IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

Case no:

In the matter between:

OFFIT ENTERPRISES (PTY) LTD	First Applicant
OFFIT FARMING ENTERPRISES (PTY) LTD	Second Applicant

and

COEGA DEVELOPMENT CORPORATION (PTY) LTD	First Respondent
THE PREMIER OF THE EASTERN CAPE GOVERNMENT	Second Respondent
THE MINISTER OF PUBLIC WORKS	Third Respondent
THE MINISTER OF TRADE AND INDUSTRY	Fourth Respondent

APPLICANTS' NOTICE OF APPLICATION

FOR LEAVE TO APPEAL TO THE

CONSTITUTIONAL COURT

TAKE NOTICE THAT the applicants hereby seek, in terms of section 167 of the Constitution of the Republic of South Africa, 1996 read with rule 19 of the rules of the Constitutional Court leave to appeal against the order of the Supreme Court of Appeal in ***Offit Enterprises v Coega Development Corporation*** (9/09) [2010] ZASCA 1 (15 February 2010) delivered on 15 February 2010 dismissing the applicant's appeal to that court against the decision of Jansen, J in the application brought under case no 1764/07 in the Eastern Cape Division (Port Elizabeth) of the High Court on 19 November 2008.

TAKE NOTICE FURTHER that the accompanying affidavit of **Stephen Kenneth Gough** will be used in support of this application.

TAKE NOTICE FURTHER that the applicants have appointed **Keith Sutcliffe & Associates Inc**, Jameson House No. 2 Jameson Avenue, cnr Glenhove Road, Melrose Estate. Johannesburg (Ref Mr Michael Gomerley) as the address at which they will accept notice and service of all process in these proceedings.

DATED at PORT ELIZABETH on this the 5H day of MARCH 2010.

RUSHMERE NOACH INC
Applicants' Attorneys
Per: sgned SK GOUGH
c/o **Keith Sutcliffe & Associates Inc**
Jameson House
No. 2 Jameson Avenue
cnr Glenhove Road
Melrose Estate
JOHANNESBURG
Ref: Mr Michael Gomerley
Telephone: (011) 789 7667
Telefax: (011) 787 2745
Email: michael@ksalaw.co.za
Email: steve@rushmere.co.za

TO **REGISTRAR OF THE CONSTITUTIONAL COURT**
1 Hospital Road
BRAAMFONTEIN
Telephone (011) 359 7400
Telefax (011) 339 5098

AND TO **COEGA DEVELOPMENT CORPORATION (PTY) LTD**
First Respondent
Coega Business Centre,
Alcoyn Road,
Coega,
PORT ELIZABETH

[reced]

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and

FAIRBRIDGES
First Respondent's Attorneys
c/o **PUMEZA BONO ATTORNEYS**
1ST Floor Trafalgar
No. 16 Clyde Street
Central
PORT ELIZABETH
Email: fstewart@fairbridges.co.za

[reced]

PUMEZA BONO INC.
2010 -03- 05

AND TO **THE PREMIER**
Second Respondent
c/o State Attorney
Second Respondent's Attorneys
29 Western Road
Central
PORT ELIZABETH
Email : jocoetzee@justice.gov.za

[reced]

STAATSPROKUREUR
PRIVAATSAK / PRIVATE BAG X6046
05 MAR 2010
14.35
PORT ELIZABETH 6000
STATE ATTORNEY

AND TO **THE MINISTER OF PUBLIC WORKS**
Third Respondent
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AND TO **THE MINISTER OF TRADE AND INDUSTRY**
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