



THE SUPREME COURT OF APPEAL OF SOUTH AFRICA

MEDIA SUMMARY OF JUDGMENT DELIVERED IN THE SUPREME COURT OF APPEAL

FROM The Registrar, Supreme Court of Appeal
DATE 30 March 2015
STATUS Immediate

Please note that the media summary is for the benefit of the media and does not form part of the judgment.

***Atholl Developments v The Valuation Appeal Board for the City of Johannesburg
(209/2014) [2015] ZASCA 55***

MEDIA STATEMENT

Today, the Supreme Court of Appeal (SCA) struck a matter brought by Atholl Developments (Pty) Ltd (the appellant) against the Valuation Appeal Board off the roll.

The appellant, feeling aggrieved by a property valuation conducted by the City of Johannesburg Metropolitan Municipality (the City), appealed to the Valuation Appeal Board for the City of Johannesburg (the Appeal Board). Dissatisfied with this result as well, it sought a review of the Appeal Board's decision, and its application for review was granted in the Gauteng Local Division, Johannesburg, which remitted the matter back to the Appeal Board for reconsideration. However, during the course of the judgment granting the order for review, that court made certain findings which, the appellant submitted, were binding on the Appeal Board and precluded it from truly hearing the matter *de novo*, to the prejudice of the appellant. Consequently, the appellant sought an order from the SCA setting aside the decision of the court a quo.

The SCA held that it is an established principle that it is only possible to appeal against the order of a court, and not the reasons for a judgment. Accordingly, the SCA held that there was no proper appeal before it and ordered that the matter be struck off the roll. The SCA also, however, noted that in its view the appellant's rights remained unaffected by the views expressed by the court a quo, which were not automatically binding, and the respondent remained free to reconsider the matter.

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