

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No(s).: 16/CR/Feb07

: 44/CR/May07

In the application for Dismissal:

The Home Trader (Eastern Cape) (Pty) Ltd

T/A East Cape Property Guide

Applicant

and

Amalgamated Real Estate Principals Property

Group CC T/A Charter Property Sales

First Respondent

Saturday Star Property Guide

Second Respondent

In the matter between:

Amalgamated Real Estate Principals Property

Group CC T/A Charter Property Sales

Applicant

The Home Trader (Eastern Cape) (Pty) Ltd

T/A East Cape Property Guide

First Respondent

Saturday Star Property Guide

Second Respondent

Panel : Y Carrim (Presiding Member), N Manoim (Tribunal Member) and U Bhoola (Tribunal Member)

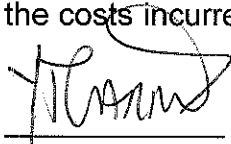
Heard on : 5 February 2009

Order issued : 6 February 2009

ORDER

After having heard the parties, the following is hereby ordered:

1. The application for dismissal is denied.
2. The first respondent, Amalgamated Real Estate Principals Property Group CC trading as Charter Property Sales is hereby ordered to pay the costs of this application and the costs incurred by the applicant, The Home Trader (Eastern Cape) (Pty) Ltd T/A East Cape Property Guide under Case Numbers 16/CR/Feb07 and 44/CR/May07 on a party –party scale, such costs to include the cost of one counsel.
3. The first respondent is barred from taking any further steps under Case Numbers 16/CR/Feb07 and 44/CR/May07 until the costs awarded to the applicant in paragraph 2 are settled.
4. After settling the costs of the applicant, first respondent is required to comply with its undertaking made at the hearing of 1 February 2008 and further direction of the Tribunal on 6 August 2008 that it file and serve amendments to its complaint referral.
5. If after first respondent has settled the costs referred to in paragraph 2 but has not filed its amendments within three months of the date of settlement of those costs, the applicant is entitled to enrol for determination by this Tribunal, the costs incurred in the interim relief application (Case Number 23/IR/Mar06).



Y Carrim
Presiding Member

Concurring: N Manoim and U Bhoola