



IN THE HIGH COURT OF SOUTH AFRICA
(NORTH WEST DIVISION, MAHIKENG)

CASE NO: 697/2024

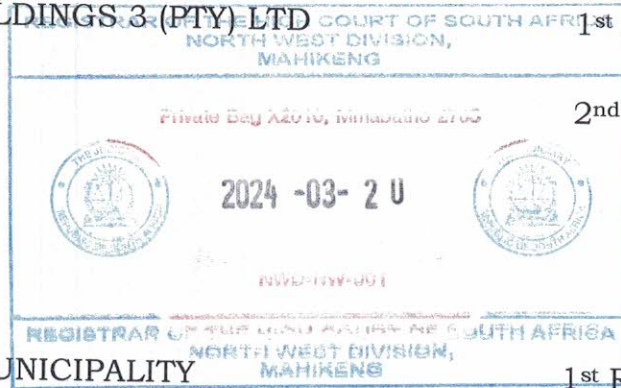
Held at MMABATHO on this the 15th day of MARCH 2024
BEFORE the Honourable Madam Justice REID J

In the matter between:

MOLAHLWA INVESTMENTS HOLDINGS 3 (PTY) LTD 1st Applicant

THABISO MXOLISI PAKADE 2nd Applicant

and



CITY OF MATLOSANA LOCAL MUNICIPALITY 1st Respondent

MOLEBOGENG TRADING ENTERPRISE CC 2nd Respondent
[REG NO.: 2005/063561/23]

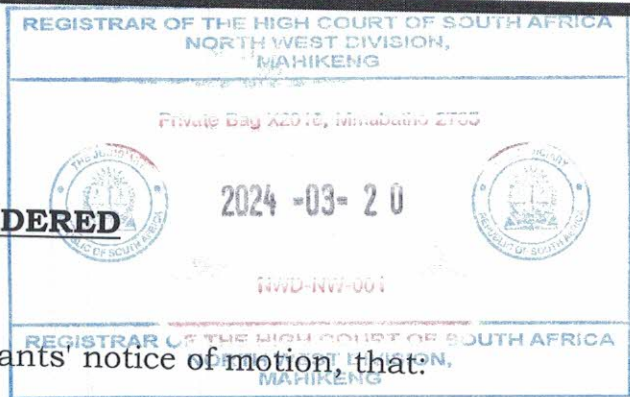
THE MUNICIPAL MANAGER OF THE CITY OF 3rd Respondent
MATLOSANA LOCAL MUNICIPALITY –
LESEGO SEAMETSO N.O.

LESEGO SEAMETSO 4th Respondent

OTHER UNSUCCESSFUL TENDERERS 5th to 27th Respondent

HAVING HEARD ADV K MOKWENA on behalf of the First and Second Applicant and ADV N
G LAUBSCHER on behalf of the First, Third and Fourth Respondent and having read the
Notice of Motion and other documents filed of record;

IT IS ORDERED



1. THAT: In respect of **Part A** of the Applicants' notice of motion, that:
- 1.1 this part of the Applicants' application be heard and disposed of on an urgent basis and that the forms and terms of service and time periods provided for in the Rules of the above Honourable Court be dispensed with in terms of Rule 6(12) and any non-compliance with the said Rule is condoned;
 - 1.2 the following interim relief be granted:
 - 1.2.1 pending the final adjudication of Part B of the Applicants' application, the First Respondent be and is hereby interdicted and restrained from implementing the award of Tender Number COM/T/03/2023/2024, for the lease to buy sixteen (16) new refuse removal trucks for a period of thirty-six (36) months (hereafter "the Tender") which the First Respondent made to the Second Respondent;
 - 1.2.2 the First Respondent implement the necessary emergency and urgent procurement processes and procedures to allow for the emergency and urgent temporary procurement of refuse removal trucks to render the uninterrupted provision of the municipal service of refuse removal to the community of the City of Matlosana pending the final determination of Part B of the Applicants' application, alternatively the conducting of a competitive bidding process in terms of the applicable and prescribed procurement legislation for the procurement of refuse removal trucks and/or services; and
 - 1.2.3 no order in respect of costs is made against the First, Third and Fourth Respondents.
2. THAT: In respect of **Part B** of the Applicants' notice of motion, that:
- 2.1 the First Respondent delivers the record in respect of the evaluation, adjudication and award of the Tender within 30 court days from the date of this order;

- 2.2 the First Respondent abides by the order of the Court made in respect of Prayers 1 to 3 of this part of the Applicants' application;
- 2.3 the Applicants abandon the relief as requested in Prayer 4 of Part B of the Applicants' application and the Applicants do not persist with claiming any relief against the Third and the Fourth Respondents; and
- 2.4 no order in respect of costs is made against the First, Third and Fourth Respondents.



BY THE COURT

REGISTRAR OF HIGH COURT
NORTH WEST HIGH COURT
MAHIKENG
REGISTRAR

DCK