

# LETSEMENG LOCAL MUNICIPALITY

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## OFFICE OF THE MUNICIPAL MANAGER

Date: 16/03/2022

### **MEDIA STATEMENT: ESKOM/LETSEMENG LOCAL MUNICIPALITY**

The Supreme Court ruling on the matter of Letsemeng Local Municipality / Eskom Holdings refers.

The ruling has been referred to the legal team of the Municipality and the legal team will present the matter to the full Council at a special sitting in due course.

This ruling is in direct contrast to the same Supreme Court of Appeal ruling in the Resilient Properties / Eskom case dated December 2020.

The Municipality intends to appeal the ruling as the SCA failed to consider various Constitutional matters such as:

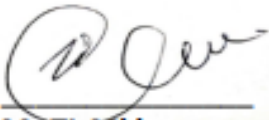
- the exclusive authority in terms of Schedule 4B and 5B of the Constitution whereby the Municipality has the right to supply electricity and gas within its area of jurisdiction;
- Eskom to sign a SLA agreement with a Municipality in terms of Section 76 of the Municipal Systems Act in order to supply electricity within its area of jurisdiction as approved by Parliament (SCOPA) 2019 of which SALGA National is already attending to the matter and whereby Eskom is delaying the implementation of signing SLA agreements with Municipalities;
- Eskom direct supply is causing serious financial harm to the Municipality and this matter should be addressed urgently on National level;
- IGR-processes as contemplated by the Constitution, the Inter-Governmental Relations Framework Act as well as the MFMA were not followed.

The issue of the R5 million to be paid is a matter that will be taken up with the Free State Provincial Treasury Department as the said Department has issued an undertaking and the Court is of the viewpoint that it is an irrevocable undertaking to pay the said amount.

The Municipality will issue a further Official statement after the special Council meeting to consider the matter has taken place.

For enquiries on the matter kindly contact

Acting Manager Communication, Mr Obakeng Seekoei, [communication@letsemeng.gov.za](mailto:communication@letsemeng.gov.za),  
053 3300 210/215

A handwritten signature in black ink, appearing to read 'TL Mkhwane', written over a horizontal line.

**Mr TL Mkhwane**  
Municipal Manager