



Centre for Environmental Rights

Advancing Environmental Rights in South Africa

Thabametsi Power Company (Pty) Ltd

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Western Services Road
Woodmead
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For the attention of:

Baker McKenzie Attorneys

1 Commerce Square
39 Rivonia Road, Sandhurst
Johannesburg
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By email: deepa.ramjee@bakermckenzie.com
John.Bell@bakermckenzie.com

Copied to:

The Honourable Minister Edna Molewa

Minister of Environmental Affairs
Environment House
473 Steve Biko Road
Arcadia
Pretoria
By email: minister@environment.gov.za

Sabelo Malaza

Chief Director: Integrated Environmental Authorisations
Department of Environmental Affairs
By email: smalaza@environment.gov.za
sdlamini@environment.gov.za

Ziyaad Hassam

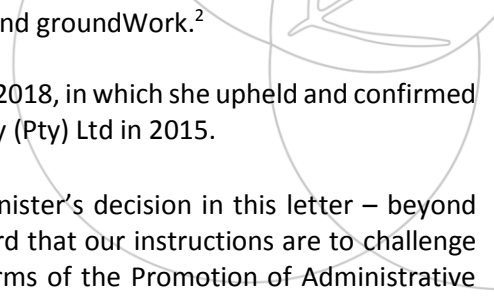
Director: Appeals and Legal Review
Department of Environmental Affairs
By email: zhassam@environment.gov.za
Appealsdirector@environment.gov.za

Our ref: CER 12.4/RH/NL
7 February 2018

Dear Sirs

DECISION IN RELATION TO THABAMETSI POWER COMPANY (PTY) LTD ENVIRONMENTAL AUTHORISATION APPEAL

Cape Town: 2nd Floor, Springtime Studios, 1 Scott Road, Observatory, 7925, South Africa
Johannesburg: 9th Floor, Southpoint CNR, 87 De Korte Street, Braamfontein, 2001, South Africa
Tel 021 447 1647, Fax 086 730 9098
Email info@cer.org.za, www.cer.org.za

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1. We write to you on behalf of our clients Earthlife Africa Johannesburg¹ and groundWork.²
 2. We refer to the Minister of Environmental Affairs' decision of 30 January 2018, in which she upheld and confirmed the environmental authorisation granted to Thabametsi Power Company (Pty) Ltd in 2015.
 3. While we do not intend to address the contents and merits of the Minister's decision in this letter – beyond recording that our clients' view is that it is unlawful - we place on record that our instructions are to challenge the Minister's decision, and we will institute review proceedings in terms of the Promotion of Administrative Justice Act, 2000 (PAJA).
 4. To the extent that your client regards the environmental authorisation as sufficient to proceed with the commencement of any of the authorised activities, we place on record that it does so entirely at its own risk.
 5. If you are no longer the attorneys of record for Thabametsi Power Company (Pty) Ltd, please advise to whom we should direct this letter.
 6. This letter will be placed before the court.

Yours faithfully

CENTRE FOR ENVIRONMENTAL RIGHTS

per: 

Nicole Loser
Attorney

Direct email: nloser@cer.org.za

¹ Earthlife Africa is a non-profit organisation that seeks: a better life for all people without exploiting other people or degrading their environment; and to encourage and support individuals, businesses and industries to reduce pollution, minimise waste and protect our natural resources. See <http://earthlife.org.za/>.

² groundWork is a non-profit environmental justice service and developmental organisation which works on environmental justice and human rights issues, focusing on coal, climate and energy justice, waste and environmental health. It works with South and Southern African communities, including community groups based in Mpumalanga namely the Highveld Environmental Justice Network. See <http://www.groundwork.org.za/>.