

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

**Case No: 11761/2021**

In the matter between:

**MINING AND ENVIRONMENTAL JUSTICE  
COMMUNITY NETWORK OF SOUTH AFRICA and 6 others** **Applicants**

and

**UTHAKA ENERGY (PTY) LTD and 12 others** **Respondents**

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**PRACTICE NOTE FOR FIRST RESPONDENT**

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1. Date in roll: 16 March 2021 (Urgent Court)
  
2. Number on roll: Not yet available
  
3. Counsel: Detail of Counsel for Applicants unknown  
  
Counsel for First Respondent  
  
Adv MM Oosthuizen SC (083 443 3658)  
  
Adv J Rust (083 445 2911)  
  
Detail of Counsel for other Respondents unknown
  
4. Nature of application: Application for interim interdict to prevent a legally-  
authorised development from lawfully commencing

5. Issues:
- (1) Urgency
  - (2) Jurisdiction
  - (3) *Lis pendens*
  - (4) Preliminary objection that there is insufficient or no *prima facie* evidence at all
  - (5) *Prima facie* right
  - (6) Apprehension of irreparable harm
  - (7) Balance of convenience
  - (8) Punitive costs
6. Relief sought: That the application be struck from the roll for lack of urgency, alternatively be postponed for *lis pendens*, further alternatively be dismissed for lack of merit, in each instance with costs on a punitive scale as between attorney and client, such costs to be paid jointly and severally by the Applicants, the one paying the other to be absolved, and such costs to include the cost of two counsel.
7. Reading of papers: The papers in this matter are voluminous because the First Respondent had to attach all the relevant documentation which the Applicants omitted from their founding affidavit. Because the Applicants allege prospects of success in some six pending

matters, the record of proceedings in those matters also have to be considered. Additionally, because the Applicants created a false perception of catastrophic harm to the environment, evidence pertaining to site-specific detail as well as approved mitigation and rehabilitation measures had to be put before Court. For this reason, the papers before Court are estimated to be more than 8000 pages.

8. Estimated duration: 1-2 days (unless the matter is determined on any of the first four issues, then 3-4 hours).

Adv MM Oosthuizen SC  
Adv J Rust  
Counsel for First Respondent  
Parc Nouveau Chambers  
Pretoria

11 March 2021