

IN THE HIGH COURT OF SOUTH AFRICA
(EASTERN CAPE DIVISION, GRAHAMSTOWN)

Case No: 3491 /2021

In the matter between:

SUSTAINING THE WILD COAST NPC	First Applicant
MASHONA WETU DLAMINI	Second Applicant
DWESA-CWEBE COMMUNAL ASSOCIATION	Third Applicant
NTSINDISO NONGCAVU	Fourth Applicant
SAZISE MAXWELL PEKAYO	Fifth Applicant
CAMERON THORPE	Sixth Applicant
ALL RISE ATTORNEYS FOR CLIMATE AND THE ENVIRONMENT NPC	Seventh Applicant



and

MINISTER OF MINERAL RESOURCES AND ENERGY	First Respondent
MINISTER OF ENVIRONMENT, FORESTRY AND FISHERIES	Second Respondent
SHELL EXPLORATION AND PRODUCTION SOUTH AFRICA B V	Third Respondent
IMPACT AFRICA LIMITED	Fourth Respondent
BG INTERNATIONAL LIMITED	Fifth Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that the Applicants intend applying to the above Honourable Court for the relief set out hereunder:

PART A

KINDLY TAKE NOTICE that an application will be made on behalf of the Applicants to the above Honourable Court on **14 December 2021 at 09h30** or as soon thereafter as Counsel may be heard for an order the following terms:

1. This application is treated as a matter of urgency in terms of Rule 6 (12).
2. The Third, Fourth and Fifth Respondents are interdicted from undertaking seismic survey operations under Exploration Right 12/3/252 pending the finalisation of Part B of this Notice of Motion.
3. Any Respondent opposing the application is ordered to pay the Applicants' costs.

KINDLY TAKE FURTHER NOTICE that the affidavit of Reinford Sinegugu Zukulu will be used in support of this application.

KINDLY TAKE FURTHER NOTICE that the Applicants have appointed the address of their attorneys set out below as the address at which they will accept notice and service of all process in these proceedings.

KINDLY TAKE NOTICE FURTHER that if you intend to oppose the application for the relief in paragraph 3 above you are required –

- (a) to give written notice thereof to the Applicants' attorneys at the physical or email address stated below by no later than **16h00 on Monday, 06 December 2021**, and to furnish in such a notice a physical and/or email address where you will accept notice and delivery of any further documents or process in this matter; and
- (b) to deliver any answering affidavit by no later than **16H00 on Thursday, 09 December 2021** to the Registrar of the above Honourable Court and the Applicants attorneys at the email address stated below; and
- (c) to deliver any heads of argument no later than **14H00 on Monday, 13 December 2021** to the Registrar of the above Honourable Court and the Applicants' attorneys at the email address stated below.

KINDLY ENROLL THE MATTER FOR HEARING ACCORDINGLY

PART B

KINDLY TAKE NOTICE that an application will be made on behalf of the Applicants to the above Honourable Court on a date to be arrange with the Registrar for an order in the following terms:

1. The Third, Fourth and Fifth Respondents are interdicted from undertaking seismic survey operations under Exploration Right 12/3/252 unless and until they have obtained an environmental authorisation under the National Environmental Management Act 107 of 1998.

4. Any Respondent opposing the application is ordered to pay the Applicants' costs.
5. Further and/or alternative relief.

DATED at Cape Town on this 2nd day of December 2021.



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TO: THE REGISTRAR OF THE HIGH COURT

AND TO: **Minister of Mineral Resources and Energy**
First Respondent
C/O State Attorney
29 Western Road
Central
Gqeberha

AND TO: **Minister of Forestry, Fisheries and the Environment**
Second Respondent
C/O State Attorney
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Central
Gqeberha

AND TO: **Shell Exploration and Production South Africa B V**
Third Respondent
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57 Sloane Street
Bryanston
Gauteng Province
C/O Shepstone Wylie Inc.
24 Richefond Circle
Ridgeside Office Park
Umhlanga Rocks
per email: sampson@wylie.co.za

AND TO: **Impact Africa Limited**
Fourth Respondent
6th Floor
119 Hertzog Boulevard
Foreshore
Cape Town

AND TO: **BG International Limited**
Fifth Respondent
Twickenham Building
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