

## Sibanye wins court battle for 50MW solar plant as Eskom studies judgment

Eskom is studying the high court judgment brought by Sibanye Stillwater and others, setting aside the power utility's refusal of Sibanye's wayleave application to develop a 50MW behind-the-meter Photovoltaic (PV) power plant to supply electricity to Sibanye's Kloof Mine.



Image credit: SANews

“Eskom notes the judgment delivered by Adams J on 18 February 2026 in the High Court of South Africa, Gauteng South Division, in a matter brought by Sibanye Stillwater and others (“Sibanye”).

“Eskom’s intention was always to facilitate Sibanye’s wayleave application by ensuring it met the applicable regulatory requirements that maintain the continued safety, stability and reliability of the national network, and to provide a consistent application of the rules,” the power utility said in a statement.

The power utility said it had raised concerns before the high court, including safety considerations, in its discretion to refuse the wayleave application, as well as its statutory obligations.

“All these concerns were communicated to Sibanye as part of the reasons for declining Sibanye’s application. However, the high court found in Sibanye’s favour.”

“The intention was to connect the PV plant to a section of the Kloof substation owned and operated by Sibanye, via a six-kilometre power line which will cross Eskom’s 132kV distribution lines.

“This required Eskom’s consent as it holds a servitude over the property where Sibanye wanted to build a power line to connect to its Kloof substation,” said Eskom.

Thereafter, Sibanye brought a review application under the Promotion of Administrative Justice Act (PAJA

to set aside Eskom's refusal to grant it the wayleave and substitute with an order granting its application.

"Eskom is studying the judgment and its implications and will determine the appropriate next steps following consultation with its legal advisors.

"In the meantime, Eskom is within its timeframes as contemplated by the law to appeal the judgment," it said.



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## Medupi assesment

Meanwhile, Eskom has released the draft Medupi Power Station Flue Gas Desulphurisation assessment for public comment.

"Eskom has released the draft Cost Benefit Analysis (CBA) report on flue gas desulphurisation (FGD) at Medupi Power Station for public comment.

"This follows the directive issued by the then Minister of Forestry, Fisheries and the Environment, Dr Deor George (sic), on 31 March 2025, which requires Eskom to conduct and make publicly available an updated assessment for input from interested parties," the power utility said.

The power station is located in the Limpopo province.

The assessment was undertaken by an independent service provider to support an open, evidence-based process that will assist the Ministry in reviewing the matter.

"The draft report, along with a non-technical summary, will be open for public comment from 24 February to 26 March 2026.

"Communities, environmental groups, industry representatives, government institutions and all other interested and affected parties are encouraged to review the documents and share their feedback," it said.

Copies of the draft reports will be available on the Eskom website at <https://www.eskom.co.za/eskom-divisions/gx/emissions-standards/>

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