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Enquiries: Ms De Wee

Date: 06 JUNE 2022

Ref:953/2020

REGISTERED MAIL: H/B + U

YOUR REF: CASE NUMBER: 74870/2019

Registrar of the High Court
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**APPEAL: NATIONAL ENERGY REGULATOR OF
SOUTH AFRICA V ESKOM HOLDINGS SOC LTD
LTD & 3 OTHERS**

~~Attached please find a copy of the court order.~~


**C.L. DE WEE (Ms.)
REGISTRAR**



SUPREME COURT OF APPEAL OF SOUTH AFRICA

**SCA CASE NO: 953/2020
GP CASE NO: 74870/2019**

On THURSDAY the 05TH MAY 2022

BEFORE:

THE HONOURABLE MR. JUSTICE PETSE	DP
THE HONOURABLE MR. JUSTICE VAN DER MERWE	JA
THE HONOURABLE MR. JUSTICE MAKGOKA	JA
THE HONOURABLE MR. JUSTICE SCHIPPERS	JA
THE HONOURABLE MS. JUSTICE SAVAGE	AJA

In the appeal:

NATIONAL ENERGY REGULATOR OF SOUTH AFRICA	Appellant
and	
ESKOM HOLDINGS SOC LIMITED	1st Respondent
MINISTER OF MINERAL RESOURCES AND ENERGY	2nd Respondent
MINISTER OF FINANCE	3rd Respondent
SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION	4th Respondent

The Court makes the following order by consent:

- 1. The first respondent (Eskom) abandons paragraphs 2, 3, 4 and 5 of the order granted by Judge Kathree-Setiloane in the High Court on 28 July 2020 (the High Court order).**
- 2. In the place of paragraphs 2, 3, 4 and 5 of the High Court order, this Court makes the order set forth in paragraphs 3 to 5 below.**
- 3. After such time as NERSA has determined the allowable revenue for the 2023/24, 2024/25, 2025/26 and 2026/27 financial years, the following sums will be added to those determinations:**
 - 3.1 In FY 2023/24, R15bn will be added to allowable revenue;**

- 3.2 In FY 2024/25, R15bn will be added to allowable revenue;
- 3.3 In FY 2025/26, R15bn will be added to allowable revenue;
- 3.4 In FY 2026/27, R14bn will be added to allowable revenue.
4. NERSA shall be precluded from making any adjustment or compensation to offset the sums listed in paragraph 3 above from the allowable revenue determined for these financial years or otherwise to deduct, directly or indirectly, the sums listed in paragraph 3 above from the allowable revenue for those financial years.
5. NERSA withdraws the appeal pending before this Court insofar as it relates to paragraph 6 of the High Court's order.
6. There is no order as to the costs of the appeal.



**COURT REGISTRAR
C.L. DE WEE (MS)**

