



MUNICIPALITY WINS CONCOURT CASE

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JOHANNESBURG - The Constitutional Court on Friday ruled in favour of a Free State municipality saying residents cannot pick and choose the services they pay for.

A Kroonstad resident refused to pay her full council bill in 2008 saying she had not received the services she was paying for.

The case went to the Constitutional Court after she appealed the Supreme Court's decision which ruled in favour of the municipality.

Justice Raymond Zondo dismissed Olga Rademan's appeal saying the Moqhaka Municipality had the right to cut her electricity because she did not pay her bill in full.

Rademan paid her electricity and waste removal but refused to pay rates and taxes in protest against poor service delivery.

While Zondo agree that no money is due if a service is not rendered he says residents have no right to refuse to pay a bill in full and therefore the municipality was entitled to cut her power supply in terms of the bylaws to ensure people do not just pay for the services they choose to.

The ruling will be a blow to the more than 200 ratepayers associations around the country who have either declared a dispute with their municipalities or chosen to take over municipal services.

In August 2009, the municipality disconnected Rademan's electricity without obtaining a court order.

She had allegedly incurred arrears of R2986.96.

The Kroonstad Magistrate's Court then granted Rademan an urgent interdict, forcing the municipality to reconnect her electricity.

The municipality then successfully appealed the matter at the Free State High Court.

[Source: <http://ewn.co.za>]