

BEFORE THE COMPETITION TRIBUNAL OF SOUTH AFRICA

CT CASE NO: 134/CR/DEC07

**2<sup>nd</sup> To 14<sup>th</sup> Respondents  
and  
COMPETITION COMMISSION**

**Applicant  
Respondent**

In the matter between:

**COMPETITION COMMISSION**

Applicant

and

**SOUTH AFRICAN BREWERIES LIMITED**

1<sup>st</sup> Respondent

**AFRICA'S BEER WHOLESALERS (PTY) LTD**

2<sup>nd</sup> Respondent

**BOLAND BEER DISTRIBUTORS (PTY) LTD**

3<sup>rd</sup> Respondent

**ERMELO BEER WHOLESALERS (PTY) LTD**

4<sup>th</sup> Respondent

**GREYTOWN BEER DISTRIBUTORS (PTY) LTD**

5<sup>th</sup> Respondent

**MAKHADO BEER WHOLESALERS (PTY) LTD**

6<sup>th</sup> Respondent

**MIDLANDS BEER DISTRIBUTORS (PTY) LTD**

7<sup>th</sup> Respondent

**MKUZE BEER WHOLESALERS (PTY) LTD**

8<sup>th</sup> Respondent

**SOUTHERN CAPE BEER DISTRIBUTORS (PTY) LTD**

9<sup>th</sup> Respondent

**STEFQUO (PTY) LTD**

10<sup>th</sup> Respondent

**VRYHEID BEER DISTRIBUTORS (PTY) LTD**

11<sup>th</sup> Respondent

**MADADENI BEER WHOLESALERS (PTY) LTD**

12<sup>th</sup> Respondent

**WESTONARIA BEER DISTRIBUTORS (PTY) LTD**

13<sup>th</sup> Respondent

**THOHOYANDOU BEER DISTRIBUTORS (PTY) LTD**

14<sup>th</sup> Respondent

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Panel : Norman Manoim (Presiding Member), Yasmin Carrim (Tribunal Member), and Merle Holden (Tribunal Member)

Heard on : 4-5 April 2011

Decided on : 7 April 2011

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**Order: Dismissal Application**

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After having heard the parties in relation to the application by the second to fourteenth respondents the following is ordered:

1. The purported referral of the complaints against the second to fourteenth respondents on or about 20 December 2007 under sections 4(1)(b)(ii) and 5(1) of the Competition Act, 89 of 1998 (the "Act") is set aside on the grounds that the Tribunal has no jurisdiction.
2. There is no order as to costs.

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**Norman Manoim**

**Presiding Member**

**Concurring:** Yasmin Carrim and Merle Holden