

19 March 2026

**NOTICE OF MOTION**

**Rule 23 of the Standing Rules and Orders of uThukela District Municipality**

**Mover: Cllr Thys Daniël Janse van Rensburg (DA)**

**Seconder: Cllr Anand Rajkoomar (DA)**

**That the Council:**

**1. Notes the definitions of financial misconduct** applicable to senior managers in terms of:

- **Municipal Systems Act 32 of 2000**, s120 (empowering regulations on disciplinary procedures);
- **Local Government: Disciplinary Regulations for Senior Managers**, 2010 (Regulation 3 read with Schedule 2);
- **MFMA 56 of 2003, s171** (offences by officials, including wilful or grossly negligent breach of duties); and
- **Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings, 2014** (defining financial misconduct as any act or omission that constitutes unauthorised, irregular, fruitless and wasteful expenditure or failure to comply with reporting and oversight obligations).

**2. Records the following material transgressions by the Municipal Manager / Accounting Officer, Mr LS Jili**, each constituting financial misconduct and gross dereliction of duty:

- a) In October 2025, Mr Jili secretly concluded a High Court consent order with RASP Consultants CC (Case 2025-053471) for R137 million without any prior Council resolution – a direct breach of **MFMA s33** (long-term debt approval) and **MFMA s60** (fiduciary duties of the Accounting Officer).
- b) In December 2025, Mr Jili failed to pay the R3 million first instalment despite bank statements confirming approximately R12 million available, triggering clause 7 acceleration and R31 million additional interest – constituting fruitless and wasteful expenditure under **MFMA s32**, and failure to implement expenditure controls under **MFMA s65(2)**.
- c) On 17 February 2026, Mr Jili lied to Council in an official report by claiming no funds were available due to Equitable Share delays (first lie). This was refuted as false by MEC Francois Rodgers' letter of 26 February 2026.
- d) On 27 February 2026 (Item A04/02/26), Mr Jili deliberately understated emergency short-term loans routed through the UEDA account as R16 million when the actual amount disclosed under Parliamentary COGTA Portfolio Committee scrutiny on 17 March 2026 was materially higher (second lie to Council).
- e) Mr Jili has refused to answer multiple official councillor questions and demands (letters dated 28 July 2025, 5 March 2026, 12 March 2026 and 13 March 2026), breaching **Standing Rules Rule 25, MSA s55(1)** and constituting an offence under **MFMA s173**.

**3. Finds that the above acts meet the definition of financial misconduct** in the 2010 Disciplinary Regulations and the 2014 Financial Misconduct Regulations, warranting **immediate suspension pending full investigation.**

**4. Resolves that Mr LS Jili be suspended with immediate effect (with full pay) pending:**

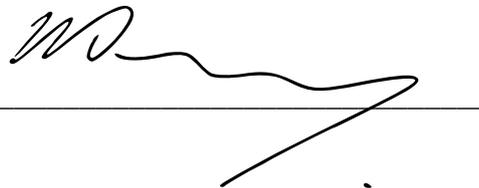
- 4.1 A full Section 106 investigation by the MEC for COGTA on these transgressions and any other transgressions tangential to these matters;
- 4.2 Disciplinary proceedings in terms of the 2010 Regulations (Regulation 5 – suspension and hearing);
- 4.3 Referral to the Auditor-General for a certificate of debt under Public Audit Act s5(3) for all losses (including R31 million interest and litigation costs);
- 4.4 Criminal investigation under **MFMA s171** and **MFMA s173**; and
- 4.5 Full recovery of irregular/fruitless expenditure under **MFMA s32(6).**

5. **Further resolves**, in terms of Constitution sections 41(1) and 154(1) (co-operative government) read with MSA s106 and the MFMA, to request the MEC for Cooperative Governance and Traditional Affairs and the MEC for Finance (KZN), acting jointly, to establish a combined provincial investigation team into the financial misconduct and maladministration of the Municipal Manager, with a report and recommendations to be tabled in Council within 30 days.

6. **Directs the Speaker** to table this motion at the earliest possible Council meeting (or convene a special meeting under Rule 7) and to forward all documentation to the MEC, Auditor-General, National Treasury, and Minister of COGTA within 48 hours.

**Reasons for urgency (Rule 7(3)(b)(ii)):** The continued presence of Mr Jili poses an immediate threat to financial viability, service delivery and public funds.

Cllr Thys Daniël Janse van Rensburg (Mover)



Cllr Anand Rajkoomar (Seconder)

Annexures attached pg 3 - 54 (also in a digital folder **HERE**)

- a) High Court Consent Order – RASP Consultants CC v uThukela DM (Case 2025-053471, dated 3 October 2025)
- b) December 2025 Bank Statements
- c) MM Report to Council dated 17 February 2026 (the report claiming “no funds available”)
- d) MEC Francois Rodgers Letter dated 26 February 2026 (explicitly refuting the “no funds” claim last para)
- e) Council Item A04/02/26 – Ratification of Emergency Short-Term Loans (27 February 2026)
- f) Link to Parliament COGTA Submission, (13 March 2026) – where MM conceded a higher UEDA loan amount - time stamp 2h12 - <https://www.youtube.com/live/drXW9bcHfdE?si=tHM34NGBjF2Bq2W4>
- g) Cllr Janse van Rensburg Letters to MM (28 July 2025, 5 March 2026, 12 March 2026 & 18 March 2026)

**IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

**CASE NO. 2025-053471**

In the matter between:-

**RASP CONSULTANTS CC**

**APPLICANT**

and

**UTHUKELA DISTRICT MUNICIPALITY**

**RESPONDENT**

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**FILING NOTICE**

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**TO : THE REGISTRAR OF THE HIGH COURT  
PIETERMARITZBURG**

**AND TO : FARRELL INCORPORATED ATTORNEYS  
RESPONDENT'S ATTORNEY  
271 PROBLEM MKHIZE ROAD  
BEREA  
DURBAN  
REF: MS F MBATHA/MAT3457  
EMAIL: fezeka@farrell.co.za**

**SIRS,**

**KINDLY TAKE NOTICE THAT** the Applicant herein hereby files evenly herewith the Court Order dated 3<sup>rd</sup> October 2025.

**DATED AT PIETERMARITZBURG ON THIS 14<sup>TH</sup> DAY OF OCTOBER 2025**

**FILED BY:           APPLICANT'S ATTORNEY**  
**CARLOS MIRANDA ATTORNEY**  
4 OLD HOWICK ROAD  
WEMBLEY  
PIETERMARITZBURG  
TEL: 033 – 345 7450/1  
E-MAIL: [sahil@sahilsingh.co.za](mailto:sahil@sahilsingh.co.za)  
(REF: R644/mg)



**IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

CASE NO: 2025-053471

**ON THE 3<sup>RD</sup> DAY OF OCTOBER 2025**

**BEFORE THE HONOURABLE ACTING JUDGE MARION**

In the matter between:

**RASP CONSULTANTS CC**

**APPLICANT**

and

**UTHUKELA DISTRICT MUNICIPALITY**

**RESPONDENT**

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**HAVING** read the documents filed of record; and

**HAVING** heard Counsel for the Applicant;

**IT IS ORDERED BY CONSENT, THAT:**

1. The Respondent be and is hereby ordered and directed to pay the Applicant the sum of R137 069 157.50 (ONE HUNDRED & THIRTY-SEVEN MILLION, SIXTY-NINE THOUSAND ONE HUNDRED & FIFTY-SEVEN RAND & FIFTY CENTS) in full and final settlement of all amounts due owing and payable by the Respondent to the Applicant.
2. It is recorded that the amount referred to in paragraph 1 above relates to goods sold and delivered and for services rendered by the Applicant at the Respondents special instance and request under unsolicited bid awarded by the Respondent to the Applicant in terms of Regulation 7 of the Municipal Finance Management Act, 56 of 2003.

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG
Private Bag X9014, Pietermaritzburg 3200
 2025-10-14
KZND-PMB-001
REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG

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3. It is further recorded that the aforesaid bid was awarded to the Applicant on the 14<sup>th</sup> May 2021 initially for a period of THIRTY-SIX (36) months and thereafter was extended as from the 18<sup>th</sup> March 2024 for a further period of THIRTY-SIX (36) months.
4. It is recorded further that unpaid costs of goods sold and delivered and services rendered by the Applicant to the Respondent, at the Respondents special instance and request, under the aforesaid bid are for the period 1<sup>st</sup> October 2023 to 10<sup>th</sup> December 2024 and accumulatively amount to the sum as specifically recorded in paragraph 1 above.
5. Payment of the amount referred in paragraph 1 will be paid by the Respondent to the Applicant in TWENTY-FOUR (24) consecutive instalments, as follows:-
  - 5.1 R3' 000 000.00 (THREE MILLION RAND) on or before the 15<sup>th</sup> December 2025;
  - 5.2 R3' 000 000.00 (THREE MILLION RAND) on or before the 31<sup>st</sup> March 2026;
  - 5.3 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2026;
  - 5.4 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2026;
  - 5.5 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2027;
  - 5.6 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2027
  - 5.7 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2027;



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- 5.8 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2028
- 5.9 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2028;
- 5.10 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2028;
- 5.11 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2029;
- 5.12 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2029;
- 5.13 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2029;
- 5.14 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2030;
- 5.15 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2030;
- 5.16 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2030;
- 5.17 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2031;
- 5.18 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2031;
- 5.19 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2031;
- 5.20 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2032;
- 5.21 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2032;



5.22 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2032;

5.23 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2033;  
and

5.24 R5' 069 157.50 (FIVE MILLION & SIXTY-NINE THOUSAND, ONE HUNDRED & FIFTY-SEVEN RAND & FIFTY CENTS) on or before the 31<sup>st</sup> July 2033.

6. Payment of the aforesaid instalments are to be made into the trust banking account of the Applicant's Attorney, namely, CARLOS MIRANDA ATTORNEY, the details of which are as follows:-

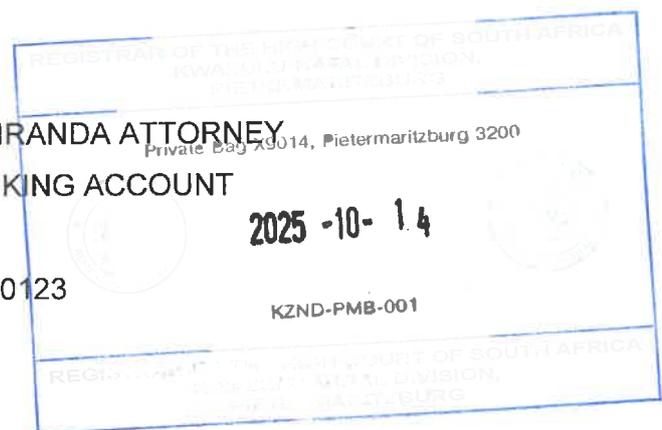
ACCOUNT NAME: CARLOS MIRANDA ATTORNEY

ACCOUNT TYPE: TRUST BANKING ACCOUNT

BANK: ABSA BANK

ACCOUNT NUMBER: 10 2091 0123

BRANCH CODE: 632005



7. It is recorded that should the Respondent breach any of the terms and conditions set forth in this Order of Court, the full remaining amount shall immediately become due owing and payable together with interest at a rate of ELEVEN (11) per centum (%) per annum calculated as from the 1<sup>st</sup> October 2023 to date of final payment.

8. Each party is directed to bear the own legal costs incurred as at date hereof, unless a breach arises due the Respondents default with the terms hereof, in which event the Respondent shall bear the Applicants costs consequent upon the recovery of any and all outstanding amounts due in terms hereof with such costs being payable on the attorney and client scale.

BY ORDER OF THE COURT

  
R J JOOSTE  
REGISTRAR

Carlos Miranda Attorney.

/szondi  
14/10/2025





BBST270 023926

\*UTHUKELA DISTRICT MUNICIPALITY  
33 FORBES STREET  
LADYSMITH  
3370

✉ P O Box 18  
Ladysmith 3370  
**Street Address** Ladysmith Kwazulu-Natal  
198 Murchison Street

**Universal Branch Code** 250655  
📧 [services@rmb.co.za](mailto:services@rmb.co.za)

**Client Service Suite** 087 312 5601

**Lost Cards** 0800-11-01-32

**Relationship Manager** Mlungiseleli Mnyani (031) 581 9765  
☎ (031) 581-9765

**Customer VAT Registration Number** 4580193573  
**Bank VAT Registration Number** 4210102051

**Public Sector Managed Account : 62252306280**

Tax Invoice/Statement Number : 270  
Statement Period : 30 November 2025 to 31 December 2025  
**Statement Date : 31 December 2025**

Statement Balances		Bank Charges		Interest Rate	
Opening Balance	12,192,643.33 Cr	Service Fees	115.00 Dr	Credit Rate**	0.00%
Closing Balance	38,952,856.44 Cr	Cash Deposit Fees	2.50 Dr	Debit Rate (Non-NCA)	0.00%
# Inclusive of VAT @ 15.00%	1,050.77 Dr	Cash Handling Fees	0.00		
Total VAT (ZAR)	1,050.77 Dr	Other Fees	7,938.40 Dr		

**Transactions in RAND (ZAR)**

Date	Description	Reference	Amount	Fee	Internal Use
<b>Bills And Foreign Exchange</b>					
03 Dec	General Credit - Domestic Treasury	Municipal Infrastructure G2533	12,784,000.00 Cr		1 1np879
18 Dec	General Credit - Domestic Treasury	Equitable Sharenullnull2534	198,088,000.00 Cr		2 1np879
22 Dec	General Credit - Domestic Treasury	Property Management Tradin2534	142,838.84 Cr		3 1np879
30 Dec	General Credit - Domestic Treasury	Municipal Infrastructure G2535	20,475,000.00 Cr		4 1np879
<b>Intercompany/ Intergroup Transfers</b>					
01 Dec	FNB OB Trf	Disinv 28 Nov 25	7,563,000.00 Cr		5 1bb560
01 Dec	62253072385	Trf From 62253072385	648,938.04 Cr		6 cms281
03 Dec	62253072385	Trf From 62253072385	416,856.16 Cr		7 cms281
04 Dec	62253072385	Trf From 62253072385	93,134.57 Cr		8 cms281
05 Dec	62253072385	Trf From 62253072385	365,209.54 Cr		9 cms281
06 Dec	62253072385	Trf From 62253072385	55,182.44 Cr		10 cms281
08 Dec	62253072385	Trf From 62253072385	353,826.08 Cr		11 cms281
09 Dec	62253072385	Trf From 62253072385	138,813.42 Cr		12 cms281
10 Dec	62253072385	Trf From 62253072385	139,843.02 Cr		13 cms281
11 Dec	62253072385	Trf From 62253072385	419,597.59 Cr		14 cms281
12 Dec	62253072385	Trf From 62253072385	525,013.20 Cr		15 cms281
13 Dec	62253072385	Trf From 62253072385	41,077.51 Cr		16 cms281
15 Dec	62253072385	Trf From 62253072385	509,015.69 Cr		17 cms281
17 Dec	62253072385	Trf From 62253072385	709,158.89 Cr		18 cms281
18 Dec	62253072385	Trf From 62253072385	385,385.42 Cr		19 cms281
19 Dec	62253072385	Trf From 62253072385	196,186.88 Cr		20 cms281
20 Dec	62253072385	Trf From 62253072385	20,520.55 Cr		21 cms281
22 Dec	62253072385	Trf From 62253072385	242,083.57 Cr		22 cms281
23 Dec	62253072385	Trf From 62253072385	171,947.97 Cr		23 cms281

Branch Number	Account Number	Date	DDA D8/9V/AV/IS/IS/CA/BB/B6/AA/N	FN
281	62252306280	2025/12/31	PUBLIC SECTOR MANAGED ACCOUNT	

Transactions in RAND (ZAR) : 62252306280

Date	Description	Reference	Amount	Fee	Internal Use
24 Dec	62253072385	Trf From 62253072385	195,132.13 Cr		24 cms281
27 Dec	62253072385	Trf From 62253072385	204,592.35 Cr		25 cms281
29 Dec	62253072385	Trf From 62253072385	210,520.06 Cr		26 cms281
30 Dec	62253072385	Trf From 62253072385	1,067,611.95 Cr		27 cms281
31 Dec	62253072385	Trf From 62253072385	466,879.94 Cr		28 cms281
<b>Receipts Via Other Banks</b>					
02 Dec	Magtape Credit User 8680 Seq 013286	Basd19 Nat: Just000057758	296.63 Cr		29 pcb560
08 Dec	Magtape Credit User 1489 Seq 000158	Ndf Paid Via ACB	99,627.15 Cr		30 pcb560
10 Dec	Magtape Credit User 0570 Seq 456014	Basq46 Kzn: Heal000044055	831,984.06 Cr		31 pcb560
12 Dec	Magtape Credit User 8680 Seq 016160	Basd19 Nat: Just000061502	2,057.41 Cr		32 pcb560
15 Dec	Magtape Credit User 8741 Seq 132433	Basd08 Nat: Empl000012422	14,513.06 Cr		33 pcb560
15 Dec	Magtape Credit User 0535 Seq 051365	Basq40 Kzn: Agri000004287	586.97 Cr		34 pcb560
18 Dec	Magtape Credit User 9378 Seq 007045	General Mgpay251200148	163,765.20 Cr		35 pcb560
22 Dec	Magtape Credit User 1489 Seq 000207	Ndf Paid Via ACB	352,078.03 Cr		36 pcb560
23 Dec	Magtape Credit User 0570 Seq 457788	Basq46 Kzn: Heal000046077	32,537.92 Cr		37 pcb560
24 Dec	Magtape Credit User 8680 Seq 019494	Basd19 Nat: Just000064920	489.17 Cr		38 pcb560
29 Dec	Magtape Credit User 8680 Seq 019845	Basd19 Nat: Just000065452	1,728.50 Cr		39 pcb560
29 Dec	Magtape Credit User 9600 Seq 000821	Ihs Towers15210--Monthly Site	4,603.22 Cr		40 pcb560
29 Dec	Magtape Credit User 9600 Seq 002257	Ihs Towers15235--Monthly Site	5,993.90 Cr		41 pcb560
31 Dec	Magtape Credit User 0926 Seq 679445	Basd07 Nat: Corr000068699	228,217.93 Cr		42 pcb560
31 Dec	Magtape Credit User 9501 Seq 070336	Mn Mvelase 0001064544	300.00 Cr		43 pcb560
<b>FNB Receipts/ Electronic Collections</b>					
15 Dec	Magtape Credit User 8881 Seq 002731	SARS VAT 45801935730675890209	1,685,309.90 Cr		44 pcu142
<b>Receipts From FNB Customers</b>					
01 Dec	FNB OB Pmt	Advances	165,383.32 Cr		45 1bb560
01 Dec	FNB OB Pmt	Cellphones	52,613.41 Cr		46 1bb560
01 Dec	FNB OB Pmt	Ef01430900001Inkosi0	240,414.64 Cr		47 1bb560
01 Dec	FNB OB Pmt	Sundry	19,853.70 Cr		48 1bb560
11 Dec	FNB OB Pmt	Isandiso Pipelines	1,763,169.57 Cr		49 1bb560
18 Dec	FNB OB Pmt	Cellphones	53,614.15 Cr		50 1bb560
<b>Payments Through Debit Orders</b>					
08 Dec	B2B Collection	Eskom Eskom 5762564173	2,086.47		51 ce1560
08 Dec	B2B Collection	Eskom Eskom 5867439622	8,339.79		52 ce1560
08 Dec	B2B Collection	Eskom Eskom 5934552883	3,390.81		53 ce1560
08 Dec	B2B Collection	Eskom Eskom 6198986849	30,723.57		54 ce1560
08 Dec	B2B Collection	Eskom Eskom 6565915966	2,454.86		55 ce1560
08 Dec	B2B Collection	Eskom Eskom 6744883947	2,084.17		56 ce1560
08 Dec	B2B Collection	Eskom Eskom 6805220410	2,086.47		57 ce1560
08 Dec	B2B Collection	Eskom Eskom 7030936507	6,674.81		58 ce1560
08 Dec	B2B Collection	Eskom Eskom 7070634755	2,433.71		59 ce1560
08 Dec	B2B Collection	Eskom Eskom 7786184647	3,522.28		60 ce1560
08 Dec	B2B Collection	Eskom Eskom 7815562701	14,065.43		61 ce1560
08 Dec	B2B Collection	Eskom Eskom 8216930429	3,390.81		62 ce1560
08 Dec	B2B Collection	Eskom Eskom 8242158233	15,121.47		63 ce1560
08 Dec	B2B Collection	Eskom Eskom 8497025348	15,574.48		64 ce1560
08 Dec	B2B Collection	Eskom Eskom 8765746560	7,792.19		65 ce1560
08 Dec	B2B Collection	Eskom Eskom 8985599865	6,277.67		66 ce1560
08 Dec	B2B Collection	Eskom Eskom 9078398837	3,390.81		67 ce1560
08 Dec	B2B Collection	Eskom Eskom 9529940682	2,023.17		68 ce1560
08 Dec	B2B Collection	Eskom Eskom 9570648328	4,338.05		69 ce1560
08 Dec	B2B Collection	Eskom Eskom 9685923419	3,670.34		70 ce1560
09 Dec	B2B Collection	Eskom Eskom 8775190904	24,786.85		71 ce1560
12 Dec	B2B Collection	Eskom Eskom 7830714464	24,094.33		72 ce1560
15 Dec	B2B Collection	Eskom Eskom 5041347408	6,287.11		73 ce1560
15 Dec	B2B Collection	Eskom Eskom 5076070704	3,482.65		74 ce1560
15 Dec	B2B Collection	Eskom Eskom 5398693746	1,959.88		75 ce1560
15 Dec	B2B Collection	Eskom Eskom 5407245652	3,907.00		76 ce1560
15 Dec	B2B Collection	Eskom Eskom 5471050299	6,655.50		77 ce1560
15 Dec	B2B Collection	Eskom Eskom 5507161487	4,944.84		78 ce1560
15 Dec	B2B Collection	Eskom Eskom 5577207733	78,930.76		79 ce1560

Branch Number	Account Number	Date	DDA D8/9V/AV/IS/IS/CA/BB/B6/AA/N	FN
281	62252306280	2025/12/31	PUBLIC SECTOR MANAGED ACCOUNT	

Transactions in RAND (ZAR) : 62252306280

Date	Description	Reference	Amount	Fee	Internal Use
15 Dec	B2B Collection	Eskom Eskom 5587846296	6,277.67		80 ce1560
15 Dec	B2B Collection	Eskom Eskom 5699684445	29,821.52		81 ce1560
15 Dec	B2B Collection	Eskom Eskom 5987186907	7,694.67		82 ce1560
15 Dec	B2B Collection	Eskom Eskom 6236889185	2,086.47		83 ce1560
15 Dec	B2B Collection	Eskom Eskom 6240875659	6,277.67		84 ce1560
15 Dec	B2B Collection	Eskom Eskom 6376704199	2,822.17		85 ce1560
15 Dec	B2B Collection	Eskom Eskom 6471105659	6,721.36		86 ce1560
15 Dec	B2B Collection	Eskom Eskom 6651177153	32,570.98		87 ce1560
15 Dec	B2B Collection	Eskom Eskom 6660956930	7,220.34		88 ce1560
15 Dec	B2B Collection	Eskom Eskom 6687902624	3,564.53		89 ce1560
15 Dec	B2B Collection	Eskom Eskom 6787231741	39,648.62		90 ce1560
15 Dec	B2B Collection	Eskom Eskom 6931047064	2,086.47		91 ce1560
15 Dec	B2B Collection	Eskom Eskom 6979006355	4,982.44		92 ce1560
15 Dec	B2B Collection	Eskom Eskom 7002829277	2,086.47		93 ce1560
15 Dec	B2B Collection	Eskom Eskom 7109940969	2,086.47		94 ce1560
15 Dec	B2B Collection	Eskom Eskom 7327365724	8,311.67		95 ce1560
15 Dec	B2B Collection	Eskom Eskom 7350141775	1,292.10		96 ce1560
15 Dec	B2B Collection	Eskom Eskom 7357109765	5,802.20		97 ce1560
15 Dec	B2B Collection	Eskom Eskom 7363884061	12,965.26		98 ce1560
15 Dec	B2B Collection	Eskom Eskom 7388339454	2,086.47		99 ce1560
15 Dec	B2B Collection	Eskom Eskom 7672269519	3,377.04		100 ce1560
15 Dec	B2B Collection	Eskom Eskom 7787881651	2,086.47		101 ce1560
15 Dec	B2B Collection	Eskom Eskom 7813998038	3,482.65		102 ce1560
15 Dec	B2B Collection	Eskom Eskom 7895408162	6,012.89		103 ce1560
15 Dec	B2B Collection	Eskom Eskom 8118602226	8,156.73		104 ce1560
15 Dec	B2B Collection	Eskom Eskom 8208743310	14,243.21		105 ce1560
15 Dec	B2B Collection	Eskom Eskom 8230919336	2,023.17		106 ce1560
15 Dec	B2B Collection	Eskom Eskom 8270672086	55,149.32		107 ce1560
15 Dec	B2B Collection	Eskom Eskom 8274920954	6,059.81		108 ce1560
15 Dec	B2B Collection	Eskom Eskom 8319822090	15,179.69		109 ce1560
15 Dec	B2B Collection	Eskom Eskom 8333367216	8,139.56		110 ce1560
15 Dec	B2B Collection	Eskom Eskom 8386528961	3,616.05		111 ce1560
15 Dec	B2B Collection	Eskom Eskom 8464516714	1,032.29		112 ce1560
15 Dec	B2B Collection	Eskom Eskom 8744944695	6,280.82		113 ce1560
15 Dec	B2B Collection	Eskom Eskom 8794117078	2,086.47		114 ce1560
15 Dec	B2B Collection	Eskom Eskom 8798512002	6,396.70		115 ce1560
15 Dec	B2B Collection	Eskom Eskom 8902179914	3,482.65		116 ce1560
15 Dec	B2B Collection	Eskom Eskom 9132225406	3,469.52		117 ce1560
15 Dec	B2B Collection	Eskom Eskom 9218886477	6,009.75		118 ce1560
15 Dec	B2B Collection	Eskom Eskom 9385732197	3,287.99		119 ce1560
15 Dec	B2B Collection	Eskom Eskom 9404023176	30,000.00		120 ce1560
15 Dec	B2B Collection	Eskom Eskom 9509119361	3,377.04		121 ce1560
15 Dec	B2B Collection	Eskom Eskom 9517787383	19,786.62		122 ce1560
15 Dec	B2B Collection	Eskom Eskom 9539225267	4,868.15		123 ce1560
15 Dec	B2B Collection	Eskom Eskom 9656348515	291.80		124 ce1560
15 Dec	B2B Collection	Eskom Eskom 9765485769	6,628.20		125 ce1560
15 Dec	B2B Collection	Eskom Eskom 9800440195	5,723.18		126 ce1560
15 Dec	B2B Collection	Eskom Eskom 9801319447	47,566.61		127 ce1560
15 Dec	B2B Collection	Eskom Eskom 9904641821	1,402.61		128 ce1560
15 Dec	B2B Collection	Eskom Eskom 9993607876	2,026.32		129 ce1560

Branch Number	Account Number	Date	DDA D8/9V/AV/IS/IS/CA/BB/B6/AA/N	FN
281	62252306280	2025/12/31	PUBLIC SECTOR MANAGED ACCOUNT	

Transactions in RAND (ZAR) : 62252306280

Date	Description	Reference	Amount	Fee	Internal Use
17 Dec	B2B Collection	Eskom Eskom 9297467428	7,000.00		130 ce1560
17 Dec	Magtape Debit User 3941 Seq 053587	Telkom Sa 139901711816901053	386.00		131 pcb560
17 Dec	Magtape Debit User 3941 Seq 053720	Telkom Sa 241895060002901894	386.00		132 pcb560
17 Dec	Magtape Debit User 3941 Seq 053721	Telkom Sa 241900860001902786	6,100.57		133 pcb560
17 Dec	Magtape Debit User 3941 Seq 053722	Telkom Sa 241900860007902785	772.00		134 pcb560
17 Dec	Magtape Debit User 3941 Seq 053723	Telkom Sa 241902240001902882	772.00		135 pcb560
17 Dec	Magtape Debit User 3941 Seq 053724	Telkom Sa 241904190001901806	429.00		136 pcb560
17 Dec	Magtape Debit User 3941 Seq 053725	Telkom Sa 241906190001902971	627.42		137 pcb560
17 Dec	Magtape Debit User 3941 Seq 053732	Telkom Sa 241937250001902863	386.00		138 pcb560
17 Dec	Magtape Debit User 3941 Seq 053385	Telkom Sa 248110590001901467	3,121.68		139 pcb560
17 Dec	Magtape Debit User 3941 Seq 053387	Telkom Sa 248976750001901534	4,682.52		140 pcb560
17 Dec	Magtape Debit User 3941 Seq 053389	Telkom Sa 249433840001902063	386.00		141 pcb560
17 Dec	Magtape Debit User 3941 Seq 053390	Telkom Sa 249433960001902059	772.00		142 pcb560
17 Dec	Magtape Debit User 3941 Seq 053391	Telkom Sa 249433990001902057	386.00		143 pcb560
17 Dec	Magtape Debit User 3941 Seq 052974	Telkom Sa 449901711819902202	386.00		144 pcb560
18 Dec	B2B Collection	Eskom Eskom 5582521288	15,263.26		145 ce1560
19 Dec	B2B Collection	Eskom Eskom 6863976856	30,000.00		146 ce1560
19 Dec	B2B Collection	Eskom Eskom 7245899455	25,000.00		147 ce1560
19 Dec	B2B Collection	Eskom Eskom 7813935358	1,959.88		148 ce1560
19 Dec	B2B Collection	Eskom Eskom 9130862656	7,828.87		149 ce1560
19 Dec	B2B Collection	Eskom Eskom 9208851191	2,035.44		150 ce1560
22 Dec	B2B Collection	Eskom Eskom 6703371559	2,155.73		151 ce1560
22 Dec	B2B Collection	Eskom Eskom 6973530867	10,723.04		152 ce1560
22 Dec	B2B Collection	Eskom Eskom 7199067010	3,852.25		153 ce1560
22 Dec	B2B Collection	Eskom Eskom 7465616843	2,102.21		154 ce1560
22 Dec	B2B Collection	Eskom Eskom 7557369435	15,352.82		155 ce1560
22 Dec	B2B Collection	Eskom Eskom 7778493678	22,675.14		156 ce1560
22 Dec	B2B Collection	Eskom Eskom 7850146232	107,933.96		157 ce1560
22 Dec	B2B Collection	Eskom Eskom 7914855652	71,389.69		158 ce1560
22 Dec	B2B Collection	Eskom Eskom 8719851551	15,352.82		159 ce1560
22 Dec	B2B Collection	Eskom Eskom 8995041882	737,757.72		160 ce1560
23 Dec	B2B Collection	Eskom Eskom 5444108509	4,000.00		161 ce1560
23 Dec	B2B Collection	Eskom Eskom 6248162203	24,699.22		162 ce1560
24 Dec	B2B Collection	Eskom Eskom 5086003459	118,910.44		163 ce1560
24 Dec	B2B Collection	Eskom Eskom 5452190141	130,749.50		164 ce1560
24 Dec	B2B Collection	Eskom Eskom 6769281601	41,912.39		165 ce1560
24 Dec	B2B Collection	Eskom Eskom 6848889182	38,682.46		166 ce1560
24 Dec	B2B Collection	Eskom Eskom 7718882733	150,211.25		167 ce1560
24 Dec	B2B Collection	Eskom Eskom 8536671066	47,865.44		168 ce1560
24 Dec	B2B Collection	Eskom Eskom 8773051393	386,413.95		169 ce1560
24 Dec	B2B Collection	Eskom Eskom 9740129343	172,712.73		170 ce1560
29 Dec	B2B Collection	Eskom Eskom 5505937800	24,786.85		171 ce1560
29 Dec	B2B Collection	Eskom Eskom 8875743833	24,789.15		172 ce1560
29 Dec	B2B Collection	Eskom Eskom 9346552723	15,084.14		173 ce1560
29 Dec	Magtape Debit User 3941 Seq 218219	Telkom Sa 354794710001904688	3,368.77		174 pcb560
31 Dec	Magtape Debit User 9663 Seq 832393	G4S Ho 10177225	40,215.32		175 pcb560
31 Dec	Magtape Debit User 0966 Seq 411846	Vodacom 0475105501 C8003048	304.75		176 pcb560
	<b>Debit Orders/ Customer Initiated Payment</b>				
01 Dec	FNB OB 000067231	Eskom:9370846056	2,868,686.17		177 1bb560
01 Dec	FNB OB 000067233	Gazette-Ina10151	1,683.60		178 1bb560
01 Dec	FNB OB 000067235	Lsp Inv 38434	4,807.00		179 1bb560
01 Dec	FNB OB 000067234	Lsp Inv 39103	1,201.75		180 1bb560
01 Dec	Magtape Debit User B847 Seq 502464	Maelec 375935105 Netcash	21,305.00		181 pcu560
01 Dec	FNB OB 000067225	Ngubane A -30/07/202	10,330.00		182 1bb560
01 Dec	FNB OB 000067226	Ngubane A-27/08/2025	10,330.00		183 1bb560
01 Dec	FNB OB 000067213	November 2025 Bonds	8,156,579.56		184 1bb560
01 Dec	FNB OB 000067211	Reoyo 100504	9,154.00		185 1bb560
01 Dec	FNB OB 000067212	Reoyo 100523	16,042.50		186 1bb560
01 Dec	FNB OB 000067214	SARS Dlamini Tp	4,564.05		187 1bb560
01 Dec	FNB OB 000067215	SARS Magubane Sm	3,127.56		188 1bb560

Branch Number	Account Number	Date	DDA D8/9V/AV/IS/IS/CA/BB/B6/AA/N	FN
281	62252306280	2025/12/31	PUBLIC SECTOR MANAGED ACCOUNT	

Transactions in RAND (ZAR) : 62252306280

Date	Description	Reference	Amount	Fee	Internal Use
01 Dec	FNB OB 000067218	SARS Nw Mabaso	2,630.29		189 1bb560
01 Dec	FNB OB 000067221	SARS Nyawose Zj	6,429.14		190 1bb560
01 Dec	FNB OB 000067220	SARS Nyawose Zj	6,429.14		191 1bb560
01 Dec	FNB OB 000067229	SARS Tp Lite	25,500.00		192 1bb560
01 Dec	FNB OB 000067217	SARS Tp Ngcobo	2,127.07		193 1bb560
01 Dec	FNB OB 000067227	SARS Zondi S 300202	3,874.50		194 1bb560
01 Dec	FNB OB 000067228	SARS 102584 St Dladl	2,501.75		195 1bb560
01 Dec	FNB OB 000067232	SARS 102592Nv Madond	3,740.05		196 1bb560
01 Dec	FNB OB 000067223	SARS 102592Nv Madond	3,740.05		197 1bb560
01 Dec	FNB OB 000067216	SARS 102592Nv Madond	3,740.05		198 1bb560
01 Dec	FNB OB 000067224	SARS 432933 Bs Mosia	3,250.00		199 1bb560
01 Dec	Magtape Debit User B847 Seq 099974	Xtec 377318308 Netcash	5,822.19		200 pcu560
01 Dec	FNB OB 000067222	300210 Ts Majola	7,360.22		201 1bb560
01 Dec	FNB OB 000067219	300210 Ts Majola	7,360.22		202 1bb560
01 Dec	Sarseflng 0092790	844	6,124,650.25		203 1bb560
03 Dec	FNB OB 000067236	Zenzelewen:Zen0015	362,506.52		204 1bb560
05 Dec	FNB OB 000067253	Bumbelihle Bh/28/Co1	398,463.39		205 1bb560
05 Dec	FNB OB 000067244	Dlv 95/2025	461,321.89		206 1bb560
05 Dec	FNB OB 000067241	Eca 25-062	1,477,549.98		207 1bb560
05 Dec	FNB OB 000067246	Eca 25-063	1,885,695.65		208 1bb560
05 Dec	FNB OB 000067249	Eca 25-086	915,776.75		209 1bb560
05 Dec	FNB OB 000067243	Eca 25-087	382,357.63		210 1bb560
05 Dec	FNB OB 000067238	Jg 46064	296,537.42		211 1bb560
05 Dec	FNB OB 000067248	Jg 46065	374,189.35		212 1bb560
05 Dec	FNB OB 000067240	Lethokuhle Owvr62	1,551,405.33		213 1bb560
05 Dec	FNB OB 000067245	Madudla W11	506,214.27		214 1bb560
05 Dec	FNB OB 000067242	Nickelodia 343	983,467.35		215 1bb560
05 Dec	FNB OB 000067247	Pawacons 13Rf/26	809,887.50		216 1bb560
05 Dec	FNB OB 000067250	R And D Aww-001	503,322.17		217 1bb560
05 Dec	FNB OB 000067239	Sinethemba In101408	1,693,125.77		218 1bb560
05 Dec	FNB OB 000067252	Sinethemba In101413	1,027,100.41		219 1bb560
05 Dec	FNB OB 000067251	Zamisanani Zp/202511	1,026,985.37		220 1bb560
05 Dec	Sarseflng 0093083	528	34,333.10		221 1bb560
08 Dec	FNB OB 000067254	Southern 2023852	50,655.10		222 1bb560
10 Dec	FNB OB 000067269	Almighty 29116	6,025.29		223 1bb560
10 Dec	FNB OB 000067268	Almighty 29117	6,143.44		224 1bb560
10 Dec	FNB OB 000067264	Bell-70346723	79,522.04		225 1bb560
10 Dec	FNB OB 000067265	Bell-70346805	26,896.92		226 1bb560
10 Dec	FNB OB 000067261	Bell-70346808	10,814.91		227 1bb560
10 Dec	FNB OB 000067266	Bell-70346809	19,912.11		228 1bb560
10 Dec	FNB OB 000067262	Bell-70346812	15,856.94		229 1bb560
10 Dec	FNB OB 000067267	Bell-70346822	79,786.10		230 1bb560
10 Dec	FNB OB 000067263	Bell-70346865	11,856.13		231 1bb560
10 Dec	FNB OB 000067260	Pmb Prop 110405	13,102.53		232 1bb560
10 Dec	FNB OB 000067259	Pmb Prop 110406	5,911.00		233 1bb560
10 Dec	FNB OB 000067270	Rheochem 125345	79,810.00		234 1bb560
10 Dec	FNB OB 000067271	Rheochem 125401	213,325.00		235 1bb560
10 Dec	FNB OB 000067272	Rheochem 125429	213,037.50		236 1bb560
10 Dec	FNB OB 000067257	Zenzelewen 181	177,378.68		237 1bb560
10 Dec	FNB OB 000067256	Zenzelewen 182	177,378.68		238 1bb560

Branch Number	Account Number	Date	DDA D8/9V/AV/IS/IS/CA/BB/B6/AA/N	FN
281	62252306280	2025/12/31	PUBLIC SECTOR MANAGED ACCOUNT	

**REPORT ON THE COURT ORDER OF RASP CONSULTANTS CC  
(ATTACHMENT OF MUNICIPAL ACCOUNTS)**

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**Compiled by** : GENERAL MANAGER CORPORATE SERVICES  
**Reference No.** :  
**Routing** :  
**SPECIAL EXCO AND COUNCIL** : 17 FEBRUARY 2026

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**1. PURPOSE**

The purpose is to report to EXCO and Council of the court order that was obtained by the service provider RASP CONSULTANTS CC against the municipality and the adverse financial position this judgement had on the municipality

**2. BACKGROUND / DISCUSSION**

The municipality was served with a letter of demand and summons in December 2024 from the plaintiff RASP CONSULTANTS CC after the municipality failed to honor the invoices that were submitted by the service provider due to the late release of the Equitable Share that the institution encountered from Treasury

The letter of demand and summons from attorneys representing Rasp Consultants, were claiming an outstanding payment of R137 069 157.50 for services rendered, including the supply of materials and maintenance or repairs.

**3. REPORT**

Upon realising that it was going to be impossible for the municipality so settle the amount in terms of the court order in its entirety at once a repayment plan proposal was then made to the attorneys of Rasp Consultants.

A court order on 3<sup>rd</sup> October 2025 was then issued for the municipality to settle the outstanding debt in 24 consecutive instalments of R3 000 000 starting on or before the 15<sup>th</sup> December 2025. The last instalment to be paid on the 31<sup>st</sup> July 2033. This is contained in clause 5 of the court order as attached for ease of reference.

The municipality then failed to pay the first instalment by the 15<sup>th</sup> December 2025 due to non-receipt of the Equitable Share and therefore the municipality was viewed to have deliberately defied the order of court.

RASP attorneys issued a writ of execution around the 20<sup>th</sup> January 2026 and have since instructed the sheriff to attach the municipal bank accounts and the municipality is prevented from operations relating to meeting its financial obligations.

This was made in accordance with clause 7 of the court order which stated that if the municipality breaches the court order the whole amount will instantly become due and payable in its entirety and no longer as instalments and the interest calculated from the judgment debt which is R137 069 157.50 calculated at a rate of 11% from the 1<sup>st</sup> October 2023 to the date of final payment will also become due and payable.

Council is therefore appraised of these unfortunate developments and to report that our Legal team is continuously in engagements with the Service Provide lawyers, while the option of approaching court on an urgent basis is also being pursued.

4. **FINANCIAL IMPLICATIONS**

- Full Judgment debt which is R137 069 157.50 is now due and payable
- Interest calculated at a rate of 11% from the 1<sup>st</sup> October 2023 to the date of final payment will also become due and payable.

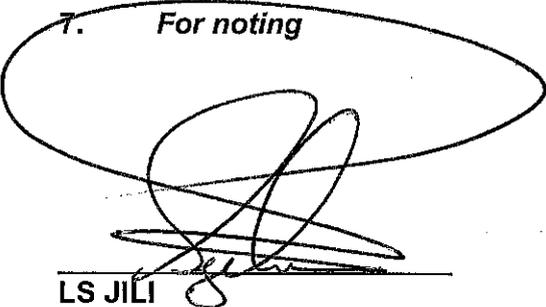
5. **LEGAL / LEGISLATIVE COMPLIANCE**

Municipal Finance Management Act.

6. **ATTACHEMENTS**

Court order

7. ***For noting***



LS JILI  
MUNICIPAL MANAGER

*Legal services*  
16/02/2025

**IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

**CASE NO. 2025-053471**

In the matter between:-

**RASP CONSULTANTS CC**

**APPLICANT**

and

**UTHUKELA DISTRICT MUNICIPALITY**

**RESPONDENT**

---

**FILING NOTICE**

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**TO : THE REGISTRAR OF THE HIGH COURT  
PIETERMARITZBURG**

**AND TO : FARRELL INCORPORATED ATTORNEYS  
RESPONDENT'S ATTORNEY  
271 PROBLEM MKHIZE ROAD  
BEREA  
DURBAN  
REF: MS F MBATHA/MAT3457  
EMAIL: fezeka@farrell.co.za**

**SIRS,**

**KINDLY TAKE NOTICE THAT the Applicant herein hereby files evenly herewith the  
Court Order dated 3<sup>rd</sup> October 2025.**

DATED AT PIETERMARITZBURG ON THIS 14<sup>TH</sup> DAY OF OCTOBER 2025

FILED BY:           APPLICANT'S ATTORNEY  
                          CARLOS MIRANDA ATTORNEY  
                          4 OLD HOWICK ROAD  
                          WEMBLEY  
                          PIETERMARITZBURG  
                          TEL: 033 – 345 7450/1  
                          E-MAIL: [sahil@sahilsingh.co.za](mailto:sahil@sahilsingh.co.za)  
                          (REF: R644/mg)



**IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU-NATAL DIVISION, PIETERMARITZBURG**

CASE NO: 2025-053471

**ON THE 3<sup>RD</sup> DAY OF OCTOBER 2025**

**BEFORE THE HONOURABLE ACTING JUDGE MARION**

In the matter between:

**RASP CONSULTANTS CC**

**APPLICANT**

and

**UTHUKELA DISTRICT MUNICIPALITY**

**RESPONDENT**

**HAVING** read the documents filed of record; and

**HAVING** heard Counsel for the Applicant;

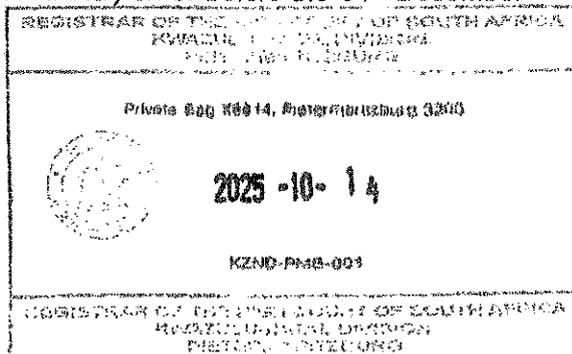
**IT IS ORDERED BY CONSENT, THAT:**

1. The Respondent be and is hereby ordered and directed to pay the Applicant the sum of R137 069 157.50 (ONE HUNDRED & THIRTY-SEVEN MILLION, SIXTY-NINE THOUSAND ONE HUNDRED & FIFTY-SEVEN RAND & FIFTY CENTS) in full and final settlement of all amounts due owing and payable by the Respondent to the Applicant.
2. It is recorded that the amount referred to in paragraph 1 above relates to goods sold and delivered and for services rendered by the Applicant at the Respondents special instance and request under unsolicited bid awarded by the Respondent to the Applicant in terms of Regulation 7 of the Municipal Finance Management Act, 56 of 2003.

<p>2025-10-14</p> <p>KZND-PMB-001</p>
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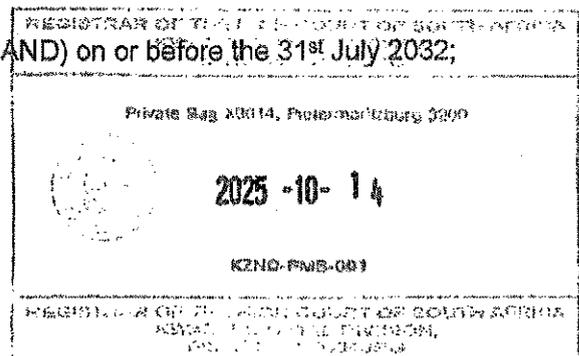
A

3. It is further recorded that the aforesaid bid was awarded to the Applicant on the 14<sup>th</sup> May 2021 initially for a period of THIRTY-SIX (36) months and thereafter was extended as from the 18<sup>th</sup> March 2024 for a further period of THIRTY-SIX (36) months.
4. It is recorded further that unpaid costs of goods sold and delivered and services rendered by the Applicant to the Respondent, at the Respondents special instance and request, under the aforesaid bid are for the period 1<sup>st</sup> October 2023 to 10<sup>th</sup> December 2024 and accumulatively amount to the sum as specifically recorded in paragraph 1 above.
5. Payment of the amount referred in paragraph 1 will be paid by the Respondent to the Applicant in TWENTY-FOUR (24) consecutive instalments, as follows:-
  - 5.1 R3' 000 000.00 (THREE MILLION RAND) on or before the 15<sup>th</sup> December 2025;
  - 5.2 R3' 000 000.00 (THREE MILLION RAND) on or before the 31<sup>st</sup> March 2026;
  - 5.3 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2026;
  - 5.4 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2026;
  - 5.5 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2027;
  - 5.6 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2027
  - 5.7 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2027;



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- 5.8 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2028
- 5.9 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2028;
- 5.10 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2028;
- 5.11 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2029;
- 5.12 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2029;
- 5.13 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2029;
- 5.14 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2030;
- 5.15 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2030;
- 5.16 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2030;
- 5.17 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2031;
- 5.18 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2031;
- 5.19 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2031;
- 5.20 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2032;
- 5.21 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> July 2032;



4

5.22 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> December 2032;

5.23 R6' 000 000.00 (SIX MILLION RAND) on or before the 31<sup>st</sup> March 2033;  
and

5.24 R5' 069 157.50 (FIVE MILLION & SIXTY-NINE THOUSAND, ONE HUNDRED & FIFTY-SEVEN RAND & FIFTY CENTS) on or before the 31<sup>st</sup> July 2033.

6. Payment of the aforesaid instalments are to be made into the trust banking account of the Applicant's Attorney, namely, CARLOS MIRANDA ATTORNEY, the details of which are as follows:-

ACCOUNT NAME: CARLOS MIRANDA ATTORNEY

ACCOUNT TYPE: TRUST BANKING ACCOUNT

BANK: ABSA BANK

ACCOUNT NUMBER: 10 2091 0123

BRANCH CODE: 632005

REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA  
JUDICATURE  
10001  
10001

Private (No) 2025-10-14, Photo: 2025-10-14

2025-10-14

KZND-PMB-001

REGISTRATION NO. 10001

7. It is recorded that should the Respondent breach any of the terms and conditions set forth in this Order of Court, the full remaining amount shall immediately become due owing and payable together with interest at a rate of ELEVEN (11) per centum (%) per annum calculated as from the 1<sup>st</sup> October 2023 to date of final payment.

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8. Each party is directed to bear the own legal costs incurred as at date hereof, unless a breach arises due the Respondents default with the terms hereof, in which event the Respondent shall bear the Applicants costs consequent upon the recovery of any and all outstanding amounts due in terms hereof with such costs being payable on the attorney and client scale.

BY ORDER OF THE COURT

  
R.J. JOOSTE  
REGISTRAR

Carlos Miranda Attorney.

f.szondi  
14/10/2025

REGISTRAR OF THE COURT OF APPEALS	
Private Bag X9014, Pietermaritzburg 3200	
	2025-10-14
K2ND-PMB-001	
REGISTRAR OF THE COURT OF APPEALS	

**Pieter Koortzen**

**From:** Mnyani, Mlungiseleli <MMnyani@fnb.co.za>  
**Sent:** Friday, 23 January 2026 09:57  
**To:** Pieter Koortzen  
**Subject:** WRIT-RASP CONSULTANTS CC- UTHUKELA DISTRICT MUNICIPALITY CASE NUMBER:2025-053471 [FSR-IMANDOC.S.FID.1034690]  
**Attachments:** 2025-053471.pdf

Good Day Mr Koortzen

Kindly see the attached Writ against the municipality.

Kind Regards



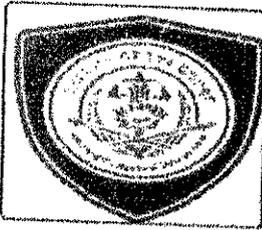
**Mlu Mnyani**  
Account Executive  
FNB Commercial, Public Sector Banking

✉ [mmnyani@fnb.co.za](mailto:mmnyani@fnb.co.za)  
☎ +27 798741581

First National Bank, A division of FirstRand Bank Limited, An Authorised Financial Services and Credit Provider (NCRCP20).  
For more information regarding the full legal disclaimer pertaining to this email, visit our website or download the FNB App.

This email is subject to a disclaimer.

Visit the FNB website and view the email disclaimer and privacy notice by clicking the "About FNB + Legal" and "Legal Matters" links.  
If you are unable to access our website, please contact us to send you a copy of the email disclaimer or privacy notice.



SHERIFF LADYSMITH  
ACTING SHERIFF COLENZO & DUNDEE

*R. Rajkumar*

10 HUNTER RD  
Ladysmith, 3370  
07 VICTORIA STREET  
Dundee, 3000

Tel: 036-631705  
0685691359  
P O Box 1365  
Ladysmith  
3370

Email: [office@rantesh.co.za](mailto:office@rantesh.co.za)

21 January 2026

The Manager / Person in Charge  
FIRST NATIONAL BANK

**NOTICE: BANK ACCOUNT ATTACHMENTS**

**CASE NO: 2025-053471**

Please be advised that we require your branch to supply our office immediately upon service of the WRIT OF EXECUTION, in writing ([office@rantesh.co.za](mailto:office@rantesh.co.za)) as to who will be dealing with the Bank Account attachment with contact details and advice as to when payment will be made into the Sheriff's Trust Account.

Details of the Trust Account are provided in the Notice of Attachment.

Attached for your reference, kindly find NOTICE OF ATTACHMENT, WRIT OF EXECUTION, and the Attorney's letter.

The amount to be attached is per the Notice of Attachment, and the WRIT of Execution.

Your Assistance is greatly appreciated.

Thank you in advance!

Yours Faithfully

R. RAJKUMAR  
Sheriff Ladysmith  
0685691359  
036-6312705

IN THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION  
PIETERMARTIZBURG

CASE NO: 2025-053471

In the matter between

RASP CONSULTANTS CC

AND

UTHUKELA DISTRICT MUNICIPALITY

APPLICANT/PLAINTIFF

DEFENDANT/RESPONDENT

FIRST NATIONAL BANK (FNB)

GARNISHEE

**NOTICE OF ATTACHMENT UNDER RULE 45(8) AND RULE 45(12)**

WHEREAS under and by Virtue of certain WRIT of Execution in the HIGH COURT issued on the 20 January 2026, for the payment of the sum R 137 069 157.50 (One Hundred and Thirty Seven Million and Sixty-Nine Thousand, One Hundred and Fifty-Seven Rand and Fifty Cents), together with interest, other costs, charges and Sheriffs fees.

Sheriff Fees for this notice of attachment = R3000.00 (three thousand rand)

AND WHEREAS it appears that certain funds are kept by you, or accruing to you, the Garnishee, in favour of the DEFENDANT.

NOW THEREFORE, I the Sheriff of Ladysmith, give notice that acting in terms of the Supreme Court Rules, I do hereby judicially attach the proceeds of the Defendant's legal claim on monies held or accruing in the Defendants following Bank Accounts:

Account Name: UTHUKELA DISTRICT MUNICIPALITY

Bank: FIRST NATIONAL BANK

Account Numbers:

62253072385

62283176644

63081036759

63081030496

62252306280

Branch Code: 250655



Held at FNB, LADYSMITH for recovery of the amount as set out herein as per the WRIT OF EXECUTION.  
Take Further Notice that in event you, the garnishee, refuse or neglect to comply with this notice, the applicant / plaintiff may call you to appear in court, to show cause why such funds should not be paid to the sheriff (Rule 45(12)(b)).

I accordingly require you the Garnishee to pay the amount claimed together with interest and all other charges into the Trust Bank account of:

Account Name: SHERIFF LADYSMITH

Account Number: 252109252

Account Type: CURRENT

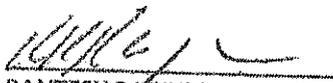
Branch: STANDARD BANK

Branch Code: use universal code

Reference: 2025-053417

PLEASE CONFIRM BANKING DETAILS WITH THE SHERIFF BEFORE MAKING ANY PAYMENTS.

DATED at LADYSMITH on this 21 Day of JANUARY 2026.



RANTESH BAKUMAR  
SHERIFF LADYSMITH  
10 HUNTER ROAD, LADYSMITH 3370  
TEL: 036-6312705  
e-mail: [office@rantesh.co.za](mailto:office@rantesh.co.za)

Applicant's / Plaintiff's Attorneys  
CARLOS MIRANDA ATTORNEY  
033-345 7450  
[admin@carlosmirandaattorney.co.za](mailto:admin@carlosmirandaattorney.co.za) or [reception@sahilsingh.co.za](mailto:reception@sahilsingh.co.za)

TO: THE MANAGER / PERSON IN CHARGE

FNB – LADYSMITH

AND TO:

UTHUKELA DISTRICT MUNICIPALITY  
36 LYELL STREET / 33 FORBES STREET  
LADYSMITH.

IN THE HIGH COURT OF SOUTH AFRICA  
KWAZULU – NATAL DIVISION, PIETERMARITZBURG

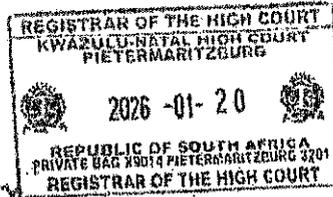
CASE NO: 2025-053471

In the matter between:-

RASP CONSULTANTS CC

and

UTHUKELA DISTRICT MUNICIPALITY



APPLICANT

RESPONDENT

WRIT OF EXECUTION

TO : THE SHERIFF OF THE HIGH COURT  
LADYSMITH

THE SHERIFF OF THE COURT  
BALJU VAN DIE HOF  
SIKHONZI SE NKANTOLO

2026 -01- 21

P O Box 1385, Ladysmith 3370  
Tel: 036 631 2579

SIRS

You are hereby directed to attach and take into execution the movable property of the UTHUKELA DISTRICT MUNICIPALITY situated at 36 LYELL STREET / 33 FORBES STREET, LADYSMITH, KWAZULU-NATAL and cause same to be realised by public auction the following sum:-

1. Payment in the sum of R137 069 157.50 (ONE HUNDRED AND THIRTY SEVEN MILLION AND SIXTY-NINE THOUSAND, ONE HUNDRED AND FIFTY SEVEN RAND AND FIFTY CENTS);
2. Interest on the said amount at 11% per annum calculated from 1<sup>st</sup> October 2023 to date of payment; and
3. Costs hereof inclusive of all costs hereby necessarily incurred, as to be taxed on the attorney and client scale.

AND FURTHER pay to the said APPLICANT'S Attorney the sum or sums due to them, together with costs as aforementioned and for your so doing this shall be your warrant.

*d*

AND return this Writ with what you have done thereupon.

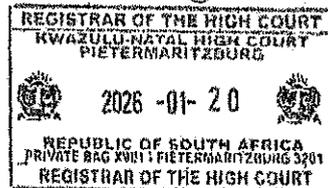
DATED AT PIETERMARITZBURG ON THIS 20<sup>th</sup> DAY OF JANUARY 2026



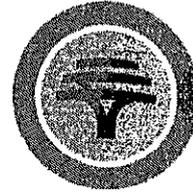
PLAINTIFF'S ATTORNEY  
CARLOS MIRANDA ATTORNEY  
4 OLD HOWICK ROAD  
WEMBLEY  
PIETERMARITZBURG  
PH: 033 345 7450/1



REGISTRAR OF THE HIGH COURT



EMAIL: [sahil@sahilsingh.co.za](mailto:sahil@sahilsingh.co.za) / [reception@carlosmirandaattorney.co.za](mailto:reception@carlosmirandaattorney.co.za)  
REF: R644/mg



## NOTIFICATION OF PAYMENT

To Whom It May Concern:

First National Bank hereby confirms that the following payment instruction has been received:

Date Actioned : 2026/01/13  
Time Actioned : 14:55:28  
Trace ID : VMLZPBQP

### Payer Details

Payment From : UTHUKELA DISTRICT MUNICIPALITY  
Cur/Amount : 1,957,616.25

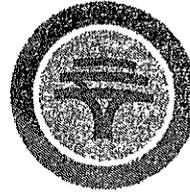
### Payee Details

Recipient/Account No : .. 910123  
Name : CARLOS MIRANDA ATTOR  
Bank : ABSA BANK LIMITED  
Branch Code : 635005  
Reference : CARLOS MIRANDA (RASP)

END OF NOTIFICATION

To authenticate this Payment Notification, please visit the First National Bank website at [fnb.co.za](http://fnb.co.za), select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.



## NOTIFICATION OF PAYMENT

To Whom It May Concern;

First National Bank hereby confirms that the following payment instruction has been received:

---

Date Actioned	: 2026/01/13
Time Actioned	: 14:55:28
Trace ID	: K7JZP8QP

### Payer Details

Payment From	: UTHUKELA DISTRICT MUNICIPALITY
Cur/Amount	: 1,371,375.00

### Payee Details

Recipient/Account No	: .. 910123
Name	: CARLOS MIRANDA ATTOR
Bank	: ABSA BANK LIMITED
Branch Code	: 635005
Reference	: CARLOS MIRAND (RASP)

END OF NOTIFICATION

---

To authenticate this Payment Notification, please visit the First National Bank website at [fnb.co.za](http://fnb.co.za), select the "Verify Payments" link and follow the on-screen instructions.

Our customer (the payer) has requested First National Bank Limited to send this notification of payment to you. Should you have any queries regarding the contents of this notice, please contact the payer. First National Bank Limited does not guarantee or warrant the accuracy and integrity of the information and data transmitted electronically and we accept no liability whatsoever for any loss, expense, claim or damage, whether direct, indirect or consequential, arising from the transmission of the information and data.

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## KWAZULU-NATAL PROVINCE

TREASURY  
REPUBLIC OF SOUTH AFRICA

## OFFICE OF THE MEC

P.O. Box 3613, PIETERMARITZBURG, 3201  
Natalia Building; 2<sup>nd</sup> Floor  
330 Langalibalele Street  
Pietermaritzburg  
3200  
Tel: 033 846 6800 Fax: 033 8466801/2

[francois.rodgers@kzntreasury.gov.za](mailto:francois.rodgers@kzntreasury.gov.za)  
[evon.pillay@kzntreasury.gov.za](mailto:evon.pillay@kzntreasury.gov.za)

**TO :** THE COMMISSIONER  
THE FINANCIAL SECTOR CONDUCT AUTHORITY

**PER EMAIL :** Email: [beverley.burger@fsca.co.za](mailto:beverley.burger@fsca.co.za); [fsca@behonest.co.za](mailto:fsca@behonest.co.za),  
[RegL@fsca.co.za](mailto:RegL@fsca.co.za)

**FROM :** KZN MEC OF FINANCE, MPL  
HONOURABLE FRANCOIS RODGERS  
KWAZULU NATAL PROVINCIAL TREASURY

**DATE :** 03 MARCH 2026

### **POSSIBLE CONTRAVENTION OF THE FINANCIAL ADVISORY AND INTERMEDIARY SERVICES ACT, NO. 37 OF 2002 (FAIS) AND THE FINANCIAL SECTOR REGULATIONS ACT, ACT NO. 9 OF 2017 (FSR)**

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#### **Dear Commissioner**

The purpose of this correspondence is to formally report a service provider that advanced funds to a municipality for the payment of February 2026 salaries. The transaction appears to constitute the provision of financial services and/or credit to an Organ of state in contravention of applicable financial sector legislation and regulatory prescripts.

It has come to our attention that the Bonview Trading 84 (Pty) Ltd, a service of the uThukela District Municipality, extended a loan or similar financial facility to the municipality to enable the payment of employee salaries for February 2026. According to our information, the loan amounted to R10 million at an interest rate of 5 percent. The transaction was concluded outside of the approved municipal borrowing framework and without compliance with the prescripts governing municipal debt and short-term financing.

The funding arrangement appears to have been structured as an emergency liquidity intervention; however, no evidence has been provided that the service provider is authorised to provide such financial services. The transaction does not appear to have complied with municipal finance legislation and raises concerns regarding unauthorised financial intermediation and possible regulatory breaches.

Section 7(1) of the FAIS Act prohibits any person from acting or offering to act as a financial services provider unless authorised and licensed accordingly. If the service provider structured, advised on, or facilitated a financial product without authorisation, such conduct may constitute a direct contravention.

Section 8 of the FAIS Act further requires proper authorisation and licensing of financial services providers. Additionally, Section 111 of the FSR Act prohibits a person from conducting a financial



## KWAZULU-NATAL PROVINCE

TREASURY  
REPUBLIC OF SOUTH AFRICA

institution's business without the required licence, the National Credit Act or the National Payment System Act whilst Section 167 of the FSR Act provides for enforcement action where a person contravenes a financial sector law.

Furthermore, if the transaction constitutes a credit agreement as defined in Section 8 of the NCA, and the service provider is not registered as a credit provider in terms of Section 40, this may amount to unlawful credit provision.

The extension of funds to a municipality to meet Operational expenditure (salaries) raises significant prudential and systemic concerns. Municipal borrowing is strictly regulated under the Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), and any lending arrangement that circumvents its provisions may constitute irregular and unauthorised financial conduct.

In light of the above, we respectfully request that the Financial Sector Conduct Authority;

- ☐ Confirm whether the service provider is licensed as a financial services provider and/or financial institution;
- ☐ Investigate whether the transaction constitutes unauthorised financial services business;
- ☐ Determine whether the entity has contravened any financial sector laws; and
- ☐ Institute appropriate regulatory or enforcement action where warranted.

Given the potential systemic implications and the risk posed to public funds, urgent regulatory scrutiny is necessary.

Kindly acknowledge receipt of this correspondence and advise on the process to be followed in this matter.

Kind Regards

**MEC FINANCE KZN**  
**HON.FRANCOIS RODGERS, MPL**

CC Ms. C. Coetzee – KZN Provincial Treasury – carol.coetzee@kzntreasury.gov.za  
Mr. Mr. E. Godongwana – National Treasury – egodongwana@parliament.gov.za,  
minreg@treasury.gov.za, mary.marumo@treasury.gov.za  
Ms. O. Gaarekwe – National Treasury – ogalaletseng.gaarekwe@treasury.gov.za  
Mr. J. Hattingh – National Treasury – Jan.Hattingh@treasury.gov.za  
Mr. W. McComans – National Treasury – Wayne.McComans@treasury.gov.za  
Ms. N. Mkhize – Auditor-General – NomalungeloM@agsa.co.za and PinkyL@agsa.co.za



## VIRTUAL SPECIAL COUNCIL MEETING

### AGENDA

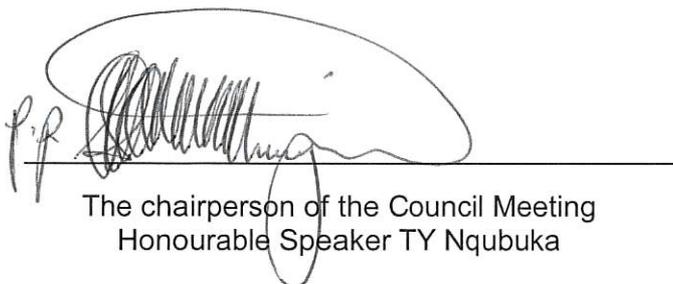
Notice is hereby given in terms of the Provision of Section 80 (1) of the Municipal Structures Act No. 117 of 1998 that the Virtual Special Council meeting (CM 2025 – 26/14) of UThukela District Municipality established in Part III of Section 12 Notice dated 04 October 2021 will be held on the

**27<sup>th</sup> OF FEBRUARY 2026**

@

**12H00**

To consider matters as set out in the attached agenda.



The chairperson of the Council Meeting  
Honourable Speaker TY Nqubuka

Information provided in the reports is considered to be credible, accurate and reliable in terms of source of information used in the compilation of this agenda.

## **AGENDA**

- 1. NOTICE OF CONVENING THE MEETING**
- 2. OPENING AND WELCOME**
- 3. APPLICATION FOR LEAVE OF ABSENCE**
- 4. OFFICIAL ANNOUNCEMENTS**
- 5. ADOPTION OF AN AGENDA**
- 6. REPORTS SUBMITTED FOR CONSIDERATION AND OR NOTIFICATION**

**Refer to the Index**

**Page: 02**

- 7. IN- COMMITTEE MATTER**
- 8. CLOSURE**

## INDEX

	DESCRIPTION	PAGE
<b>CUTDM27/02/26</b>	<b>MATTERS SUBMITTED FOR CONSIDERATION / NOTIFICATION</b>	
<b>A02/02/26</b>	Adjustment Budget – 2025/2026 Financial Year	<b>02</b>
<b>A03/02/26</b>	Amendment of 2025/2026 Integrated Development Plan Service Delivery Budget Implementation Plan (SDBIP), Organizational Scorecard, Performance Agreements and Pre – Determined Objective	<b>04</b>
<b>A04/02/26</b>	Item to Council – Ratification of Emergency Short – Term Loans Procured to Avert Total Service Delivery Collapse and Socio – Economic Catastrophe (February 2026)	<b>07</b>

CUTDM27/02/26  
A02/02/26

ADJUSTMENT BUDGET – 2025/2026 FINANCIAL YEAR

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Compiled by : CHIEF FINANCIAL OFFICER

Reference No. :

Routing :  
PORTFOLIO :  
EXCO :

COUNCIL : 27 February 2026

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1. **PURPOSE**

For the council to approve the adjustment budget for the 2025/2026 financial year and approve the 2025/2026 adjustment budget funding plan

2. **BACKGROUND / DISCUSSION**

MFMA no. 56 of 2003, chapter 8, section 28 (Mid-year budget and performance assessment)

*The accounting officer of a Municipality must, assess the performance of the municipality and make recommendations for the adjustment budget with revised projections of revenue and expenditure.*

MFMA no. 56 of 2003, chapter 4, section 28 (Mid-year budget and performance assessment)

*A municipality may revise an approved budget through an adjustments budget*

3. **REPORT**

The mid-year performance of the municipality has been assessed and the adjustment budget drafted for recommendation and adoption.

4. **FINANCIAL IMPLICATIONS**

None.

5. **LEGAL / LEGISLATIVE COMPLIANCE**

MFMA no. 56 of 2003

6. **ATTACHMENTS**

Adjustments budget  
Budget Funding plan

02

## 7. RECOMMENDATION

1. The UThukela District Local Municipality, acting in terms of section 28 of the Municipal Finance Management Act, (Act 56 of 2003) approves and adopts:
  - 1.1. The adjustments budget of the municipality for the financial year 2025/26 and the multi-year and single-year capital appropriations as set out in the following tables:
    - 1.1.1. Adjustments Budget Financial Performance (revenue and expenditure by standard classification) as contained in Table B2
    - 1.1.2. Adjustments Budget Financial Performance (revenue and expenditure by municipal vote) as contained in Table B3
    - 1.1.3. Adjustments Budget Summary as contained in Table B1
    - 1.1.4. Adjustments Budget financial performance (revenue and expenditure) as contained in Table B4
  - 1.2. The financial position, cash flow budget, cash-backed reserve/accumulated surplus, asset management and basic service delivery targets are approved as set out in the following tables:
    - 1.2.1. Adjustments Budget Financial Position as contained in Table B6
    - 1.2.2. Adjustments Budget Cash Flows as contained in Table B7
    - 1.2.3. Adjustments Budget Cash backed reserves and accumulated surplus reconciliation as contained in Table A8
    - 1.2.4. Adjustments Budget Asset management as contained in Table B9
    - 1.2.5. Adjustments Budget Basic service delivery measurement as contained in Table B10
    - 1.2.6. The adjusted budget funding plan
2. That council appoints Umngeni/ rand water to assist with repairing of pumps
3. That no further pump acquisitions or repairs be done
4. That the municipality requests that the defence minister allocates defence force to assist with the repairs and maintenance function as they have a department that can assist and assist with riots/strikes and vandalism that lead to pumps being damaged
5. That all procurement be suspended, except fuel and oil
6. That technical department verifies all eskom borehole accounts monthly
7. That the municipality negotiate with all employees 55 and above for early retirement, which could possibly save the municipality R 6 million monthly.
8. The council note that the municipality is awaiting response from treasury with regards to withholding grant funding.
9. The council note that the funding plan will run beyond 2028/ 2029 financial year.
10. The council note that the municipality in the 2026 financial year has a deficit of R 82 million.
11. The council note that all cost drivers have run out of funds (plant hire, fuel) there won't be any money for the remainder of the year.
12. The council note that with the cash available the municipality will only be able to pay salaries and eskom.

*For Approval*

  
\_\_\_\_\_  
B NDLOVU  
ACTING CHIEF FINANCIAL OFFICER

CUTDM/27/02/26  
A03/02/26

**AMENDMENT OF 2025/2026 INTEGRATED DEVELOPMENT PLAN SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP), ORGANISATIONAL SCORECARD, PERFORMANCE AGREEMENTS AND PRE-DETERMINED OBJECTIVES.**

**Compiled by : MUNICIPAL MANAGER**

**Reference No. :**

**Routing :**

**COUNCIL : 27 February 2026**

**1. PURPOSE**

For Council to consider the proposed amendments of the 2025/2026 IDP, Service Delivery Budget Implementation Plan (SDBIP), Organisational Scorecard, Performance Agreements and Pre-determined Objectives.

**2. BACKGROUND / DISCUSSION**

The Mid-Year Budget and Performance Assessment was compiled in terms of Section 72 of the Municipal Finance Management Act, 56 of 2003 (MFMA) and submitted to the Mayor on 22 January 2026 with the recommendation that an adjustment budget be submitted to Council. The Mayor then submitted this assessment to Council for approval on 23 January 2026.

The Municipality's SDBIP comprises two distinct components, namely a non-financial and financial component.

**2.1 Non-Financial Component**

The non-financial component comprises pre-determined objectives with key performance indicators and service delivery targets which are coupled to the national key performance areas of local government and the strategic objectives of the IDP.

It has become necessary to make amendments to the Municipality's SDBIP and proposed amendments include:

1. Revised capital expenditure programme.
2. Removal of mid- year targets. Some statistical measures which were previously only measured at year end were also measured mid- year. When the final year targets are inserted, the system will average the mid- year, and final actuals and the final actual may not align to the Annual Financial Statements which will be queried by the Auditor General. The mid-year actuals remain recorded in the Mid-year Budget and Performance Assessment Report.

04

3. Revised annual targets and Quarterly targets pertaining to Basic Service Delivery as a result of commencement of project during Mid-Year
4. Inclusion of New Indicators to address findings by the Auditor General

The proposed amendments to the SDBIP (Key performance indicators) are attached.

## 2.2 Financial Component

The amended financial component of the SDBIP as attached as is derived from the adjustment budget and comprises of:

- Adjustment of monthly projections of revenue by source and expenditure by type
- Adjustment of monthly projections of expenditure and revenue (municipal Vote)
- Adjustment of monthly capital expenditure per municipal vote
- Revised three-year capital works programme

## 4. FINANCIAL IMPLICATIONS

No financial Implications

## 5. LEGAL / LEGISLATIVE COMPLIANCE

Section 54 of the Municipal Finance Management Act, 56 of 2003 (MFMA) regulates budgetary control and the early identification of problems. Subsection (1) (b) and (c) provide interalia that;

1 “On receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72, the mayor must;

b) check whether the municipality’s approved budget is implemented in accordance with the service delivery and budget implementation plan;

c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget;

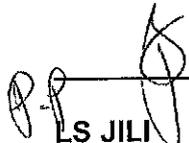
MFMA Circular 13 provides that; “The top-layer of the SDBIP and its targets cannot be revised without notifying the council, and if there is to be changes in service delivery targets and performance indicators, this must be with the approval of the council, following approval of an adjustments budget (section 54(1)(c) of MFMA). This council approval is necessary to ensure that the mayor or municipal manager do not revise service delivery targets downwards in the event where there is poor performance”

6. **ATTACHEMENTS**

- Amended 2025/2026 Service Delivery and Budget Implementation Plan
- Amended Individual Performance Plans as contained in the Performance Agreements of section 55/56 managers
- Amended Pre-Determined Objectives of the 2025/2026 IDP

7. **RECOMMENDATIONS BY MUNICIPAL MANAGER**

- 1) The content of the attached amended SDBIP, Organisational Scorecard, Performance Agreements and Pre-Determined Objectives contained in the IDP be considered by Council.

  
\_\_\_\_\_  
LS JILI  
MUNICIPAL MANAGER

CUTDM27/02/26  
A04/02/26

ITEM TO COUNCIL – RATIFICATION OF EMERGENCY SHORT-TERM LOANS  
PROCURED TO AVERT TOTAL SERVICE DELIVERY COLLAPSE AND SOCIO-  
ECONOMIC CATASTROPHE (FEBRUARY 2026)

---

Compiled by	: Chief Financial Officer
Reference No.	: 1/19
Routing	:
Manco	:
Finance portfolio	:
Exco	:
Council	: 27 February 2026

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### 1. PURPOSE

To seek Council's formal ratification of emergency short-term loans totalling R16,000,000.00, procured under the **Doctrine of Necessity** by the Accounting Officer. These funds were secured to facilitate the payment of employee salaries for February 2026, following the judicial freezing of the Municipality's primary bank accounts.

### 2. EXECUTIVE SUMMARY / BACKGROUND

On 3 October 2025, a Court Order was granted in Favor of RASP Consulting CC for an amount of R137,069,157. Following a default in instalment payments, the creditor executed an attachment of the Municipality's bank and investment accounts. As of 23 February 2026, R93,990,338.78 has been forcibly withdrawn from Municipal coffers.

This judicial action resulted in Total Financial Paralysis. With the Municipal accounts frozen, it was impossible to process the payroll due on 25 February 2026. Management was confronted with an unprecedented crisis: the inability to remunerate the workforce responsible for the essential services of the community.

### 3. THE DOCTRINE OF NECESSITY & CATASTROPHIC RISK

The decision to obtain external loans via the uThukela Economic Development Agency was not a standard administrative choice, but a mandatory intervention to prevent the following "Catastrophic Results":

Total Collapse of Essential Services: Non-payment of salaries would have led to immediate

57

industrial action, resulting in the cessation of water provision, sanitation services, and refuse removal, thereby violating the Section 24 Constitutional right to an environment not harmful to health.

**Civil Unrest:** The sudden loss of income for hundreds of families in an already volatile economic climate posed a direct threat to the stability of the region and the safety of Municipal infrastructure.

**Irreparable Breach of Contract:** Under the Basic Conditions of Employment Act, the Municipality has a statutory and contractual duty to pay employees. Failure to do so would expose the Council to massive litigation, interest claims, and "unfair labour practice" suits at the CCMA.

**Humanitarian Crisis:** The majority of staff are breadwinners; a single missed salary cycle result in immediate defaults on bonds, medical aids, and food security.

#### **4. LEGAL AND CONSTITUTIONAL JUSTIFICATION**

While Section 45 of the Local Government: Municipal Finance Management Act (MFMA) generally requires prior Council approval for short-term debt, the Accounting Officer acted under the superior mandate of the Constitution of the Republic of South Africa, 1996:

Section 152(1): Mandates the Municipality to ensure the provision of services to communities in a sustainable manner.

**The Principle of Necessity:** South African Administrative Law recognizes that where a statutory requirement (prior approval) cannot be met due to an unforeseen emergency, and the failure to act would lead to a greater illegality (breach of constitutional duties), the official is empowered to act in the best interest of the state.

#### **Case Law Support:**

*Minister of Finance v Afribusines NPC (2022)*

While primarily about procurement, the constitutional court discussed the limits of executive power. It reinforced that while officials must stay within the law, the context of their actions—including emergencies or the need to prevent a collapse of state functions—is a relevant factor in determining the lawfulness of administrative action.

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S v Adams; S v Werner (1981)

Though an older era of law, these cases established the common law "defense of necessity" which has trickled into administrative logic. It posits that an act which would otherwise be unlawful is justified if it is necessary to protect a superior interest from an immediate danger.

## **5. FINANCIAL IMPLICATIONS**

The loans were structured as a bridge until the receipt of the Equitable Share Allocation scheduled for 11 March 2026:

Bonview Trading 84 (Pty) Ltd: R10,000,000.00 at 5% interest.

Inkosi Langelibalele Local Municipality: R6,000,000.00 (Interest-free - Inter-municipal solidarity).

Repayment: These loans will be prioritized for settlement immediately upon the clearing of the Municipal bank accounts or receipt of the Equitable Share.

## **6. LEGISLATIVE COMPLIANCE**

**MFMA Section 45:** Short-term debt for operational requirements.

**MFMA Section 62:** The Accounting Officer must take all reasonable steps to ensure that the resources of the municipality are used effectively and efficiently.

## **7. ATTACHEMENTS**

None.

## **8. RECOMMENDATIONS**

That Council:

8.1 Ratifies the loans taken up under delegated authority.

8.2 Notes that the borrowings are not consistent with the adopted Budget and Long-Term Financial Plan.

***For consideration.***

  
\_\_\_\_\_  
L S Jili  
Municipal Manager

## Councillor Thys Daniël Janse van Rensburg

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Tel 082 294 8834

PO Box 224  
Winterton  
3340

28 July 2025

The MEC of COGTA KZN  
Rev. T. D. Buthelezi (MPL)  
Department of Cooperative Governance and Traditional Affairs  
Private Bag X9078  
Pietermaritzburg,  
3200

CC : The Honourable Mayor - Cllr Inkosi NB Shabalala  
CC : The Administrator - Dr VJ Mthembu  
CC : The Deputy Director-General - Mr. Khathide

Annexure : Letter sent to MM [here](#)

### **Subject: Request for Urgent Intervention Regarding Non-Response to Section 106 Investigation Recommendations**

Dear Honourable MEC Buthelezi,

I trust this correspondence finds you well.

I am writing to urgently request your intervention concerning the lack of response from the Municipal Manager of Uthukela District Municipality, Mr. LS Jili, regarding the implementation of recommendations outlined in the forensic investigation report compiled by Blitz Forensics, dated 19 March 2024. The investigation, commissioned by your office under Section 106(1)(b) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), addressed serious allegations of maladministration, fraud, and corruption related to the replacement of water pumps at Ezakheni Water Plant Station following the April 2022 floods and the appointment of RASP Consultants CC.

On 30 June 2025, I sent a formal letter to Mr. Jili, requesting a detailed update on the implementation of the Section 106 Resolution taken by

the Uthukela Council to adopt and implement the report's recommendations in full that was adopted in March 2025, which include:

1. Disciplinary action against Mr. Zikalala and Mr. Sithole for processing and approving payments to RASP Consultants CC without an official letter of award or approved deviation, in violation of Sections 78(1) and 171(2) of the Municipal Finance Management Act (MFMA), 2003 (Act No. 56 of 2003).
2. Disciplinary action against Mr. Khumalo and Mr. Sibeko for dereliction of duties and financial misconduct by allowing RASP Consultants CC to provide services without a purchase order, contravening Paragraph 11(1)(b) of the Uthukela District Municipality Supply Chain Management Policy and Section 171(3) (c) of the MFMA.
3. Consequence management against Mr. B. Sithole for authorising a payment of R11,655,480.00 to RASP Consultants CC (Invoice No. 203450, dated 13 May 2022), which was not ratified by the Administrator, Mr. Madondo.
4. Initiation of criminal proceedings pursuant to Section 34 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), based on evidence of maladministration and fraud.
5. Inclusion of RASP Consultants CC on the National Treasury's list of blacklisted suppliers for providing services without a purchase order or letter of award.

Despite a commitment made by Mr. Jili to your Deputy Director-General, Mr. Khathide, during a Special Council meeting held in Ladysmith/ Umnambithi on 04 July 2025, to provide a response, no update has been received as of today, 28 July 2025.

This delay raises significant concerns about the municipality's commitment to addressing the serious findings of non-compliance with supply chain management policies, unauthorised expenditure, and potential financial misconduct, which undermine good governance and public trust.

Given the gravity of these issues and the municipality's failure to respond within the requested timeframe, I respectfully request your urgent intervention to:

1. Compel the Municipal Manager to provide a comprehensive report on the status of the implementation of the Blitz Forensics recommendations, including disciplinary actions, criminal proceedings, and measures to blacklist RASP Consultants CC.
2. Ensure that the Municipal Council takes immediate steps to address the identified maladministration and financial misconduct, in line with the MFMA and the Municipal Systems Act.
3. Consider further oversight or administrative measures, as deemed necessary under Section 106 of the Municipal Systems Act, to ensure compliance and accountability.

To assist in tracking progress, I kindly request that a response be provided by 15 August 2025, detailing the actions taken or planned to address this matter. Copies of this letter have been sent to the Administrator, Dr. V.J. Mthembu, and the Honourable Mayor, Cllr Inkosi NB Shabalala, for their awareness.

Please feel free to contact me at 082 294 8834 or via correspondence to [mathysjvr@me.com](mailto:mathysjvr@me.com) , should you require further details or discussion.

Thank you for your attention to this critical matter. Your intervention is essential to upholding transparency, accountability, and good governance in Uthukela District Municipality.

Yours sincerely,



**Thys Janse van Rensburg**  
uThukela District Councillor

**Cllr Thys Daniël Janse van Rensburg**

PO Box 224

Winterton, 3340

Tel: 082 294 8834

Email: [mathysjvr@me.com](mailto:mathysjvr@me.com)

**Date: 5 March 2026**

**The Municipal Manager**

**Mr LS Jili**

uThukela District Municipality

36 Lyell Street / 33 Forbes Street

Ladysmith, 3370

**Dear Mr Jili,**

**Subject: Personal Liability for Legal Costs in RASP Consultants CC Litigation (High Court Case No. 2025-053471) – Absence of Council Authority and Request for Certificate of Debt**

I write in my capacity as a councillor of uThukela District Municipality, pursuant to Rule 25 of the Standing Rules and Orders and my oversight duties under the Municipal Finance Management Act (MFMA) No. 56 of 2003. This follows the Notice of Motion filed by RASP Consultants CC on 5 March 2026 (attached as Annexure A), seeking a declaration of contempt against the municipality and you personally, with potential imprisonment and costs on an attorney-client scale.

The litigation arises solely from your own mistakes and failures as Accounting Officer. Bank statements confirm approximately R12 million was available in December 2025, yet you did not pay the R3 million instalment under the 3 October 2025 consent order, triggering clause 7 and the attachment. MEC Francois Rodgers' letter (26 February 2026, Annexure B) explicitly states this was avoidable, as funds existed – contradicting your false claims to council of no money due to Equitable Share delays.

To my knowledge, no council resolution authorised this litigation or any defence, as required under MFMA section 45(2) for commitments with financial implications. You cannot initiate or defend legal action for your own errors without council approval – this is ultra vires and constitutes unauthorised expenditure under MFMA section 32. As such, you bear personal responsibility for all associated legal costs, including RASP's claims, under MFMA section 32(6) (personal liability for failure to prevent losses).

We will request the Auditor-General to issue a certificate of debt against you personally for these costs under Public Audit Act section 5(3), given the material irregularity of your wilful non-compliance (as per RASP attorneys' letters dated 17 and 20 February 2026, Annexures C and D).

Provide written confirmation within 48 hours of any council authority for this litigation.  
Failure will confirm your sole liability.

Yours sincerely,



Cllr Thys Daniël Janse van Rensburg  
DA Councillor  
uThukela District Municipality

**Annexures : (attached via electronic link for ease of reference HERE) :**

- A: RASP Notice of Motion (5 March 2026).
- B: MEC Rodgers Letter (26 February 2026).
- C: RASP Letter (17 February 2026).
- D: RASP Letter (20 February 2026).

CC:

Speaker - [nqubukathembelihle@gmail.com](mailto:nqubukathembelihle@gmail.com), [pa.speaker@uthukela.gov.za](mailto:pa.speaker@uthukela.gov.za)  
Mayor - [shabalalanb1@gmail.com](mailto:shabalalanb1@gmail.com), [pa.mayor@uthukela.gov.za](mailto:pa.mayor@uthukela.gov.za)  
Deputy Mayor - [gcwabezn@gmail.com](mailto:gcwabezn@gmail.com), [bafana650@gmail.com](mailto:bafana650@gmail.com)  
Chief Director: Local Government Operations and Support (LGOS) -  
[nolwazin@cogta.gov.za](mailto:nolwazin@cogta.gov.za)  
Chief Financial Officer - [bndlovu@uthukela.gov.za](mailto:bndlovu@uthukela.gov.za), [pa.finance@uthukela.gov.za](mailto:pa.finance@uthukela.gov.za)  
MEC Francois Rodgers - [francois.rodgers@kzntreasury.gov.za](mailto:francois.rodgers@kzntreasury.gov.za)  
Audit Committee Chairperson - [ngubane.aaron@hmail.com](mailto:ngubane.aaron@hmail.com)  
Ms. C. Coetzee - KZN Provincial Treasury - [carol.coetzee@kzntreasury.gov.za](mailto:carol.coetzee@kzntreasury.gov.za)  
Mr. J . Hattingh - National Treasury - [Jan.Hattingh@treasury.gov.za](mailto:Jan.Hattingh@treasury.gov.za)  
Mr. W. McComans - National Treasury - [Wayne.McComans@treasury.gov.za](mailto:Wayne.McComans@treasury.gov.za)  
Ms. N . Mkhize - Auditor-General - [NomalungeloM@agsa.co.za](mailto:NomalungeloM@agsa.co.za) Rev. T. Buthelezi -  
MEC CoGTA - [mecpa@kzncogta.gov.za](mailto:mecpa@kzncogta.gov.za)  
Mr. B. S. Duma - HOD CoGTA - [HODPA@kzncogta.gov.z](mailto:HODPA@kzncogta.gov.z)

**Cllr Thys Daniël Janse van Rensburg**

PO Box 224

Winterton, 3340

Tel: 082 294 8834

Email: [mathysjvr@me.com](mailto:mathysjvr@me.com)

**Date: 12 March 2026**

**The Municipal Manager**

**Mr LS Jili**

uThukela District Municipality

36 Lyell Street / 33 Forbes Street

Ladysmith, 3370

**Dear Mr Jili,**

**Subject: Non-Response to Demand for Explanation on Personal Liability for RASP Litigation Costs – Escalation to AGSA for Certificate of Debt and MECs for Intervention**

I refer to my letter dated 5 March 2026 (attached as Annexure A), demanding confirmation of council authority for RASP litigation defence and explaining your personal liability for costs under MFMA s32(6).

No response has been received, breaching Standing Rules Rule 25 and MSA s55(1).

This silence confirms the absence of authority and your sole responsibility for ultra vires actions.

The litigation stems from your failures: entering the October 2025 settlement without Council approval (MFMA s33 breach), non-payment despite R12 million available (MFMA s65), and lies to Council about funds (exposed by MEC Rodgers, 26 February 2026). These caused the attachment and R31 million losses – fruitless expenditure under MFMA s32.

Consequently:

- I formally request the Auditor-General to issue a certificate of debt against you for all litigation costs under Public Audit Act s5(3), as a material irregularity from wilful non-compliance (RASP letters, Annexures B/C).
- I escalate to MECs COGTA, and Finance for s106 probe (maladministration) and s139 intervention (financial collapse).

Provide the demanded information within 24 hours, or face further action.

Yours sincerely,

Cllr Thys Daniël Janse van Rensburg  
DA Councillor  
uThukela District Municipality

**Annexures : (attached via electronic link for ease of reference HERE) :**

A: My letter (5 March 2026).  
B: RASP Notice of Motion (5 March 2026).  
C: MEC Rodgers Letter (26 February 2026).

CC:

Speaker - [nqubukathembelihle@gmail.com](mailto:nqubukathembelihle@gmail.com), [pa.speaker@uthukela.gov.za](mailto:pa.speaker@uthukela.gov.za)  
Mayor - [shabalalanb1@gmail.com](mailto:shabalalanb1@gmail.com), [pa.mayor@uthukela.gov.za](mailto:pa.mayor@uthukela.gov.za)  
Deputy Mayor - [gcwabezn@gmail.com](mailto:gcwabezn@gmail.com), [bafana650@gmail.com](mailto:bafana650@gmail.com)  
Chief Director: Local Government Operations and Support (LGOS) -  
[nolwazin@cogta.gov.za](mailto:nolwazin@cogta.gov.za)  
Chief Financial Officer - [bndlovu@uthukela.gov.za](mailto:bndlovu@uthukela.gov.za), [pa.finance@uthukela.gov.za](mailto:pa.finance@uthukela.gov.za)  
MEC Francois Rodgers - [francois.rodgers@kzntreasury.gov.za](mailto:francois.rodgers@kzntreasury.gov.za)  
Audit Committee Chairperson - [ngubane.aaron@hmail.com](mailto:ngubane.aaron@hmail.com)  
Ms. C. Coetzee - KZN Provincial Treasury - [carol.coetzee@kzntreasury.gov.za](mailto:carol.coetzee@kzntreasury.gov.za)  
Mr. J . Hattingh - National Treasury - [Jan.Hattingh@treasury.gov.za](mailto:Jan.Hattingh@treasury.gov.za)  
Mr. W. McComans - National Treasury - [Wayne.McComans@treasury.gov.za](mailto:Wayne.McComans@treasury.gov.za)  
Ms. N . Mkhize - Auditor-General - [NomalungeloM@agsa.co.za](mailto:NomalungeloM@agsa.co.za)  
Rev. T. Buthelezi - MEC CoGTA - [thulasizwe.buthelezi@cogta.gov.za](mailto:thulasizwe.buthelezi@cogta.gov.za) ,  
[mecpa@kzncogta.gov.za](mailto:mecpa@kzncogta.gov.za)  
Mr. B. S. Duma - HOD CoGTA - [HODPA@kzncogta.gov.za](mailto:HODPA@kzncogta.gov.za)

**CLlr Thys Daniël Janse van Rensburg**

PO Box 224

Winterton, 3340

Tel: 082 294 8834

Email: [mathysjvr@me.com](mailto:mathysjvr@me.com)

**Date: 18 March 2026**

**The Municipal Manager**

**Mr LS Jili**

uThukela District Municipality

36 Lyell Street / 33 Forbes Street

Ladysmith, 3370

[ljili@uthukela.gov.za](mailto:ljili@uthukela.gov.za)

**Dear Mr Jili,**

**Subject: Urgent Demand for Explanation – Second Instance of Material Misrepresentation to Council on UEDA Loans (Item A04/02/26, 27 Feb 2026) vs Higher Amount Disclosed in Parliament’s COGTA Committee on Tuesday 17 March 2026.**

During yesterday’s COGTA Portfolio Committee hearing you conceded under oath that the total amount paid into the uThukela Economic Development Agency (UEDA) account for the so-called “emergency short-term loans” exceeded the R16 million **you reported** to Council in item A04/02/26 on 27 February 2026.

Please find a link( [https://www.youtube.com/live/drXW9bcHfdE?si=ukDB\\_367AfTU4cl](https://www.youtube.com/live/drXW9bcHfdE?si=ukDB_367AfTU4cl) ) to the sitting at COGTA yesterday, and your ‘full’ disclosure at the time stamp 2h12.

This is now the second time you have materially lied to Council in official reports in your role as the Accounting Officer of the Uthukela District Municipality:

- **First**, in your report of 17 February 2026 you claimed there were no funds available to pay the R3 million RASP instalment in December 2025. This was proven false by MEC Francois Rodgers’ letter of 26 February 2026, which confirmed funds was available.
- **Second**, you deliberately understated the UEDA loans reported to Council (R16m, two sources) while disclosing a higher amount under parliamentary scrutiny yesterday.

Provide a detailed written response within 72 hours addressing the following:

1. Why did the figure you disclosed to Parliament today exceed the R16 million you reported to Council in official reports?

2. What was the exact additional amount that was not reported to Council?
3. Which specific MFMA sections did you breach by twice materially misrepresenting facts to Council (particularly s60 – fiduciary duties of the Accounting Officer; s65 – expenditure control; and s173 – offence for wilful misleading of Council)?
4. What immediate corrective action will you take, including full disclosure to Council, withdrawal of the false report, and recovery of any unauthorised amounts?
5. Why were only two loan entities reported to Council in A04/02/26 when additional entities or sources were disclosed to COGTA today?
6. Are all these sources / entities registered financial service providers?
7. Were you forced to disclose the higher figure today only because the truth was about to emerge under parliamentary scrutiny after it was raised ?
8. Please explain why you would lie to Council and not disclose the full amount of millions paid into the Account of another entity under the auspice of ‘loans’ ?
9. Provide, within the same 72-hour period, the full bank statements of the UEDA account and every other entity involved, with every deposit clearly marked “emergency loan” and the source identified.
10. Please advise how Council are suppose to trust you in your role as Accounting Officer with your propensity to lie in official reports?

Failure to respond fully and truthfully will be treated as further wilful misconduct. I will immediately escalate this to the Auditor-General for a certificate of debt, to National Treasury, and to the MEC’s for s106 investigation and s139 intervention.

The people of uThukela deserve the truth.

Yours sincerely,



Cllr Thys Daniël Janse van Rensburg  
DA Councillor  
uThukela District Municipality

**Annexures : (attached via electronic link for ease of reference [HERE](#)) :**

- A: Council Item A04/02/26 (27 Feb 2026)
- B: MEC Rodgers Letter (26 Feb 2026) exposing the first lie
- C: Your 17 Feb 2026 Report to Council

D: Initial Letter to the MM, no response to date (25 Feb 2026)  
E: Follow-Up Letter to the MM, no response to date (26 Feb 2026)  
F: Escalation Letter to the MEC

CC:

Speaker - [nqubukathembelihle@gmail.com](mailto:nqubukathembelihle@gmail.com), [pa.speaker@uthukela.gov.za](mailto:pa.speaker@uthukela.gov.za)  
Mayor - [shabalalanb1@gmail.com](mailto:shabalalanb1@gmail.com), [pa.mayor@uthukela.gov.za](mailto:pa.mayor@uthukela.gov.za)  
Deputy Mayor - [gcwabezn@gmail.com](mailto:gcwabezn@gmail.com), [bafana650@gmail.com](mailto:bafana650@gmail.com)  
Speaker - [nqubukathembelihle@gmail.com](mailto:nqubukathembelihle@gmail.com), [pa.speaker@uthukela.gov.za](mailto:pa.speaker@uthukela.gov.za)  
Chief Director: Local Government Operations and Support (LGOS) -  
[nolwazin@cogta.gov.za](mailto:nolwazin@cogta.gov.za)  
Chief Financial Officer - [bndlovu@uthukela.gov.za](mailto:bndlovu@uthukela.gov.za), [pa.finance@uthukela.gov.za](mailto:pa.finance@uthukela.gov.za)  
Audit Committee Chairperson - [ngubane.aaron@hmail.com](mailto:ngubane.aaron@hmail.com)  
Dr Zwelini Lawrence Mkhize - COGTA Chairperson - [zmkhize@parliament.gov.za](mailto:zmkhize@parliament.gov.za),  
[scassiem@parliament.gov.za](mailto:scassiem@parliament.gov.za)  
Ms. C. Coetzee - KZN Provincial Treasury - [carol.coetzee@kzntreasury.gov.za](mailto:carol.coetzee@kzntreasury.gov.za)  
Mr. J . Hattingh - National Treasury - [Jan.Hattingh@treasury.gov.za](mailto:Jan.Hattingh@treasury.gov.za)  
Mr. W. McComans - National Treasury - [Wayne.McComans@treasury.gov.za](mailto:Wayne.McComans@treasury.gov.za)  
Ms. N . Mkhize - Auditor-General - [NomalungeloM@agsa.co.za](mailto:NomalungeloM@agsa.co.za)  
Mr. B. S. Duma - HOD CoGTA - [HODPA@kzncogta.gov.za](mailto:HODPA@kzncogta.gov.za)  
MEC Rev. Thulasizwe Buthelezi - [thulasizwe.buthelezi@cogta.gov.za](mailto:thulasizwe.buthelezi@cogta.gov.za) ,  
[mecpa@kzncogta.gov.za](mailto:mecpa@kzncogta.gov.za)  
MEC Francois Rodgers - [francois.rodgers@kzntreasury.gov.za](mailto:francois.rodgers@kzntreasury.gov.za)