

"X" A 19/11/20

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

**BEFORE THE HONOURABLE ACTING DEPUTY JUDGE-PRESIDENT POTTERILL
ON 19 NOVEMBER 2020**

In the matter between:

EARTHLIFE AFRICA NPC

**THE TRUSTEES FOR THE TIME BEING OF
GROUNDWORK TRUST**

and

THE MINISTER OF ENVIRONMENTAL AFFAIRS

**CHIEF DIRECTOR: INTEGRATED
ENVIRONMENTAL AUTHORISATIONS,
DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

**THE DIRECTOR: APPEALS AND LEGAL REVIEW
DEPARTMENT OF ENVIRONMENTAL AFFAIRS**

THABAMETSI POWER COMPANY (PTY) LTD

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA GAUTENG DIVISION, PRETORIA PRIVATE REG. PRIVAATSAK A67 PRETORIA 0001
2020 -11- 19
JUDGE'S SECRETARY REGISTRAR KLERK GRIFSIER VAN DIE HOË HOF VAN SUID AFRIKA GAUTENG AFDELING, PRETORIA

Case No: 21559/2018

Oliver

First Applicant

Second Applicant

First Respondent

Second Respondent

Third Respondent

Fourth Respondent

This Order is made an Order of Court by the Judge whose name is reflected herein, duly stamped by the Registrar of the Court and is submitted electronically to the Parties/their legal representatives by email. This Order is further uploaded to the electronic file of this matter on CaseLines by the Judge or his/her Secretary. The date of this Order is deemed to be 19 November 2020.

DRAFT ORDER


By agreement between the First and Second Applicants and the First, Second, Third and Fourth Respondents, the following order is granted:

1. The decision of the Chief Director: Integrated Environmental Authorisations dated

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25 February 2015, amended on 17 March 2015, granting Thabametsi Power Company (Pty) Ltd the environmental authorisation with reference number 14/12/16/3/3/3/40 for the establishment of a 1200 megawatt coal-fired power station near Lephalale in Limpopo Province, is reviewed and set aside.

2. The decision of the Minister of Environmental Affairs dated 30 January 2018, dismissing the appeal of Earthlife Africa NPC against the decision of the Chief Director: Integrated Environmental Authorisations, is reviewed and set aside.
3. The application for environmental authorisation by Thabametsi Power Company (Pty) Ltd is remitted back to the Chief Director: Integrated Environmental Authorisations, for reconsideration.
4. In respect of costs, the First, Second and Third Respondents are liable for the costs of the First and Second Applicants which costs shall not exceed R 229 136.40 (two hundred and twenty nine thousand one hundred and thirty six rand and forty cent) plus VAT thereon (where VAT may be applicable).


BY ORDER
REGISTRAR OF THE HIGH COURT
PRETORIA

REGISTRAR OF THE HIGH COURT OF
SOUTH AFRICA CAUTIONING DIVISION, PRETORIA
PRIVATE BAG 11111, DOCK ROAD
PRETORIA 0001
2020 -11- 19
JUDGE'S SECRETARY
REGISTRAR OF THE HIGH COURT
SIEFFRYS VAN DIE HULST MOF VAN
SUID AFRICA OORLEIDINGS AFDELING, PRETORIA

Officer

19/11/20