

SOUTH AFRICA / JUDGMENT

Capital Propfund (Pty) Ltd v Diggers Development (Pty) Ltd and Others (LM166Dec22) [2023] ZACT 6 (31 January 2023) [2023] ZACT 6

COURT
Competition Tribunal

BEFORE
I Valodia, A Ndoni, S Goga

CASE / FILE NUMBER
LM166Dec22

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COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM166Dec22

In the matter between:

Capital Propfund (Pty) Ltd Primary Acquiring Firm

And

Diggers Development (Pty) Ltd on behalf of the Immovable Property

Known as Flamwood Walk, Flamwood Value Centre and

Certain Vacant Land Primary Target Firm

Panel: I Valodia (Presiding Member) A Ndoni (Tribunal Member) S Goga (Tribunal Member)

Heard on: 31 January 2023

Order Issued on: 31 January 2023

ORDER

Further to the recommendation of the Competition Commission in terms of section 14A(1)(b) of the Competition Act, 1998 (“the Act”) the Competition Tribunal orders that -

1. the merger between the above mentioned parties be approved in terms of section 16(2)(a) of the Act; and
2. a Merger Clearance Certificate be issued in terms of Competition Tribunal Rule 35(5)(a).

Date: 31 January 2023

Presiding Member Professor Imraan Valodia

Concurring: Ms Andiswa Ndoni and Ms Sha'ista Goga

Merger Clearance Certificate

Date: 31 January 2023

To: CDH Legal

You applied to the Competition Commission on 13 December 2022 for merger approval in accordance with Chapter 3 of the Competition Act.

After reviewing all relevant information, and the recommendation or decision of the Competition Commission, the Competition Tribunal

approves the merger in terms of section 16(2) of the Act, for the reasons set out in the Reasons for Decision.

This approval is subject to: no conditions. the conditions listed on the attached sheet.

The Competition Tribunal has the authority in terms of section 16(3) of the Competition Act to revoke this approval if

- a) it was granted on the basis of incorrect information for which a party to the merger was responsible.
- b) the approval was obtained by deceit.
- c) a firm concerned has breached an obligation attached to this approval.

The Registrar, Competition Tribunal

This form is prescribed by the Minister of Trade and Industry in terms of section 27 (2) of the Competition Act 1998 (Act No. 89 of 1998).

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