

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA**

**Case no: 23017/2022**

In the application to compel 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**

**IN RE: THE MAIN REVIEW APPLICATION 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**

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**NOTICE IN TERMS OF RULE 35(12) AND (14)**

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**KINDLY TAKE NOTICE THAT** the Applicant requires the First Respondent to produce for their inspection and copying, within five (5) days from date hereof the following documents:

- 1.1. the whole of the "*motivation*" and "*request*" that Karpowership submitted to NERSA and to which reference is made in paragraphs 23, 24 and 25 of its answering affidavit (which should thus include the completed application form with the motivation and other supporting documentation);

- 1.2. NERSA's "determination" of the motivation (i.e., its decision if any), to which reference is made in paragraph 25 of its answering affidavit.

SIGNED AT PRETORIA ON THIS 25<sup>TH</sup> DAY OF APRIL 2023.

  
**JENNINGS INCORPORATED**  
**Attorneys for Applicant**  
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**Ref:** A JENNINGS/OUT015

TO: THE REGISTRAR OF THE HIGH COURT  
GAUTENG DIVISION, PRETORIA

AND TO: **PRINCE MUDAU & ASSOCIATES** (Service by email)  
**Attorneys for First Respondent**  
 Thornhill Office Park  
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**C/O DABISHI NTHAMBELENI INC**  
 103 Doreen Street  
 Colby, Hatfield  
 Pretoria  
**Ref:** LIT/PM/MAT180

AND TO: **PINSENT MASONS SOUTH AFRICA INC**  
**Attorneys for Second to Fifth Respondents**

*(Service by email)*

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