

***Furman and Another v City of Johannesburg and Others***

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**LEGAL SUMMARY**

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**Smit, AJ:**

The applicants have, since 2017, disputed their electricity and water accounts. Previously, the courts made orders in found in favour of the applicants that have mostly been ignored by the City.

The applicants brought the current application requesting the court to compel the respondent to reflect that the amount they owed to the City in respect of rates and taxes, refuse, sewerage, electricity and water is nil Rand; declare the City to be in contempt of court; and to compel the City to issue a rates clearance certificate.

The court held that the applicants are not entitled to the relief embodied in the rule *nisi* previously issued in those terms, given their cause of action and the way their application was framed. They could not rely on the contempt of court by the respondents for the substantive relief they sought. Contempt of court is a crime. Remedies flowing from contempt are geared to compel the offending party to purge their contempt or to punish them.

The applicants ought to have applied for clearance figures and a clearance certificate from the City and then, if aggrieved by the outcome, should have approached the court for relief based on their public law remedies. The applicants did not approach the City first to request the relief they sought from the court. This was impermissible.

The City remained in continued and unpurged contempt of court and has paid little regard to either its procedural obligations appropriately to defend the matter or its substantive obligations to comply with previous court orders. However, this was not enough reason to saddle the City with yet another costs order in respect of relief sought that was premature. Each party was therefore ordered to pay its own costs.