

HC-MD-CIV-MOT-GEN-2017/00147
IN THE HIGH COURT OF NAMIBIA, MAIN DIVISION,
HELD AT WINDHOEK
ON TUESDAY, THE 07th DAY OF NOVEMBER 2017
BEFORE THE HONOURABLE JUSTICE UEITELE

In the matter between:

COMMUNICATIONS REGULATORY AUTHORITY OF NAMIBIA APPLICANT

and

TELECOM NAMIBIA LIMITED	1st RESPONDENT
ATTORNEY GENERAL OF THE REPUBLIC OF NAMIBIA	2nd RESPONDENT
MINISTER OF INFORMATION AND COMMUNICATION	
TECHNOLOGY	3rd RESPONDENT
MOBILE TELECOMMUNICATIONS LIMITED	4th RESPONDENT
DIMENSION DATA NAMIBIA (PTY) LIMITED	5th RESPONDENT
MEDIA NETWORK FOR CHRIST	6th RESPONDENT

COURT ORDER

Having heard **GEORGE COLEMAN** assisted by **RAMON MAASDORP**, on behalf of the applicant and **ELIAS SHIKONGO**, on behalf of the first respondent and **NORMAN TJOMBE** on behalf of the respondents and having read the application in respect of the postponement of the hearing (of the application to stay an order declaring section 23(2)(a) of the Communications Act, 8 of 2009 unconstitutional) and other documents filed of record for in respect of case **HC-MD-CIV-MOT-GEN-2017/00147**:

IT IS HEREBY ORDERED THAT:

1. The first respondent (Telecom Namibia) has not presented an acceptable explanation as to why it failed to lodge the application for postponement immediately after the 31 October 2017.

2. The application for the condonation of the late filing of the application for postponement is therefore dismissed with costs.

3. A Rule Nisi is hereby issued calling upon the first respondent or any other interested party to show cause, if any to this Court, on or before the **19th January 2018 at 10:00**, why:
 - 3.1. The declaratory order granted by this Court on 29 September 2016 in the matter between the Telecom Namibia v CRAN, that section 23(2)(a) of the Communications Act, 8 of 2009 and any regulations made thereunder are unconstitutional and invalid—must not be stayed pending the outcome of the appeal noted by the applicant (CRAN).

 - 3.2. The provisions of Rule 32(11) must apply to the costs order granted in respect of paragraph 2 of this order.

 - 3.3. The respondents must not pay the costs of the application to stay the declaratory order granted by this Court on 26 September 2017.

 - 3.4. The order granted in paragraph 3.1 operates as an interim order with immediate effect.

BY ORDER OF THE COURT


REGISTRAR

TO:

STACEY BOCK

On behalf of Applicant

AngulaCo Inc
Unit 112
E/F
Block C
First Floor
Maerua Park
Centaurus Street
Windhoek
Khomas Region
Namibia

AND TO:

ELIAS SHIKONGO
On behalf of
1st Respondent
Shikongo Law Chambers
4 Banting Street
Windhoek
Namibia
Namibia

Attorney General of the Republic of Namibia
2nd Respondent
c/o The Offices of the Government Attorneys
2nd Floor
Sanlam Building
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Minister of Information and Communication Technology

3rd Respondent

c/o The Offices of the Government Attorneys

2nd Floor

Sanlam Building

Independence Avenue

Windhoek

Khomas

Namibia

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MOBILE TELECOMMUNICATIONS LIMITED

4th Respondent

c/o Moses Tjitendero and Hamutenya Wanahepo Ndadi Streets

Windhoek

Khomas

Namibia

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DIMENSION DATA NAMIBIA (PTY) LIMITED

5th Respondent

c/o Tal & Garten Street

Windhoek

Khomas

Namibia

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MEDIA NETWORK FOR CHRIST

6th Respondent

c/o Hendrik Witbooi drive and Ara Street

Dorado Park

Windhoek

Khomas

Namibia

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