



competitiontribunal  
south africa

## COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: CR209Feb17/EXC055May17

In the Exception application between:

**TOURVEST HOLDINGS (PTY) LTD**

**Excipient (First Respondent)**

and

**COMPETITION COMMISSION**

*In Re:*

The Complaint referral between:

**COMPETITION COMMISSION**

**Applicant**

and

**TOURVEST HOLDINGS (PTY) LTD**

**First Respondent**

**TRIGON TRAVEL (PTY) LTD**

**Second Respondent**

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Panel : Norman Manoim (Presiding Member)

Enver Daniels (Tribunal Member)

Anton Roskam (Tribunal Member)

Heard on : 12 June 2017

Order issued on : 12 June 2017


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**ORDER - FIRST RESPONDENT'S EXCEPTION APPLICATION**

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**KINDLY TAKE NOTICE** that after having heard the parties in the above matter the Competition Tribunal orders as follows:

1. The first respondent's exception to the Competition Commission's ("the Commission") complaint referral is upheld;
2. The Commission is hereby given an opportunity to supplement its complaint referral by filing a supplementary affidavit within 15 business days from date of this order, failing which the complaint referral, insofar as it relates to the first respondent, will be deemed to have been dismissed;
3. The supplementary affidavit must allege all the facts on which the Commission seeks to rely to draw the inference that the first respondent has engaged in an agreement or alternatively a concerted practice to contravene section 4(1)(b)(i) and/ or section 4(1)(b)(iii) of the Competition Act, 89 of 1998; and
4. There is no order as to costs.

  
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**Presiding Member**  
**Mr Norman Manoim**

**12 June 2017**  
**Date:**

**Concurring: Mr Enver Daniels and Mr Anton Roskam**