

**IN THE HIGH COURT OF SOUTH AFRICA**

**(GAUTENG DIVISION, PRETORIA)**

17554/2021  
Case no:

In the matter between

**SOUTH DURBAN COMMUNITY ENVIRONMENTAL ALLIANCE** First Applicant

**THE TRUSTEES OF THE GROUNDWORK TRUST** Second Applicant

and

**MINISTER OF FORESTRY, FISHERIES AND THE ENVIRONMENT** First Respondent

**CHIEF DIRECTOR: INTEGRATED ENVIRONMENTAL AUTHORISATIONS, DEPARTMENT OF FORESTRY, FISHERIES AND THE ENVIRONMENT** Second Respondent

**ESKOM HOLDINGS SOC LTD** Third Respondent

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**NOTICE OF MOTION**

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

1. The decision of the second respondent to issue an environmental authorisation for the proposed construction of the Richards Bay Combined Cycle Power Plant which was issued on 23 December 2019 under authorisation reference no. 14/12/16/3/3/2/1123 ("the Initial Decision") is reviewed and set aside.

2. The decision of the first respondent to dismiss the applicants' appeal against the Initial Decision, which decision was issued on 13 October 2020 under reference no. LSA191719, is reviewed and set aside.
3. Directing the respondents to pay the costs of this application, including the costs of two counsel.
4. Further and/or alternative relief.

**KINDLY FURTHER TAKE NOTICE** that the accompanying affidavits of **DESMOND MATTHEW D'SA** and **AVENA RAMESH JACKLIN** together with annexures thereto, will be used in support of this application.

**KINDLY FURTHER TAKE NOTICE** that the applicants have appointed the offices of Cullinan & Associates Inc. care of Jacobson & Levy Incorporated at the address below as the address at which they will accept notice and service of all processes in these proceedings.

**KINDLY FURTHER TAKE NOTICE** that the first and second respondents are called upon in terms of Uniform Rules of Court 53(1)(a) to show cause why their decisions should not be set aside.

**TAKE NOTICE FURTHER** that the first and second respondents are hereby called upon to dispatch within fifteen (15) days of receipt of this notice of motion to the Registrar of this Honourable Court, the record of their decisions sought to be reviewed, including all correspondence (including emails), reports, memoranda, documents, evidence, transcripts of recorded proceedings, and other information before the first

and second respondents, together with such reasons as are desirable to provide, and to notify the applicant that this has been done.

**TAKE NOTICE FURTHER** that the applicants may, within 10 (ten) days of after the Registrar of this Honourable Court has made a complete record available to it, by delivery of a notice and accompanying affidavit, amend, add to, or vary this notice of motion and supplement its founding affidavit.

**TAKE NOTICE FURTHER** that if the respondents intend opposing this application they are required

(a) within fifteen (15) days after receipt of this notice of motion or any amendment thereof, to deliver notice to the applicants that they intend so to oppose, and in such notice, to appoint an address within fifteen (15) kilometres of the office of the Registrar at which they will accept notice and service of all process in these proceedings.

(b) within thirty (30) days after the expiry of the time referred to in Uniform Rule 53(4), to deliver any affidavit that they may desire in answer to the allegations made by the applicant.

Kindly enrol this application accordingly.

Dated at PRETORIA on this 09<sup>TH</sup> day of APRIL 2021

**(Sgd) J. LEVY**

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**As correspondent for:**  
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**TO: The Registrar**  
High Court of South Africa  
Gauteng Division, Pretoria

**AND TO: The Minister of Forestry, Fisheries and the Environment**  
First Respondent  
c/o The State Attorney  
Old Mutual Centre  
8th Floor, 167 Andries Street  
Pretoria  
0001

**AND TO: Chief Director: Integrated Environmental Authorisation,  
Department of Forestry, Fisheries and the Environment  
Second Respondent  
Environment House  
472 Steve Biko Road  
Arcadia, Pretoria  
0001**

And c/o The State Attorney  
Old Mutual Centre  
8th Floor, 167 Andries Street  
Pretoria  
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**AND TO: Eskom Holdings SOC Ltd  
Third Respondent  
Megawatt Park  
2 Maxwell Drive  
Sunninghill  
Sandton, Johannesburg  
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