

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: LM128Oct22

In the matter between:

Infinity Renewable Energy B.V.

Primary Acquiring Firm

And

And Actis Sky B.V. and Lekela Power B.V.

Primary Target Firms

Panel: Y Carrim (Presiding Member)
F Tregenna (Tribunal Member)
S Goga (Tribunal Member)

Heard on: 18 November 2022

Decided on: 18 November 2022

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: Yasmin Tayob Carrim
Signed at: 2022-11-18 10:37:20 +02:00
Reason: Witnessing Yasmin Tayob Carri

Yasmin Tayob Carrim

**Presiding Member
Ms Yasmin Carrim**

18 November 2022

Date

Concurring: Prof. Fiona Tregenna and Ms Sha'ista Goga



competitiontribunal
SOUTH AFRICA

Merger Clearance Certificate

Date : 18 November 2022

To : Norton Rose Fulbright Attorneys

Case Number: LM128Oct22

Infinity Renewable Energy B.V And Actis Sky B.V and Lekela Power B.V

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 **03 October 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
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Republic of South Africa
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e-mail: ctsa@comptrib.co.za

The Registrar, Competition Tribunal