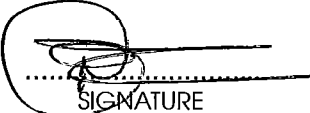


REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT
JOHANNESBURG

CASE NO: 39646/12

(1)	REPORTABLE: YES / NO
(2)	OF INTEREST TO OTHER JUDGES: YES / NO
(3)	REVISED.
	9 / 12 / 2013
	DATE
	
	SIGNATURE

In the matter between:

VAAL ENVIRONMENTAL JUSTICE ALLIANCE

Applicant

and

**COMPANY SECRETARY OF ARCELORMITTAL
SOUTH AFRICA LIMITED**

First Respondent

ARCELORMITTAL SOUTH AFRICA LIMITED

Second Respondent

JUDGEMENT

CARSTENSEN AJ:

1. The Respondents seek leave to appeal against the judgement which

I handed down on the 10th of September 2013.

2. Unfortunately, I had not received the notice of application for leave to appeal prior to the hearing, which led to both a delay in the proceedings as well as the judgement being reserved.
3. Whilst I remain of the view that Section 24 envisages public participation and am particularly convinced that the master plan sought by the Applicant in the application is relevant, it is also true that there has been, and in my view must continue to be, a change in ideology and a development of the jurisprudence under the new Constitution.
4. However, this results in aspects of this application being novel and in the result, I believe it is appropriate that this matter receive the attention of the Supreme Court of Appeal.
5. Consequently, I make the following order:
 - 5.1. leave to appeal is granted;
 - 5.2. the costs of the application for leave to appeal are costs in the appeal.



**P L CARSTENSEN
ACTING JUDGE OF THE
HIGH COURT**

HEARD: 2 DECEMBER 2013
DELIVERED: 9 DECEMBER 2013

COUNSEL FOR APPLICANT:
INSTRUCTED BY:

S BUDLENDER AND J BLEAZARD
CENTRE FOR ENVIRONMENTAL
RIGHTS

COUNSEL FOR RESPONDENTS:
INSTRUCTED BY:

CDA LOXTON SC AND P LAZARUS
EDWARD NATHAN SONNENBERGS

(jmt.9.12.13)