

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NUMBER: 11761 / 2021

In the matter between: -

MINING AND ENVIRONMENTAL JUSTICE COMMUNITY NETWORK OF SOUTH AFRICA	First Applicant
GROUNDWORK	Second Applicant
EBIRDLIFE SOUTH AFRICA	Third Applicant
ENDANGERED WILDLIFE TRUST	Fourth Applicant
FEDERATION FOR A SUSTAINABLE ENVIRONMENT	Fifth Applicant
ASSOCIATION FOR WATER AND RURAL DEVELOPMENT	Sixth Applicant
THE BENCH MARKS FOUNDATION	Seventh Applicant

and

UTHAKA ENERGY (PTY) LTD	First Respondent
MEC FOR AGRICULTURE, RURAL DEVELOPMENT LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA	Second Respondent
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES	Third Respondent
MINISTER OF MINERAL RESOURCES AND ENERGY	Fourth Respondent
MINISTER OF HUMAN SETTLEMENTS, WATER AND SANITATION	Fifth Respondent
ACTING CHIEF DIRECTOR: ENVIRONMENTAL AFFAIRS DEPARTMENT OF AGRICULTURE, RURAL DEVELOPMENT LAND AND ENVIRONMENTAL AFFAIRS, MPUMALANGA	Sixth Respondent
GERT SIBANDE DISTRICT MUNICIPALITY	Seventh Respondent
DR PIXLEY KA ISAKA SEME LOCAL MUNICIPALITY	Eight Respondent
THE WATER TRIBUNAL	Ninth Respondent

ESTATE LATE PIERRE WILLIAM BRUWERUYS	Tenth Respondent
OCCUPIER OF PORTION 1 OF THE FARM YZERMYN	
96 HT	Eleventh Respondent
THE VOICE COMMUNITY REPRESENTATIVE	
COUNCIL	Twelfth Respondent
THE MABOLA PROTECTED ENVIRONMENT	
LANDOWNERS ASSOCIATION	Thirteenth Respondent

TWELFTH RESPONDENTS' PRACTICE NOTE

1. Nature of application : Urgent interim interdict
2. Number on roll : 11 – Wednesday at 10h00
3. Counsel for the 12th Respondent : H van der Vyver – 071 3313779
adv@hvdvyver.co.za
4. Counsel for the Applicant : TJBruinders SC and K Hardy –
082 556 5196
hardy@group621.co.za
5. Counsel for 1st Respondent : MM Oosthuizen SC and J Rust –
083 443 3658 and 083 445 2911
6. Relief sought by 12th respondents : For court to have cognisance of
economic impact on community
7. Urgency : Neutral
8. Court to read papers : Yes – heads of argument will assist
9. Duration : 12th respondent's input – 5 to 10
minutes
10. Other considerations : See below

11. **12th respondents' position**

11.1 The Applicants have launched an urgent application seeking an interim interdict to prevent the mine from opening.

11.2 The 12th respondent, as the local community, is in dire straits and desperately need the opening of the mine to uplift the economic activity within the community and to help alleviate the poverty.

11.3 The 12th respondent employed the services of an expert, Demacon, to do a economic impact assessment report.

11.4 The findings of the report is contained in the 12th respondent's affidavit and it is requested that the court has cognisance thereof in considering the balance of convenience and apprehension of harm.

11.5 The community was struggling before COVID 19, it is literally now on its knees and the opening of the mine could be the difference between life and death.