



## COMPETITION TRIBUNAL OF SOUTH AFRICA

**Case No.: IDT059Jul23**

In the matter between:

**NTAPO PILANE DAVID KWAKWA**

**Applicant**

And

**THE COMPETITION COMMISSION**

**First Respondent**

**PICK N PAY RETAILERS (PTY) LTD**

**Second Respondent**

**MASHIBE GROUP (PTY) LTD)**

**Third Respondent**

(In Business Rescue)

**NNDINGENI MOSES SINGO N.O**

**Fourth Respondent**

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Panel: Ms M Mazwai (Presiding Member)  
Prof. L Mncube (Tribunal Member)  
Prof. F Tregenna (Tribunal Member)

Heard on: 25 October 2023

Order Issued on: 27 October 2023

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### ORDER: SECTION 27 APPLICATION

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Having heard the Parties in the above matter, the Competition Tribunal orders as follows:

1. The consolidation of the section 49C application and section 27 application is granted;

2. The application for an interdict restraining the second and third respondents from implementing the merger pending the final determination of the High Court proceedings under case no. 2023-026583 is dismissed;
3. The application for an interdict restraining the fourth respondent from liquidating the third respondent pending the final determination of the High Court proceedings under case no. 2023-026583 is dismissed;
4. Each party shall bear its own costs.

  
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**Presiding Member**  
**Ms Mondo Mazwai**

**27 October 2023**  
\_\_\_\_\_  
**Date**

**Concurring: Professor Liberty Mncube Professor Fiona Tregenna**