

SOUTH AFRICA / JUDGMENT

National Credit Regulator v Cilliers (NCT/78394/2017/57(1)) [2019] ZANCT 100 (28 June 2019) [2019] ZANCT 100

COURT

National Consumer Tribunal

BEFORE

B Dumisa, A Potwana, J Simpson

CASE / FILE NUMBER

NCT/78394/2017/57(1)

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case number: NCT/78394/2017/57(1)

In the matter between:

NATIONAL CREDIT REGULATOR APPLICANT

and

EUGENE BARNARD CILLIERS RESPONDENT

Coram:

Prof B Dumisa - Presiding Tribunal Member

Mr A Potwana -

Tribunal Member

Adv J Simpson - Tribunal Member

Date of Hearing - 28 June 2019

POSTPONEMENT ORDER

1. The Applicant was represented by Ms Rushni Venugopal and Ms Leanne Schwartz, employees of the Applicant.
2. The Respondent was represented by Van Zyl H.C, an Advocate from the Independent Bar.

3. The Applicant informed the National Consumer Tribunal (Tribunal) that before the commencement of the proceedings, the Respondent proposed settlement. The Respondent was agreeable to settlement, provided certain conditions are satisfied.
4. Van Zyl, for the Respondent, submitted that the parties are committed to settling the matter amicably, but the Respondent still needed to have more discussions with the Applicant in order to get clarity on which particular allegations the Applicant still insisted on, as the Respondent was under the impression that they had effectively clarified some of the points where the Applicant had purportedly incorrectly made allegations against the Respondent.
5. The Presiding Tribunal Member informed the parties that they have until the 26th of July 2019 to file an application to confirm the settlement agreement as an order of the Tribunal or a notice of withdrawal.

Failure to do so will result in the matter being set down for hearing.

ORDER

6. It is hereby ordered that:
 - 6.1. The matter is postponed sine die to allow the parties to finalise the settlement negotiations;
 - 6.2. If the parties settle the matter and want the settlement agreement to be made an order of the Tribunal, an application should be made on or before 26th of July 2019;
 - 6.3. If the parties settle the matter and do not want the settlement agreement to be made an order of the Tribunal, the Applicant must file a notice of withdrawal on or before the 26th of July 2019;
 - 6.4. If neither an application to confirm the settlement agreement as an order of the Tribunal or a notice of withdrawal is submitted to the Tribunal by the close of business on 26th of July 2019, the Registrar will set the matter down for hearing; and
 - 6.5. No order is made as to costs.

This done and dated at Centurion on the 26th June of 2019.

(signed)

Prof B Dumisa

Presiding Tribunal Member

Mr A Potwana (Tribunal Member) and Adv J Simpson (Tribunal Member) concurring.

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