

IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA

_____ CCT Case No:
167/CAC/Jul18 CAC No:
CT No: CR129SEP15

In the matter between:

THE COMPETITION COMMISSION OF SOUTH AFRICA Applicant

and

PICKFORDS REMOVAL SA (PTY) LTD
Respondent

In Re: The complaint referral between

PICKFORDS REMOVAL (PTY) LTD First Respondent

JH RETIEF TRANSPORT CC Second
Respondent

SIFIKILE TRANSPORT CC Third Respondent

CAPE EXPRESS REMOVALS (PTY) LTD Fourth Respondent

NOTICE OF MOTION

TAKE NOTICE THAT the Competition Commission of South Africa (*the Commission*) applies for an order in the following terms:

- 1 The appeal is upheld;
- 2 The decision of the Competition Appeal Court dismissing the Commission's purposive interpretation of section 67(1) is set aside;
- 3 *Alternatively*, the decision of the Competition Appeal Court which found the Competition Appeal Court did not have power under the Competition Act to condone non-compliance with the time period prescribed by section 67(1) on good cause shown be set aside;
- 4 The finding by the Competition Appeal Court that Pickfords only became a named party to these proceedings when the second complaint initiation occurred is set aside
- 5 Pickfords is ordered to pay the costs of the appeal, including the cost of two counsel.
- 6 Further or alternative relief.

TAKE NOTICE FURTHER THAT the affidavit of **KATLEGO DONAVIN MONARENG** and annexures thereto will be used in support of this application.

TAKE NOTICE FURTHER that the Commission have appointed **NDZABANDZABA ATTORNEYS INC.** as the attorneys of record and that they will accept notice and service of process in these proceedings at their attorney's address below.

TAKE NOTICE FURTHER THAT if you intend opposing this application you are required to respond within 10 days in writing, indicating whether or not the application for leave to appeal is being opposed, and if so the grounds for such opposition.

SIGNED AND DATED AT BRYANSTON ON THIS 26TH DAY OF APRIL 2019.

NDZABANDZABA ATTORNEYS INC.

Attorneys for the Competition Commission

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TO: THE REGISTRAR

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Constitutional Hill

Braamfontein

Johannesburg

AND TO: EDWARD NATHAN SONNENBERGS

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