

SOUTH AFRICA / JUDGMENT

National Consumer Commission v Autoview Pre-Owned (Pty) Ltd (NCT/335474/2024/73(2) (b)))

[2025] ZANCT 6 (24 February 2025)

[2025] ZANCT 6

COURT

National Consumer Tribunal

BEFORE

S Hockey, M Peenze, CJ Ntsoane

CASE / FILE NUMBER

NCT/335474/2024/73(2)(b)

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IN THE NATIONAL CONSUMER
TRIBUNAL
HELD IN CENTURION

Case number: NCT/335474/2024/73(2)(b)
In

the matter between: NATIONAL
CONSUMER COMMISSION
APPLICANT
and
AUTOVIEW
PRE-OWNED (PTY) LTD
RESPONDENT

Coram: Mr
S Hockey
Presiding
Tribunal member
Dr
M Peenze
Tribunal
member
Mr
CJ Ntsoane
Tribunal
member
Date

of hearing:	24
	February 2025
	Date
of order:	24
	February 2025

RULING

THE PARTIES

1. The applicant is the National Consumer Commission (the applicant), an organ of the state established in terms of section 85(1) of the Consumer Protection Act, 2008 (the CPA). At the hearing, the applicant was represented by Ms Ntsako Ngobeni, a legal advisor of the applicant.
2. The respondent is Autoview Pre-Owned (Pty) Ltd (the respondent), a company duly incorporated under the company laws of South Africa and a supplier as defined in section 1 of the CPA. At the hearing, the respondent was represented by its director, Mr Roberto Carlos Fernandes.

APPLICATION TYPE

3. This is an application in terms of section 73(2)(b) of the CPA. This section authorises the applicant to refer a matter to the National

Consumer Tribunal (the Tribunal) after the conclusion of an investigation of a complaint it received from a consumer if it believes that a person has engaged in prohibited conduct[1].

4. The applicant received a complaint from two consumers involving alleged contraventions of provisions of the CPA, which the applicant subsequently investigated. The complaints relate to alleged defects in the vehicles the complainants purchased from the respondent. The resultant investigation report revealed that the respondent allegedly contravened certain provisions of the CPA. Accordingly, the applicant instituted these proceedings with the Tribunal wherein it seeks redress against the respondent.

THE HEARING

5. At the commencement of the hearing, Ms Ngobeni informed the Tribunal's hearing panel that the matter had been settled between the applicant and the respondent. She further advised that they elected to advise the panel in person about this as one of the complainants rejected the settlement. No notice of withdrawal had been filed.
6. Mr Fernandes confirmed that the matter had been settled.

CONSIDERATION

7. It must be noted that despite Mr Fernandes' appearance at the hearing, it was set down on an unopposed basis. This is so because no answering papers had been filed by the respondent opposing the relief sought by the applicant. In the circumstances, it is in the sole discretion of the applicant, as dominus litis^[2], to withdraw the application.
8. As no notice of withdrawal had been filed, the Tribunal considered it apt to confirm the withdrawal of the matter by way of this ruling. For expediency, the applicant is nevertheless encouraged to file a formal notice of withdrawal as soon as practicable.

THE ORDER

9. In the result, the following order is made:

9.1. The withdrawal of the matter at the instance of the applicant is confirmed.

9.2. There is no order as to costs.

S Hockey (Tribunal member)

Tribunal members Dr M Peenze and Mr CJ Ntsoane concur.

[1] Prohibited conduct is defined in section 1 as an act or omission in contravention of the CPA.

[2] I.e. the person who is in control of the matter.

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