

SOUTH AFRICA / JUDGMENT

Tshehla v Aucamp Eiendomsbeleggings t/a CA Motors (NCT/95341/2017/75(1)(b)) [2018] ZANCT 124 (21 September 2018) [2018] ZANCT 124

COURT

National Consumer Tribunal

BEFORE

M Peenze

CASE / FILE NUMBER

NCT/95341/2017/75(1)(b)

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IN THE NATIONAL CONSUMER TRIBUNAL

HELD IN CENTURION

Case number: NCT/95341/2017/75(1)(b)

In the matter between:

MATLAKE JAMES TSHEHLA

APPLICANT

and

AUCAMP EIENDOMSBELEGGINGS t/a CA MOTORS

RESPONDENT

Coram:

Dr. M. Peenze Presiding Member

Date of Hearing 21 September 2018

POSTPONEMENT ORDER

INTRODUCTION

1. The Applicant is Mr Matlake James Tshehla, an adult male consumer, residing in Vlakfontein, Lenasia ("the Applicant").

2. The Respondent is Aucamp Eiendomsbeleggings t/a CA Motors, a car sales dealership, 596 Barage Road Vereeniging ("the Respondent").
3. The Applicant lodged an application on or about 26 January 2018, in terms of section 75(1)(b) of the Consumer Protection Act, Act No 68 of 2008. The Application for Leave to Refer was properly served on the Respondent.
4. No opposing documents were served by the Respondent within the required timeframe in terms of the Tribunal Rules.
5. The Registrar of the National Consumer Tribunal issued a Notice of Set Down - Leave to Refer for hearing on a default basis on 21 September 2018.

THE HEARING

6. At the hearing the Applicant represented himself, but was assisted by a Sepedi translator as provided by the National Consumer Tribunal.
7. A representative of the Respondent, Ane Mostert, turned up at the hearing unannounced, explaining that there were confusion and misunderstandings with regard to this matter in his company. He also outlined that new appointments were made and that staff turnover in his company contributed to laxity in addressing the Applicant's matter. These internal challenges also lead to the failure to file its answering affidavit in time.
8. The Tribunal emphasized that the Tribunal Rules are guiding a fair and prompt process to protect consumers and service providers alike. Timeframes outlined in these Rules must be respected and any deviation can only be condoned by way of a formal application.
9. Any postponement to be granted must therefore be interpreted as an attempt by the Tribunal to ensure that justice is served in that parties are being provided with an opportunity to put their arguments

before the Tribunal for adjudication in the event that settlement discussions are not successful. Since this will be the second time that the Leave to Refer hearing is requested to be postponed, it will be in the interest of justice that every attempt is made by the parties to adhere to the timeframes put by the Registrar to provide the required documents to the Tribunal.

ORDER

10. The matter is postponed sine die.
11. The Respondent must file its condonation application and answering affidavit within 15 days after date of this order.
12. Failure by the Respondent to file within the specified time as directed by the Registrar, may result in the matter being set down on a default basis.

13. No order is made as to costs.

DATED 21 SEPTEMBER 2018

(signed)

Dr. MC Peenze

Presiding Tribunal Member

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