

Kumba opposes ICT appeal bid over rights

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KUMBA Iron Ore lodged papers on Friday opposing the application by Imperial Crown Trading (ICT) and the Department of Mineral Resources to appeal against a judgment that ICT had no rights to the Sishen iron ore mine.

Friday was the deadline by which Kumba's 74%-held Sishen Iron Ore Company had to lodge its opposition, as well as an appli-

cation for a conditional cross-appeal if ICT and the department are granted leave to appeal.

Judge Raymond Zondo, who ruled in Sishen and ArcelorMittal SA's case against the granting of a prospecting right to ICT over a 21,4% stake in the Sishen mine by the department, said in December the department had erred in awarding the right and ordered it to be set aside. Both ICT and the department appealed against the judgment that Sishen was the

holder of 100% of the mine and that the right was not divisible.

The matter flared up after ArcelorMittal, which held a 21,4% stake to the mine under old-order mining rights, did not apply for new order rights to that stake by May 2009. Kumba scrambled to lodge a mining right over the stake, but was trumped by ICT.

Judge Zondo ruled, however, that Sishen already owned all the mining rights when it converted its old order stake in the mine.

Sishen is opposed to ICT's and the department's applications for leave to appeal the decision as it "believes the result granted by the high court should stand," a Kumba spokeswoman said. Sishen has also lodged an application for a conditional cross-appeal, because if ICT and the department are granted leave to appeal, Sishen would be entitled to present its original arguments in the Supreme Court of Appeal. seccombea@bdfm.co.za