




REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

CASE NO.: 59391/17

20/12/17

(1)	REPORTABLE: YES / <input checked="" type="radio"/> NO
(2)	OF INTEREST TO OTHER JUDGES: YES / <input checked="" type="radio"/> NO
(3)	REVISED
20/12/2017	
DATE	SIGNATURE

In the matter between:

PRETORIA CHINESE SCHOOL

APPLICANT

and

CITY OF TSWANE METROPOLITAN MUNICIPALITY

RESPONDENT

Heard: 14 December 2017

Delivered 20 December 2017

JUDGMENT

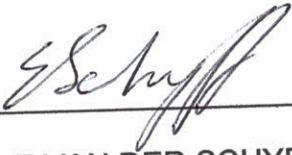
VAN DER SCHYFF AJ

- [1] The Urgent Court granted a *rule nisi* on 12 September 2017 upon the Respondent to show cause why an order should not be made whereby the Respondent is interdicted from placing any suspension or hold on the Applicant's pre-paid electricity account and from any other interference with such account. The Respondent was ordered to uplift the suspension placed on the Applicant's pre-paid electricity account no. 2011820874 *ante omnia*. It was clearly stated in the order that the *rule nisi* is not a referral to the urgent court on the return date, and if opposed, is not intended to be heard in the unopposed court. Costs of the Application was reserved.
- [2] The matter was set down for adjudication on 14 December 2017 and the notice of set down was served on the Respondent's attorneys of record on 7 December 2017. The matter was set down on the unopposed role although the notice of set down stated that the matter 'is herewith set enrolled for hearing on the urgent roll.' No notice of intention to oppose was delivered by the Respondent. However, when the matter was called counsel did appear on behalf of the Respondent. He stated that the interdict must not be granted since another remedy is provided for in section 102 of the Local Government: Municipal Systems Act No 32 of 2002. Counsel for the Respondent correctly argued that the said section do not provide a proper remedy to the Applicant in the circumstances of this case.
- [3] Applicant meets the requirements to be granted interdictory relief. Since there is no opposing affidavit the facts as stated by the Applicant stand uncontested.

ORDER:

IT IS THUS ORDERED THAT:

1. The Respondent must uplift the suspension of the Applicant's pre-paid electricity account no. 2011 820 874;
2. The Respondent is interdicted from again placing any suspension or a hold on the Applicant's pre-paid electricity account and from any other interference with the pre-paid account unless on authority of a judgment or order of the Court;
3. The Respondent to pay the costs of the application.



E VAN DER SCHYFF

Acting Judge of the High Court