

IN THE HIGH COURT OF SOUTH AFRICA
(WESTERN CAPE HIGH COURT, CAPE TOWN)

CASE NO:

3015/2009

DATE:

20 AUGUSTUS 2010

5 In the matter between:

MUNICIPALITY OF STELLENBOSCH

Applicant

and

SHELF-LINE 104 (PTY) LIMITED

Respondent

10

J U D G M E N T

(Application for leave to appeal)

GOLIATH, J:

15 This is an application for leave to appeal against the judgment
and order which I gave in this matter on 31 May 2010. The
case involves the interpretation of certain resolutions adopted
by the applicant which impacted on the respondent's obligation
to pay Bulk Infra-structure Contribution Levies, known as
20 BICLs.

In my judgment I have dealt with these issues. However,
BICLs are a relatively novel issue and I am of the view that
another court may come to a different conclusion. I am

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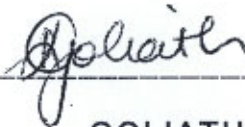
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therefore satisfied that there are reasonable prospects of success on appeal.

The parties agreed that if leave to appeal were to be granted,
5 the appropriate forum to hear the appeal would be the Supreme Court of Appeal. I am in agreement with this view.

In the result the following order is made: The application for leave to appeal is granted, the appeal is directed to the
10 Supreme Court of Appeal, the costs in the application for leave to appeal are to be the costs in the appeal.

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GOLIATH, J