



COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM166Dec22

In the matter between:

Capital Propfund (Pty) Ltd

Primary Acquiring Firm

And

Diggers Development (Pty) Ltd on behalf of the
Immovable Property Known as Flamwood Walk,
Flamwood Value Centre and Certain Vacant Land

Primary Target Firm

Panel: I Valodia (Presiding Member)
A Ndoni (Tribunal Member)
S Goga (Tribunal Member)

Heard on: 31 January 2023
Order Issued on: 31 January 2023

ORDER

Further to the recommendation of the Competition Commission in terms of section 14A(1)(b) of the Competition Act, 1998 ("the Act") the Competition Tribunal orders that—

1. the merger between the abovementioned parties be approved in terms of section 16(2)(a) of the Act; and
2. a Merger Clearance Certificate be issued in terms of Competition Tribunal Rule 35(5)(a).

Signed by: Imraan Valodia
Signed at: 2023-01-31 09:15:39 +02:00
Reason: Witnessing Imraan Valodia

Imraan Valodia

Presiding Member
Professor Imraan Valodia

31 January 2023

Date

Ms Andiswa Ndoni and Ms Sha'ista Goga concurring



competitiontribunal
SOUTH AFRICA

Merger Clearance Certificate

Date : 31 January 2023

To : CDH Legal

Case Number: LM166Dec22

Capital Propfund And Diggers Development (Pty) Ltd on behalf of the Immovable Property Known as Flamwood Walk Flamwood, Value Centre and Certain Vacant Land

Notice CT 10

About this Notice

This notice is issued in terms of section 16 of the Competition Act.

You may appeal against this decision to the Competition Appeal Court within 20 business days.

You applied to the Competition Commission on **13 December 2022** for merger approval in accordance with Chapter 3 of the Competition Act.

Your merger was referred to the Competition Tribunal in terms of section 14A of the Act, or was the subject of a Request for consideration by the Tribunal in terms of section 16(1) of the Act.

After reviewing all relevant information, and the recommendation or decision of the Competition Commission, the Competition Tribunal approves the merger in terms of section 16(2) of the Act, for the reasons set out in the Reasons for Decision.

This approval is subject to:

no conditions.

the conditions listed on the attached sheet.

The Competition Tribunal has the authority in terms of section 16(3) of the Competition Act to revoke this approval if

- a) it was granted on the basis of incorrect information for which a party to the merger was responsible.
- b) the approval was obtained by deceit.
- c) a firm concerned has breached an obligation attached to this approval.

Contacting the Tribunal

The Competition Tribunal
Private Bag X24
Sunnyside
Pretoria 0132
Republic of South Africa
tel: 27 12 394 3300
fax: 27 12 394 0169
e-mail: ctsa@comptrib.co.za

The Registrar, Competition Tribunal