

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

Case no:

In the matter between:

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

Applicant

and

**THE PRESIDENT OF THE REPUBLIC
OF SOUTH AFRICA N.O.**

First Respondent

**THE HEAD OF NATIONAL DISASTER
MANAGEMENT CENTRE N.O.**

Second Respondent

**THE MINISTER FOR CO-OPERATIVE
GOVERNANCE AND TRADITIONAL AFFAIRS N.O.**

Third Respondent

**THE MINISTER OF MINERAL RESOURCES
AND ENERGY N.O.**

Fourth Respondent

THE MINISTER OF PUBLIC ENTERPRISES N.O.

Fifth Respondent

SPEAKER OF THE NATIONAL ASSEMBLY N.O.

Sixth Respondent

**CHAIRPERSON OF THE NATIONAL COUNCIL
OF PROVINCES N.O.**

Seventh Respondent

**ESKOM HOLDINGS (SOC) LTD
(Registration no: 2002/015527/20)**

Eighth Respondent

NOTICE OF MOTION

TAKE NOTICE THAT application will be made on behalf of the above-named applicant on **28 February 2023 at 10:00** or as soon thereafter as counsel for the applicant may be heard for an order on the following terms:

PART A:

1. That the application be heard as one of urgency in terms of Rule 6(5)(12) of the Uniform Rules of Court and that the normal rules relating to form, service and periods for set-down of applications be dispensed with.
2. That the first, second, third, fourth and fifth respondents be interdicted from taking any further steps or issuing and/or implementing any regulations pursuant to the decisions set out in prayers 3 and 4 below, pending the finalisation of the application to review and set aside the decisions as set out in Part B hereinunder.

PART B:

3. That the decision by the second respondent to classify the impact of severe electricity supply constraint as a national disaster as published in Government Gazette No 48009 of 9 February 2023 be reviewed and set aside.
4. That the decision by the third respondent to declare a national state of disaster as published in Government Gazette No 48009 of 9 February 2023 following

the classification by the second respondent as referred to in prayer 3, be reviewed and set aside.

5. That the second and third respondents be ordered to pay the costs of this application jointly and severally, including the cost of two counsel.
6. Costs against any other respondent only in the event of opposition
7. Further and/or alternative relief.

TAKE NOTICE FURTHER that the accompanying affidavit of **STEFANIE FICK** together with the annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER:

- 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 second and third respondents are called upon to dispatch to the Registrar of the above Honourable Court, within 15 (fifteen) days after service of 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

second and third respondents are by law required or desire 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) to notify the applicant's attorneys in writing of their intention to oppose on or before 16h00 on Friday 17 February 2023;
- (b) to appoint in your notification of intention to oppose an address as referred to in rule 6(5)(b) at which you will accept service of all documents in these proceedings;
- (c) to file an answering affidavit in respect of the relief requested in Part A of the Notice of Motion, if any, on or before Tuesday 21 February 2023 at 12h00;
- (d) to file an answering affidavit in respect of the relief requested in Part B of the Notice of Motion, if any, within 30 (thirty) days from receipt of the Applicant's Supplementary Affidavit as envisaged by Rule 53(4).

Kindly enroll the matter for hearing accordingly.

DATED AT PRETORIA THIS 16th DAY OF FEBRUARY 2023.

**JENNINGS INCORPORATED
ATTORNEYS FOR APPLICANT**
19 ANDERSON STREET
BROOKLYN
PRETORIA, 0011
Tel: 012 110 4442
Email: andri@jinc.co.za
Ref: A JENNINGS/OUT022

TO: THE REGISTRAR OF THE ABOVE HONOURABLE COURT
PRETORIA

AND TO: **THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA N.O.
FIRST RESPONDENT**
C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

**HEAD: NATIONAL DISASTER MANAGEMENT CENTRE N.O.
SECOND RESPONDENT**
RIVERSIDE OFFICE PARK
LETABA BUILDING, 2ND FLOOR
1303 HEUWEL AVENUE
CENTURION, 0157

**THE MINISTER OF COOPERATIVE GOVERNANCE AND
TRADITIONAL AFFAIRS N.O.
THIRD RESPONDENT**
C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

THE MINISTER OF PUBLIC ENTERPRISES N.O.**FOURTH RESPONDENT**

C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

THE MINISTER OF MINERAL RESOURCES AND ENERGY N.O.**FIFTH RESPONDENT**

C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

SPEAKER OF THE NATIONAL ASSEMBLY N.O.**SIXTH RESPONDENT**

C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

**CHAIRPERSON OF THE NATIONAL COUNCIL OF PROVINCES
N.O.****SEVENTH RESPONDENT**

C/O THE STATE ATTORNEY
SALU BUILDING
316 THABO SEHUME STREET
PRETORIA

ESKOM HOLDINGS (SOC) LTD**EIGHTH RESPONDENT**

MEGAWATT PARK
2 MAXWELL DRIVE
SUNNINGHILL
JOHANNESBURG
GAUTENG