



**SUPREME COURT OF APPEAL OF SOUTH AFRICA**  
**MEDIA SUMMARY – JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL**

**FROM** The Registrar, Supreme Court of Appeal  
**DATE** 7 April 2021  
**STATUS** Immediate

*Millennium Waste Management (Pty) Ltd v Sol Plaatje Municipality (Case No. 99/2019) [2021] ZASCA 35 (7 April 2021)*

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*Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal.*

Today the Supreme Court of Appeal (the SCA) struck the appeal from the roll.

In January 2006, the respondent, the Sol Plaatje Municipality (the Municipality) issued an invitation for proposals for the operation of the Kimberley & Ritchie Waste Disposal Site (the site). In response to the invitation, on 20 February 2006, the appellant, Millennium Waste Management (Pty) Ltd (Millennium Waste), submitted a written tender to the Municipality, which was judged responsive. When the Municipality declined to pay, it caused summons to be issued against the Municipality out of the Northern Cape Division of the High Court, Kimberley. The claim failed before Lever AJ, who absolved the Municipality from the instance. An appeal to the full court, likewise failed

The issue before the SCA was whether the payments were due to Millennium Waste under a contract.

On appeal, the SCA held that it was necessary to add that although interpretation was a matter for the court, not for witnesses, the parties generated a record in excess of 1500 pages, all of which was irrelevant to the issue on which the case turned; and for this reason the appeal had no merit and fell to be struck from the roll.