

SOUTH AFRICA / JUDGMENT

Rustenburg Platinum Mines Limited and Another v Minister of Mineral Resources and Others (7883/2007) [2017] ZAGPPHC 218 (30 May 2017) [2017] ZAGPPHC 218

COURT

North Gauteng High Court, Pretoria

BEFORE

AC Basson

CASE / FILE NUMBER

7883/2007

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REPUBLIC OF SOUTH AFRICA

IN THE HIGH COURT OF SOUTH AFRICA

GAUTENG DIVISION, PRETORIA

CASE NO: 7883/2007

Reportable: No

Of interest to other judges: No

Revised.

30/5/2017

In the matter between:

RUSTENBURG PLATINUM MINES LIMITED 1st Applicant

ARM MINING CONSORTIUM LIMITED 2nd Applicant

and

MINISTER OF MINERAL RESOURCES 1st Respondent

DIRECTOR-GENERAL, DEPARTMENT OF 2nd Respondent

MINERAL RESOURCES

DEPUTY DIRECTOR-GENERAL : MINERAL REGULATION, 3rd Respondent

DEPARTMENT OF MINERAL RESOURCES

REGIONAL MANAGER, LIMPOPO REGION, DEPARTMENT 4th Respondent

OF MINERAL RESOURCES

GENORAH RESOURCES (PTY) LTD 5th Respondent

NKWE PLATINUM (SOUTH AFRICA) (PTY) LTD 6th Respondent

INTERNATIONAL GOLDFIELDS LTD 7th Respondent

MORUTHANE BEN SEKHUKHUNE N.O. 8th Respondent

BAUBA A HLABIRWA MINING INVESTMENTS (PTY) LTD 9th Respondent

MYELETI MINING (PTY) LTD 10th Respondent

THE TRADITIONAL COUNCIL OF THE BENGWENYAMA-YA 11th Respondent

MASWATI COMMUNITY

ROKA PHASA PHOKWANE TRADITIONAL COUNCIL 12th Respondent

MIRACLE UPON MIRACLE INVESTMENTS (PTYD) LTD 13th Respondent

NKWE PLATINUM LTD 14th Respondent

JUDGMENT:

VARIATION

AC BASSON, J

[1] On 1 February 2017 this court handed down a judgment with the following order made in paragraph [13] of the order (consisting of 13 paragraphs):

"Order

[106] In the event the following order is made:

"13. The applicants jointly and severally are ordered to pay the costs of the 5th, 6th, 7th, 8th, and 14th respondents."

[2] This order as it appears in the typed judgment omitted to refer to the 9th respondent (Baubu A Hlabirwa Mining Investments (Pty) Ltd). I have since perused the records and I am in agreement with the submission that this omission is a patent error or omission of a typographical nature as contemplated by Rule 42(1)(b) of the Uniform Rules of Court and one which this court may vary upon the application of any party affected thereby. I may also briefly point out that it is clear from a reading of the judgment that the 8th and 9th respondents were at all material times represented by the same legal team and that they are referred to in the judgment as the "Baubu respondents".

[3] The same order in paragraph [13] unfortunately also contains a further patent error or omission in that the order does not expressly

refer to the costs of two counsel where it is clear from the record that such order ought to have been included.

[4] In the event the following varied order is made:

"13. The applicants , jointly and severally , are ordered to pay the costs of the 5th, 6th, 7th, 8th, 9th and 14th respondents , including the costs of two counsel."

AC BASSON

JUDGE OF THE HIGH COURT

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Prepared on 13 October 2026 · Esheria