

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

**CASE NO: 23339/2022**

In the matter between:

**ORGANISATION UNDOING TAX ABUSE  
NPC**

Applicant

and

**THE NATIONAL ENERGY REGULATOR  
OF SOUTH AFRICA**

First Respondent

**KARPOWERSHIP SA COEGA (RF) (PTY)  
LTD**

Second Respondent

**KARPOWERSHIP SA SALDANHA BAY  
(RF) (PTY) LTD**

Third Respondent

**KARPOWERSHIP SA RICHARDS BAY (RF)  
(PTY) LTD**

Fourth Respondent

**KARPOWERSHIP SA (PTY) LTD**

Fifth Respondent

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**SECOND TO FIFTH RESPONDENTS' ANSWERING AFFIDAVIT:  
NOTICE OF COUNTER-APPLICATION**

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**TAKE NOTICE THAT** at the hearing of the matter the second to fifth respondents will make application for the following relief:

- 1 The relief sought by the applicant in the main application is dismissed with costs, such costs to include the costs of two counsel.

- 2 The first respondent shall make available to the applicant's legal representatives the record of proceedings under the above case number subject to, and in accordance with, the confidentiality regiment attached marked Annexure "A".
- 3 The applicant is ordered to pay the costs of the counter application, such costs to include the costs of two counsel.
- 4 Further and/or alternative relief.

**TAKE NOTICE FURTHER THAT** the accompanying affidavit of **MEHMET KATMER**, together with the annexures thereto, will be used in support of the relief sought herein.

**TAKE NOTICE FURTHER THAT** the second to fifth respondents have appointed the offices of **PINSENT MASONS SOUTH AFRICA INC** at the below mentioned address, at which they will accept notice and service of all process and documents in this application.

**TAKE NOTICE FURTHER THAT** if the applicant intends opposing the relief sought it is required to:

- 1 notify the second to fifth respondents' attorneys in writing within five days of service of this counter-application;
- 2 appoint in such notification an address referred to in Rule 6(5)(b) at which they will accept notice and service of all documents in these proceedings; and

3 file their answering affidavits, if any, within 15 days of filing their notices of intention to oppose.

DATED AT JANORON ON THIS THE 28<sup>th</sup> DAY OF MARCH 2023.

  
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**PINSENT MASONS SOUTH AFRICA INC**  
Second to fifth respondents' attorneys

To:  
**THE REGISTRAR**  
High Court of South Africa  
Gauteng Division, Pretoria

And to:  
**JENNINGS INCORPORATED**  
Applicant's Attorneys

Service by hand and by email

And to:  
**PRINCE MUDAU &**  
First Respondent's Attorneys

**ASSOCIATES**

Service by hand and by email