



**COMPETITION TRIBUNAL
REPUBLIC OF SOUTH AFRICA**

Case No: CO009Apr26

In the matter between:

The Competition Commission

Applicant

And

Mogodumo Bakone Holding (Pty) Ltd

Respondent

Panel: T Vilakazi (Presiding Member)
A Ndoni (Tribunal Member)
I Valodia (Tribunal Member)

Heard on: 26 May 2026

Decided on: 27 May 2026

ORDER

The Competition Tribunal ("Tribunal") hereby confirms the Consent Agreement, annexed hereto, between the Competition Commission and Mogodumo Bakone Holding (Pty) Ltd, as an Order in terms of section 49D read with section 58(1)(a)(iii) and 58(1)(b) of the Competition Act, No.89 of 1998, as amended.

Signed by: Thando Vilakazi
Signed at: 2026-05-27 10:48:49 +02:00
Reason: Witnessing Thando Vilakazi
Thando Vilakazi

**Presiding Member
Prof. Thando Vilakazi**

**27 May 2026
Date**

Concurring: Ms Andiswa Ndoni and Prof. Imraan Valodia

RECEIVED

By Themba Chauke at 4:45 pm, Apr 14, 2026

**IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA
(HELD IN PRETORIA)**

CT Case No:

CC Case No:2025JUL0028

In the matter between

COMPETITION COMMISSION

APPLICANT

and

MOGODUMO BAKONE HOLDING (PTY) LTD

FIRST RESPONDENT

SEED BEARING FIELDS (PTY) LTD

SECOND RESPONDENT

CONSENT AGREEMENT IN TERMS OF SECTION 49D READ WITH SECTIONS 58(1)(a)(iii) AND 58(1)(b) OF THE COMPETITION ACT, NO. 89 OF 1998, AS AMENDED, BETWEEN THE COMPETITION COMMISSION AND MOGODUMO BAKONE HOLDING (PTY) LTD, IN RESPECT OF CONTRAVENTION OF SECTION 4(1)(b)(i) AND (iii) OF THE COMPETITION ACT, 1998, AS AMENDED

The Competition Commission and Mogodumo Bakone hereby agree that an application be made to the Competition Tribunal for the confirmation of this Consent Agreement as an order of the Tribunal in terms of section 49D read with section 58(1)(a)(iii) and 58(1)(b) of the Competition Act, No. 89 of 1998, as amended, in respect of contravention of section 4(1)(b)(i) and (iii) of the Act, on the terms set out below.

1. DEFINITIONS

For the purposes of this Consent Agreement the following definitions shall apply:

- 1.1. **"Act"** means the Competition Act, No. 89 of 1998, as amended.
- 1.2. **"Commission"** means the Competition Commission of South Africa, a statutory body established in terms of section 19 of the Act, with its principal business address at 1st Floor, Mulayo Building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng.
- 1.3. **"Commissioner"** means the Commissioner of the Competition Commission, appointed in terms of section 22 of the Act.
- 1.4. **"Complaint"** means the complaint submitted to the Commission in terms of section 49B(1)(b) of the Act under case number: **2025Jul0028**.
- 1.5. **"Consent Agreement"** means this Agreement duly signed and concluded between the Commission and Mogodumo Bakone.
- 1.6. **"Madimapi Trading"** means Madimapi Trading Enterprise, a private company duly registered and incorporated under the laws of South Africa with its principal place of business situated at 6981 Bokang Street, Olievenhoutbosch Ext 36, Centurion, Gauteng, 0187.
- 1.7. **"Mogodumo Bakone"** means Mogodumo Bakone Holding (Pty) Ltd, a private company duly registered and incorporated under the laws of South Africa with its

principal place of business situated at 23 Wilge Street, Mokopane, Limpopo, 0601.

1.8. **“Parties”** means the Commission and Mogodumo Bakone

1.9. **“Respondents”** means Mogodumo Bakone and Seed Bearing Fields.

1.10. **“Seed Bearing Fields”** means Seed Bearing Fields (Pty) Ltd, a private company duly registered and incorporated under the laws of South Africa with its principal place of business situated at 23 Wilge Street, Chroompark, Mokopane, Limpopo, 0600.

1.11. **“Tribunal”** means the Competition Tribunal of South Africa, a statutory body established in terms of section 26 of the Act, with its principal place of business at 3rd Floor, Mulayo Building (Block C), the DTI Campus, 77 Meintjies Street, Sunnyside, Pretoria, Gauteng.

2. THE COMMISSION'S INVESTIGATION AND FINDINGS

2.1 On 18 July 2025, the Limpopo Department of Health filed a complaint against Mogodumo Bakone, Seed Bearing Fields and Madimapi Trading. Madimapi Trading is not a respondent for purposes of this agreement and thus Mogodumo Bakone and Seed Bearing Fields are hereinafter referred to as “the Respondents”. This complaint was investigated under case number: 2025Jul0028.

2.2 The allegations against the Respondents are that they entered into an

agreement and / or engaged in a concerted practice to fix prices and tender collusively in response to tender number: HEDP 001/23/24 issued by the Limpopo Department of Health for the supply and delivery of perishable provisions.

2.3 The Commission's investigation of the complaint found the following:

2.3.1 The Respondents share a familial relationship in that the director of Mogodumo Bakone, Mr. Dampe Amos Magagane, is the father-in law to the director of Seed Bearing Fields, Mrs. Modipadi Setumo.

2.3.2 Mogodumo Bakone administrator prepared the Respondents' bid documents.

2.3.3 The Respondents submitted bids with notable similarities such as identical writing, same address and the companies resolution signed on the same day. The Respondents used the same credit provider in the name of Tenderfin. The Respondents made use of the same fresh produce storage and vehicle provider in the name of Goseame Fresh Produce.

2.3.4 The Respondents agreed on the prices that they would quote in their tender bids.

2.3.5 The Respondents share the same office space and resources.

2.4 The Commission concluded that the conduct outlined above amounts to price fixing and collusive tendering in contravention of section 4(1)(b)(i) and (iii) of the

Act.

3 ADMISSION OF LIABILITY

- 3.1 Mogodumo Bakone admits liability in respect of the prohibited conduct described in paragraph 2 above.

4 ADMINISTRATIVE PENALTY

- 4.1 Mogodumo Bakone agrees and undertakes to pay an administrative penalty in the amount of **R22 245 (Twenty Two Thousand, Two Hundred and Forty Five Rands)**. This amount does not exceed 10% of Mogodumo Bakone's annual turnover for the year ended December 2024.
- 4.2 Mogodumo Bakone will pay the amount of the administrative penalty set out in paragraph 6.1 above to the Commission within 30 days from the date of confirmation of this Consent Agreement as an order of the Tribunal.
- 4.3 The payments shall be made into the Commission's bank account, details of which are as follows:

Bank name:	Absa Bank
Branch name:	Pretoria
Account holder:	Competition Commission Penalties Account
Account number:	4087641778
Account type:	Current Account
Branch Code:	631003
Reference:	2025Jul0028 / Mogodumo Bakone

- 4.4 The Commission will pay this sum to the National Revenue Fund in terms of

section 59(4) of the Act.

5 AGREEMENT REGARDING FUTURE CONDUCT

5.1 Mogodumo Bakone agrees and undertakes to:

5.1.1 refrain from engaging in any conduct that may be in contravention of section 4(1)(b) of the Act, and from engaging in any prohibited practice in future;

5.1.2 Mogodumo Bakone will attend a competition law compliance training programme incorporating corporate governance to be provided by the Commission and designed to ensure that its employees, management, directors, and agents do not engage in future contravention of the Act.

5.1.3 Mogodumo Bakone will ensure that such training materials will be made available to all new employees joining Mogodumo Bakone.

5.1.4 Furthermore, Mogodumo Bakone will update and repeat such training materials annually to ensure on an ongoing basis that its employees, management, directors, and agents do not engage in any future contraventions of the Act.

6 MONITORING

6.1 All reports and proof of payment in relation to the conditions set out in this agreement, including but not limited to Compliance Programmes, Statement to employees, Proof of Payments etc. shall be submitted to the Commission at

7 FULL AND FINAL SETTLEMENT

7.1 This Consent Agreement, upon confirmation as an order of the Tribunal, is entered into in full and final settlement and concludes all proceedings between the Commission and Mogodumo Bakone relating to the conduct that comprises the Commission's investigation under Case Number: **2025Jul0028**. Upon confirmation as an order of the Tribunal, no further action will be brought by the Commission against Mogodumo Bakone with respect to the conduct that is the subject of the this complaint.

For Mogodumo Bakone Holding (Pty) Ltd

Dated and signed at Mokopane on the 07 day of April 2026.

Dampe Itso's Masegane

Name in Full:

Designation: Director

For the Commission

Dated and signed at _____ on the _____ day of _____ 2026.

Doris Tshepe

Doris Tshepe

Commissioner