

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

**Case No: 56907/21**

In the matter between:

<b>AFRICAN CLIMATE ALLIANCE</b>	First Applicant
<b>VUKANI ENVIRONMENTAL JUSTICE MOVEMENT IN ACTION</b>	Second Applicant
<b>THE TRUSTEES FOR THE TIME BEING OF GROUNDWORK TRUST</b>	Third Applicant

and

<b>THE MINISTER OF MINERAL RESOURCES AND ENERGY</b>	First Respondent
<b>THE NATIONAL ENERGY REGULATOR OF SOUTH AFRICA</b>	Second Respondent
<b>THE MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT</b>	Third Respondent
<b>THE PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA</b>	Fourth Respondent
<b>THE MINISTER OF ELECTRICITY</b>	Fifth Respondent

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**AMENDED NOTICE OF MOTION**

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**KINDLY TAKE NOTICE** the applicants intend to apply on a date to be determined by the Registrar for an order in the following terms:

- 1 The following decisions (“the impugned decisions”) are declared to be inconsistent with the Constitution of the Republic of South Africa, 1996 (“Constitution”), unlawful and invalid:

- 1.1 The determination published by the Minister of Mineral Resources and Energy (“Minister”) on 25 September 2020 as GN 1015 in Government Gazette No 43734, to the extent that this includes provision for 1500 MW of new coal-fired power.
  - 1.2 The concurrence published by the National Energy Regulator of South Africa (“NERSA”) on or about 10 September 2020, to the extent that this supported the Minister’s determination in respect of 1500 MW of new coal-fired power.
  - 1.3 The Integrated Resource Plan 2019, published on 18 October 2019 as GN 1360/2019 in *Government Gazette* 42784, to the extent that it makes provision for 1500 MW of new coal-fired power.
- 2 The impugned decisions are reviewed and set aside to the extent that they make provision for 1500 MW of new coal-fired power.
  - 3 To the extent necessary, the applicants’ delay in bringing the review application in terms of the Promotion of Administrative Justice Act 3 of 2000 (“PAJA”), alternatively the constitutional principle of legality, is condoned and / or the 180-day time period under PAJA is extended so as to terminate one day after the institution of this application.
  - 4 The costs of this application are to be paid, jointly and severally, by all respondents that oppose it.
  - 5 Further and / or alternative relief.

**TAKE NOTICE FURTHER** that the founding affidavit and supplementary founding affidavit of **GABRIEL COLVIN KLAASEN**, together with annexures and supporting affidavits, will be used in support of this application.

**TAKE NOTE FURTHER** that the applicants appoint the address of their attorneys, as set out below, as the address at which they will accept service of all process in these proceedings.

**TAKE NOTICE FURTHER** that any respondents who wish to oppose the relief sought are required:

- (a) within 15 days of receipt of this amended notice of motion, to deliver a notice to the applicants' attorneys that such respondents intend to oppose this application;
- (b) to appoint an address within 15 kilometres of the office of the Registrar at which the respondents will accept notice and service of all process in such proceedings; and
- (c) within 30 days of the expiry of the time period referred to in Uniform Rule of Court 53(4), deliver such affidavits as they may desire in answer to the allegations made by the applicants.

Kindly place the matter on the roll accordingly.

DATED at PRETORIA on this the 05<sup>th</sup> day of SEPTEMBER 2023.



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**CENTRE FOR ENVIRONMENTAL RIGHTS**

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**Ref: CER61**

**C/O GMI ATTORNEYS**

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**TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT  
PRETORIA**

**AND TO: THE STATE ATTORNEY**

Attorneys for the First and Fourth Respondents

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Ref: 3735/2021/Z18

**AND TO: MCHUNU ATTORNEYS**

Attorneys for the Second Respondent

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**AND TO: THE MINISTER OF FORESTRY, FISHERIES  
AND THE ENVIRONMENT**

Third Respondent

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**AND TO: THE MINISTER OF ELECTRICITY**

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