



**CONSTITUTIONAL COURT OF SOUTH AFRICA**

**CASE NO: CCT 43/09**

**In the matter between:**

<b>LEON JOSEPH</b>	First Applicant
<b>VALERIE MOSES</b>	Second Applicant
<b>VICTOR MOKETE MOKOENA</b>	Third Applicant
<b>LUCRICIA VAN WYK</b>	Fourth Applicant
<b>SHANICE MAYEZA</b>	Fifth Applicant
<b>DIANA VAN ROOYEN</b>	Sixth Applicant

**and**

<b>CITY OF JOHANNESBURG</b>	First Respondent
<b>CITY POWER (PTY) LTD</b>	Second Respondent
<b>MEMBER OF THE EXECUTIVE COUNCIL FOR LOCAL GOVERNMENT, GAUTENG</b>	Third Respondent
<b>THOMAS NEL</b>	Fourth Respondent

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**ORDER DATED 24 MAY 2010**

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CORAM: Ngcobo CJ, Moseneke DCJ, Cameron J, Froneman J, Jafta J, Khampepe J, Mogoeng J, Nkabinde J, Skweyiya J, Van der Westhuizen J and Yacoob J.

Having regard to Rule 29 of the Constitutional Court Rules, 2003, read with Rule 42 of the Uniform Rules of Court, this Court's order in *Leon Joseph and Others v City of Johannesburg and Others*, Case No. CCT 43/09, dated 9 October 2009, is amended as follows:

1. The application for leave to appeal is granted.
2. The appeal is upheld and the order of the South Gauteng High Court, Johannesburg in *Darries and Others v City of Johannesburg and Others*, delivered on 3 April 2009 under Case No 08/22689, is set aside.
3. The termination of electricity supply to Ennerdale Mansions on 8 July 2008 is declared to be unlawful.
4. The City of Johannesburg and City Power (Pty) Ltd are ordered to reconnect the electricity supply to Ennerdale Mansions forthwith.
5. The words "without notice" in by-law 14(1) of the Greater Johannesburg Metropolitan Council: Standardisation of Electricity By-laws (*Provincial Gazette (Gauteng)*, GG 16 GN 1610, 17 March 1999), published in terms of section 101 of the Local Government Ordinance 17 of 1939, are declared to be unconstitutional and invalid and are severed from by-law 14(1).
6. The City of Johannesburg and City Power (Pty) Ltd are ordered to pay the costs of the applicants in both the High Court and in this Court, such costs to include the costs consequent upon the employment of two counsel.

**MS STANDER**

**SENIOR REGISTRAR: CONSTITUTIONAL COURT**

**TO: WITS LAW CLINIC**

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**AND TO: THOMAS NEL**

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