

SOUTH AFRICA / JUDGMENT

Thabong Coal (Pty) Ltd v Competition Commission of South Africa (LM144Jan20; VAR197Mar23) [2023] ZACT 51 (31 March 2023) [2023] ZACT 51

COURT
Competition Tribunal

BEFORE
AW Wessels, M Mazwai, S Goga

CASE / FILE NUMBER
LM144Jan20/VAR197Mar23

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COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No: LM144Jan20/VAR197Mar23

In the matter between:

Thabong Coal (Pty) Ltd First

Applicant

South32 SA Coal Holdings (Pty) Ltd Second

Applicant

Seriti Resources Holdings (Pty) Ltd Third

Applicant

And

Competition Commission of South Africa Respondent

Panel: AW Wessels (Presiding Member)

M Mazwai (Tribunal Panel Member)

S Goga (Tribunal Panel Member)

Heard on: 31 March 2023

Decided on: 31 March 2023

Order

Having considered the unopposed application for the variation of the Conditions imposed by the Competition Tribunal in the merger between Thabong Coal (Pty) Ltd and South32 SA Coal Holdings (Pty) Ltd, Tribunal case number LM144Jan20, (“the Conditions”), it is ordered that:

1. To the extent that the Conditions impose any obligation on Thabong Coal (Pty) Ltd, such obligations will transfer to Seriti Resources

Holdings (Pty) Ltd on the date on which Thabong Coal (Pty) Ltd transfers the shares that it holds in Seriti Power (Pty) Ltd (formerly South32 SA Coal Holdings (Pty) Ltd) to Seriti Resources Holdings (Pty) Ltd.

Presiding Member Mr Andreas Wessels

Concurring: Ms Mondo Mazwai and Ms Shaista Goga

Date: 31 March 2023

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