



IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG DIVISION, PRETORIA

Case no.: 99593/15

In the matter between

**ESCARPMENT ENVIRONMENTAL PROTECTION GROUP**    **FIRST APPLICANT**

**BIRDLIFE SOUTH AFRICA**    **SECOND APPLICANT**

and

**MINISTER OF MINERAL RESOURCES**    **FIRST RESPONDENT**

**DIRECTOR-GENERAL: DEPARTMENT OF  
MINERAL RESOURCES**    **SECOND RESPONDENT**

**WILLIAM PATRICK BOWER (PTY) LTD**    **THIRD RESPONDENT**

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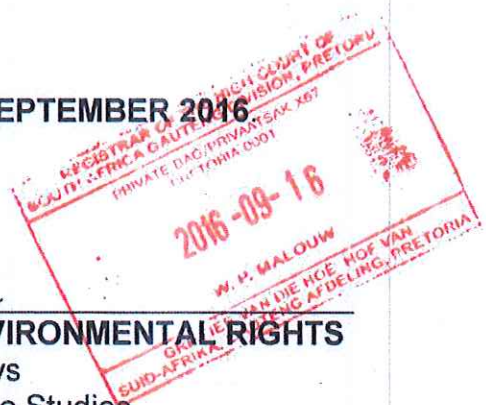
**FILING SHEET**

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**THE APPLICANTS FILE HEREWITH:** Applicants' amendment to their Notice of Motion, being in respect of page 2 thereof.

DATED at PRETORIA on this 15<sup>th</sup> day of **SEPTEMBER 2016**

*W.P. Malouw*  
**CENTRE FOR ENVIRONMENTAL RIGHTS**  
Applicants' Attorneys  
2<sup>nd</sup> Floor, Springtime Studios  
1 Scott Road  
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 Care of:  
**DU PLESSIS AND KRUYSHAAR INC**  
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 Ref: Rentia Kruyshaar

TO: **THE REGISTRAR**  
 NORTH GAUTENG HIGH COURT  
 PRETORIA

AND TO: **MINISTER OF MINERAL RESOURCES**  
 Block 2C, 4th Floor  
 Trevenna Campus  
 Corner of Francis Baard and Meintjies Streets  
 Sunnyside  
 PRETORIA  
 Fax: 012 444 3145  
 Email: [pieter.alberts@dmr.gov.za](mailto:pieter.alberts@dmr.gov.za)

RECEIVED BY THE DIRECTORATE  
 LEGAL SERVICES  
 DEPARTMENT MINERAL RESOURCES  
 DATE: 16/09/2016 TIME: 10:40  
 SIGNATURE: 

AND TO: **DIRECTOR GENERAL: DEPARTMENT OF MINERAL RESOURCES**  
 Department of Mineral Resources  
 Block 2C, 4th Floor  
 Trevenna Campus  
 Corner of Francis Baard and Meintjies Streets  
 Sunnyside  
 PRETORIA  
 Fax: 012 341 2228  
 Email: [pieter.alberts@dmr.gov.za](mailto:pieter.alberts@dmr.gov.za)

RECEIVED BY THE DIRECTORATE  
 LEGAL SERVICES  
 DEPARTMENT MINERAL RESOURCES  
 DATE: 16/09/2016 TIME: 10:40  
 SIGNATURE: 

AND TO: **VAN DER MERWE VAN DEN BERG ATTORNEYS**  
 Attorney for the Third Respondent  
 91 Bending Avenue  
 Ashlea Gardens  
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 Tel: 074 887 8399  
 Fax: (012) 340 0115  
 Email: [braam@vmblaw.co.za](mailto:braam@vmblaw.co.za)  
 Ref: B Van den Berg

**Suzanne Powell**

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**From:** Suzanne Powell  
**Sent:** Thursday, 15 September, 2016 12:02 PM  
**To:** 'Braam van den Berg'  
**Cc:** Catherine Horsfield  
**Subject:** EEPOG and BLSA / Min of Mineral Resources and Others  
**Attachments:** Filing Sheet - Amendment to Notice of Motion.pdf; Amendment to Notice of Motion.pdf

Dear Braam

Kindly receive service of the attached Amendment by the Applicants to their Notice of Motion.

Kind regards

Suzanne Powell  
 Attorney  
 Centre for Environmental Rights NPC  
 A non-profit organisation with registration number 2009/020736/08  
 PBO No. 930032226, NPO No. 075-863, VAT No. 4770260653  
 and a Law Clinic registered with the Law Society of the Cape of Good Hope  
 2<sup>nd</sup> Floor, Springtime Studios, 1 Scott Road, Observatory 7925, Cape Town, South Africa  
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Centre for  
 Environmental Rights  
 Advancing Environmental Rights in South Africa

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**From:** Suzanne Powell  
**Sent:** Friday, 12 August, 2016 1:18 PM  
**To:** 'Braam van den Berg'  
**Cc:** Catherine Horsfield  
**Subject:** EEPOG and BLSA / Min of Mineral Resources and Others

Dear Braam

Kindly receive service of the attached Notice of Intention to Amend.

Kind regards

Suzanne Powell  
 Attorney  
 Centre for Environmental Rights NPC  
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 PBO No. 930032226, NPO No. 075-863, VAT No. 4770260653  
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lodged by each of the Applicants respectively against the grant by the Director-General: Department of Mineral Resources ("*the DG*") of a coal mining right to William Patrick Bower (Pty) Ltd in respect of portions 6 and 23 of the farm Groenvlei 353 JT and portion 12 of the farm Lakenvalei 355 JT in the Magisterial District of Belfast in Mpumalanga Province ("*the mining right*");

2. directing that a failure by the Minister to timeously comply with the Order in paragraph 1 shall be deemed to be a dismissal of the Applicants' internal appeals and that, in such an event, the Applicants shall be entitled to approach this Honourable Court on these papers (supplemented to the extent necessary) and under the same case number for orders:-
  - 2.1 reviewing and setting aside the deemed dismissals of the internal appeals; and
  - 2.2 upholding the internal appeals and setting aside the grant by the DG of the mining right;
- 2A. that, to the extent necessary, the period of 180 days contemplated in section 7(1) of the Promotion of Administrative Justice Act, 3 of 2000 is extended to the date when this application was instituted;
3. that the First and Second Respondents be ordered to pay the Applicants' costs on an attorney and client scale;
4. that, in the event that the Third Respondent opposes these proceedings, the Third Respondent be ordered to pay the Applicants'