

SOUTH AFRICA / JUDGMENT

# Tofie v Maedimole and Another (NCT/287776/2023/165) [2025] ZANCT 13 (7 April 2025) [2025] ZANCT 13

## COURT

National Consumer Tribunal

## BEFORE

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## CASE / FILE NUMBER

NCT/287776/2023/165

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case number: NCT/287776/2023/165

In the matter between: RUSHDIE TOFIE APPLICANT And LEBONE VULRY MAEDIMOLE 1ST CONSUMER AND WESBANK, A DIVISION OF FIRSTRAND BANK LIMITED 1ST CREDIT PROVIDER

VARIED CONSENT ORDER

Whereas an order was granted in this matter on 10 November 2023, whereafter an error was discovered in the acceptance letter attached to that order, a variation of the order was sought and is granted herewith. In terms of the variation, the erroneous acceptance letter is replaced with a rectified acceptance letter, which is attached hereto as annexure “A1”. No other changes have been made to the order. Now, therefore, the varied order reads as follows:

1. The Tribunal, having considered the papers filed of record, is satisfied that the applicant and the credit provider are parties to a debt re-arrangement facilitated by the applicant.
2. In terms of section 86(7)(b), read with section 138(1) of the National Credit Act, 34 of 2005 (the NCA), the following order is made:
  - a. The correct acceptance letter issued by third respondent and dated 6 February 2025 is attached to this order as annexure A1; and
  - b. The repayment agreements are confirmed as an order of the Tribunal in terms of section 150 of the NCA.

3. The parties' attention is drawn to sections 71(1), 71(5)(a) and 152 of the NCA, which is briefly summarised as follows:

· Section 71(1)

A consumer, whose debts have been re-arranged, may be issued with a clearance certificate by the debt counsellor if all the requirements in terms of section 71 have been met.

· Section 71(5)

Upon receiving a copy of a clearance certificate, a credit bureau, or the National Credit Register must expunge from its records the fact that the consumer was subject to the relevant debt re-arrangement order or agreement.

· Section 152

Any decision, judgment or order of the Tribunal may be served, executed and enforced as if it were an order of the High Court.

4. The parties are warned that failure to comply with an order of the Tribunal constitutes an offence in terms of section 160(1) of the NCA.

Thus done and signed on 7 April 2025

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Presiding Tribunal member

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