



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: IDT059Jul23

In the matter between:

NTAPO PILANE DAVID KWAKWA

Applicant

And

THE COMPETITION COMMISSION

First Respondent

PICK N PAY RETAILERS (PTY) LTD

Second Respondent

MASHIBE GROUP (PTY) LTD)

Third Respondent

(In Business Rescue)

NNDINGENI MOSES SINGO N.O

Fourth Respondent

Panel: Ms M Mazwai (Presiding Member)
Prof. L Mncube (Tribunal Member)
Prof. F Tregenna (Tribunal Member)

Heard on: 25 October 2023

Order Issued on: 27 October 2023

ORDER: SECTION 27 APPLICATION

Having heard the Parties in the above matter, the Competition Tribunal orders as follows:

1. The consolidation of the section 49C application and section 27 application is granted;

2. The application for an interdict restraining the second and third respondents from implementing the merger pending the final determination of the High Court proceedings under case no. 2023-026583 is dismissed;
3. The application for an interdict restraining the fourth respondent from liquidating the third respondent pending the final determination of the High Court proceedings under case no. 2023-026583 is dismissed;
4. Each party shall bear its own costs.



Presiding Member
Ms Mondo Mazwai

27 October 2023

Date

Concurring: Professor Liberty Mncube Professor Fiona Tregenna