



competitiontribunal  
south africa

## COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR247Mar17/EXC176Sep17

**In the Exception Application:**

**Competition Commission**

**Applicant**

**And**

**Afrimat Limited**

**First respondent**

**Clinker Supplies (Pty) Ltd**

**Second respondent**

**S.A. Block (Pty) Ltd**

**Third Respondent**

*In re:* the Complaint Referral between:

**The Competition Commission**

**Applicant**

**And**

**Afrimat Limited**

**First Respondent**

**Clinker Supplies (Pty) Ltd**

**Second Respondent**

**S.A. Block (Pty) Ltd**

**Third Respondent**

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Panel : Norman Manoim (Presiding Member)  
Yasmin Carrim (Tribunal Member)  
Imraan Valodia (Tribunal Member)  
Heard on : 04 July 2018  
Decided on : 04 July 2018

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**ORDER: COMMISSION'S EXCEPTION APPLICATION**

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**KINDLY TAKE NOTICE** that after having heard the parties in the above matter the Competition Tribunal orders – that the Commission's exception application is upheld in the following respects:

1. That the respondents, within 20 business days of date of this order, are to file a supplementary affidavit in which:
  - 1.1. The respondents must plead whether the Commission has accurately reflected the volume weighted average price of clinker ash aggregate based on Annual Financial Statements and production schedules over the period 2013 to 2016, as reflected in Table 1 paragraph 64 on page 19 of the Complaint Referral.
  - 1.2. If the respondents dispute the Commission's methodology or the use of volume weighted average pricing as a proxy for price during this period, then the respondents must provide their prices for the sale of clinker ash aggregate per annum, for the financial years 2013-2016, and the basis of calculating these.
2. The remaining prayers are dismissed.
3. There is no order to costs.

  
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**Presiding Member**  
**Mr Norman Manoim**

**04 July 2018**  
**Date**

**Concurring: Ms Yasmin Carrim and Prof Imraan Valodia**