

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: IDT079Jun18

Murray & Roberts Holdings Limited

Applicant

and

Aton Holdings GmbH

First Respondent

Aton Austria Holdings GmbH

Second Respondent

The Competition Commission

Third Respondent

Panel	:	E Daniels (Presiding Member) AW Wessels (Tribunal Member) M Mazwai (Tribunal Member)
Heard on	:	15 June 2018
Last Submission	:	17 June 2018
Decided on	:	18 June 2018

ORDER: APPLICATION FOR AN INTERDICT

The Competition Tribunal, having heard the parties makes the following order:

1. The First and Second Respondents' preliminary application to dismiss the application for an interdict due to lack of urgency is dismissed.
2. For the purposes only of exercising their voting rights at the shareholders' general meeting of the Applicant which will take place on 19 June 2018 and which has been convened to consider an ordinary resolution, relating to the Applicant's proposed acquisition of Aveng Limited, to be tabled in accordance with section 126 of the Companies Act, 2008 (Act No. 71 of 2008) at that meeting, the First and Second Respondents or their agents are interdicted and restrained, as undertaken by the First and Second Respondents, from voting, or otherwise exercising any voting rights attached to, any shares in the ordinary issued share capital of the Applicant that in the calculation of their voting rights percentage, represent more than fifty per cent (50%) less one (1) vote of the votes cast in respect of that resolution.
3. No order is made as to costs.



Presiding Member
Mr E Daniels

18 June 2018
Date

Concurring: Mr AW Wessels and Ms Mondo Mazwai