS BAARD STREETS
BLOCK 2B 2ND FLOOR
SUNNYSIDE
PRETORIA
- AND TO: **THE MINISTER OF FORESTRY, FISHERIES, AND THE**
ENVIRONMENT N.O.
SEVENTH RESPONDENT
C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA
- AND TO: **THE DIRECTOR-GENERAL OF THE DEPARTMENT OF FORESTRY,**
FISHERIES, AND THE ENVIRONMENT
472 STEVE BIKO ROAD
CNR STEVE BIKO & SOUTPANSBERG ROADS
ARCADIA
PRETORIA
- AND TO: **ESKOM HOLDINGS (SOC) LTD**
EIGHTH RESPONDENT
MEGAWATT PARK
2 MAXWELL DRIVE
SUNNINGHILL
JOHANNESBURG