

SOUTH AFRICA / JUDGMENT

Gert Sibande District Municipality v Bonginkosi Technologies (Pty) Ltd (5459/2022) [2025] ZAMPMHC 37 (4 August 2025)

[2025] ZAMPMHC 37

COURT

Middelburg High Court, Mpumalanga

BEFORE

Langa

CASE / FILE NUMBER

5459/2022

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IN THE HIGH COURT OF SOUTH AFRICA
MPUMALANGA DIVISION (MIDDELBURG
LOCAL SEAT)

CASE

NO: 5459/2022

(1)

REPORTABLE: NO

(2)

OF INTEREST TO OTHER JUDGES: NO

(3)

REVISED

DATE

04/08/2025

SIGNATURE

In

the matter between:

GERT
SIBANDE DISTRICT MUNICIPALITY
APPLICANT
And
BONGINKOSI TECHNOLOGIES
(PTY)LTD
RESPONDENT

JUDGMENT

Coram: Langa J

Introduction and facts

- [1] The Applicant, Gert Sibande Local Municipality, (“the Municipality”), seeks leave to appeal to the Full Court of this Division against the whole judgment and orders of this court handed down on 04 November 2024.
- [2] In the application the Applicant, the Gert Sibande District Municipality, sought an order in terms of section 172 of the Constitution to review and set aside its own decision to award the tender for the appointment of the Respondent for the provision of Vehicle Tracking System for the period of 36 months. The Applicant further sought to review and set aside the Service Level Agreement between the parties dated 18 November 2021 and any agreement or arrangement incidental thereto pursuant to the Vehicle Tracking System Tender.
- [3] The Applicant further sought a declaratory order that the Respondent is entitled to claim reasonable expenses in line with the submitted Bill of Quantities notwithstanding the setting aside of the Service Level Agreement. Further that the Applicant is entitled to recover from the Respondent an amount that exceeds the actual expenses on the Vehicle Tracking System to the extent that it has paid the Respondent in excess of the reasonable expenses as set out in the Bill of Quantities.
- [4] After hearing the matter the court decided in favour of the Respondent and made the following

orders:

- 1. The application for the review and setting aside of the tender is dismissed with costs;
- 2. The Respondents counter claim for the payment of an amount of R2 465 252.21 is granted with costs;
- 3. The Applicant is ordered to pay the costs on the scale as between attorney and client.
- [5] It is the judgment and orders that the Applicant seeks to appeal against.
- [6] I do not intend traversing the merits here as that has been done in the comprehensive judgment delivered. However, after reading the written heads of argument and after hearing the submissions by the parties, I have decided to grant the application for leave to appeal.

Order

- [7] I accordingly make the following order;

1. The application for leave to appeal the judgment and orders of the court dated 04 November 2024 to the Full Court of this Division is granted.
2. The costs to be the costs in the appeal.

MBG LANGA

JUDGE OF THE HIGH COURT

Appearances:

For the Applicants: Advocate R Maphutha Instructed by: Lusenga Attorneys Inc. For the Respondent: JA Venter Instructed by: Dr TC Botha Incorporated Attorneys Date heard: 20 June 2025 Date delivered: 04 August 2025

This judgment was handed down electronically by circulation to the parties' representatives by email. The date for hand-down is deemed to be the 04 August 2025 at 14h00.

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Prepared on 10 October 2026 · Esheria