

SOUTH AFRICA / JUDGMENT

National Credit Regulator v PCL Trust t/a PCL Cash Loans-Louis Trichardt (NCT/103940/2018/57(1)) [2018] ZANCT 85 (4 July 2018)

[2018] ZANCT 85

COURT

National Consumer Tribunal

BEFORE

H Devraj, F Manamela, K Moodaliyar

CASE / FILE NUMBER

NCT/103940/2018/57(1)

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case number: NCT/103940/2018/57(1)

In the matter between:

THE NATIONAL CREDIT REGULATOR

APPLICANT

and

PCL TRUST T/A PCL CASH LOANS-LOUIS TRICHARDT

RESPONDENT

Coram:

Ms. H Devraj Presiding Member

Adv F Manamela Tribunal Member

Prof K Moodaliyar Tribunal Member

Date of Hearing 3 July 2018

POSTPONEMENT ORDER

1. The Applicant in the main matter is the National Credit Regulator, a juristic person established by Section 12 of the National Credit Act 34 of 2005 {"the NCA), hereinafter referred to as ("the Applicant").
2. The Respondent in the main matter is PCL Trust t/a PCL Cash Loans- Louis Trichardt, a registered Credit Provider with registration number NCRCP1520, hereinafter referred to as {the "Respondent"). Its registered business address is 28 Songozwi Street, Louis Trichardt.
3. The matter was set down on 3 July 2018, on a default basis. According to Rule 25(3):-

The Tribunal may make a default order-

- (a) after it has considered or heard any necessary evidence; and
- (b) if it is satisfied that the application documents were adequately served.

4. The Applicant made the following submissions regarding the proof of service:-

4.1 The application was served on the Respondent via registered mail to its postal address. The track and trace report reflects that the application was returned to the sender;

4.2 The application was served via courier but the courier company informed the Applicant that the premises of the Respondent could not be found;

4.3 The application was served via registered mail to the Respondent's physical address on 28 June 2018; and

4.4 The applicant was informed by its registrations department that the e-mail address of the Respondent had changed. Therefore the Notice of Complete filing and Notice of Set down was sent to the old e-mail address as per the Applicant's application.

5. The Tribunal considered that the allegations made against the Respondent are serious. The Applicant also seeks an order for the

de-registration of the Applicant as well as the imposition of an administrative penalty. The Tribunal was not satisfied that the

application was adequately served.

6. In this matter, there are issues about the trading name of the Respondent. The Applicant alleges that the Respondent advertises

itself and is trading as Prestige Cash Loans, but that it is registered as PCL Trust t/a PCL Cash Loans- Louis Trichardt. It is

therefore possible that the courier company was looking for PCL Cash Loans and therefore was unable to identify the premises of the Respondent. It is also important that the Applicant verifies the information of the Respondent on its registration database to ensure that the correct address and e-mail addresses are provided to the Registrar in order to issue the relevant Notice of complete Filing and Set Down notices.

7. The Tribunal also requires of the Applicant to ensure that the Respondent is correctly cited.

ORDER

8. The Tribunal postponed the matter, in order for the Applicant to also serve the application on the verified physical address of the Respondent no later than 13 July 2018.
9. The Applicant must confirm that the Respondent is correctly cited.
10. The matter will be set down again once pleadings have closed in the matter.
11. There is no order made as to costs.

DATED 4 July 2018

(signed)

Ms. H Devraj

Presiding Member

Adv F Manamela (Tribunal member) and Prof K Moodaliyar (Tribunal member) concurring.

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CASE PAGE <https://chat.esheria.ai/case-law/south-africa/national-credit-regulator-v-pcl-unknown-topic-anct-2018--6a3ea5173b1caa912980e662>

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