

**IN THE COMPETITION TRIBUNAL OF SOUTH AFRICA**

CT Case No: IM013May15

In the matter between:

<b>IMERYS SOUTH AFRICA PROPRIETARY LIMITED</b>	First Applicant
<b>ANDALUSITE RESOURCES PROPRIETARY LIMITED</b>	Second Applicant
and	
<b>DELTA REFRACTORIES PROPRIETARY LIMITED</b>	First Respondent
<b>HI-TECH REFRACTORY MANUFACTURERS</b>	Second Respondent
<b>PROPRIETARY LIMITED</b>	
<b>INTOCAST SA PROPRIETARY LIMITED</b>	Third Respondent
<b>LTM MULONDO HOLDINGS PROPRIETARY LIMITED</b>	Fourth Respondent
<b>MTSA PROPRIETARY LIMITED</b>	Fifth Respondent
<b>REFRALINE PROPRIETARY LIMITED</b>	Sixth Respondent
<b>UNIQUE TRADING AND OUTSOURCING PROPRIETARY</b>	Seventh Respondent
<b>LIMITED</b>	
<b>VESUVIUS SOUTH AFRICA PROPRIETARY LIMITED</b>	Eighth Respondent
<b>PFG BUILDING GLASS, A DIVISION OF PG GROUP</b>	Ninth Respondent
<b>PROPRIETARY LIMITED</b>	
<b>DEPARTMENT OF MINERAL RESOURCES</b>	Tenth Respondent
<b>COMPETITION COMMISSION OF SOUTH AFRICA</b>	Eleventh Respondent

In re the Intermediate Merger between

**Imerys South Africa Proprietary Limited**

Primary Acquiring Firm

and

**Andalusite Resources Proprietary Limited**

Primary Target Firm

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Panel : Mondo Mazwai (Presiding Member)  
Medi Mokuena (Tribunal Member)  
Fiona Tregenna (Tribunal Member)

Heard on : 24 June 2015

Order issued on : 25 June 2015

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**ORDER: SECTION 45 APPLICATION**

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Having heard counsel for the Applicants, it is ordered that:

1. The Applicants are granted leave to bring this application as a matter of urgency and any non-compliance by the Applicants with the Rules of the Competition Tribunal as to forms, time periods and service is condoned;
2. The Eleventh Respondent is ordered to allow the Applicants' external legal representatives and experts access to all information submitted by the First Respondent to the Eleventh Respondent under claims of confidentiality in relation to the merger between the Applicants, subject to the Applicants furnishing reasonable undertakings to protect the confidentiality of such information.

  
**Ms Mondo Mazwai**

**25 June 2015**

**DATE**

**Mrs Medi Mokuena and Prof. Fiona Tregenna concurring**