

COMPETITION TRIBUNAL OF SOUTH AFRICA

Case No.: 30/LM/Apr11

In the application between:

The Competition Commission

Applicant

and

Shoprite Checkers (Pty) Ltd

1st Respondent

and

Metcash Seven Eleven (Pty) Ltd & a

2nd Respondent

Portion of the Friendly Distribution Division of

Metcash Trading Africa (Pty) Ltd

In Re:

Shoprite Checkers (Pty) Ltd

Primary Acquiring Firm

and

Metcash Seven Eleven (Pty) Ltd & a

Primary Target Firm

Portion of the Friendly Distribution Division of

Metcash Trading Africa (Pty) Ltd

Panel : N Manoim (Presiding Member), Y Carrim (Tribunal Member), A Wessels (Tribunal Member)

Heard on : 20 July 2011

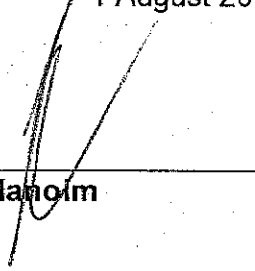
Decided on : 20 July 2011

ORDER – Extension Application and application in terms of section 14A(3) of the Competition Act.

Having heard the parties and by agreement with the parties, the Tribunal orders as follows:

1. The Merging Parties will revert to the Commission on 21 July 2011 regarding the further information requested by the Commission.

2. The Commission is granted an extension of time up until 26th July 2011 to file its recommendation.
3. The Commission must serve a copy of the non-confidential recommendation on the South Africa Commercial, Catering and Allied Workers Union (SACCAWU) by no later than 27th July 2011;
4. SACCAWU, if it wishes to make representations regarding the merger, may do so at the hearing, provided it files a brief statement of its suggested recommendation and the basis therefore. This statement must be filed with the Tribunal and served on the Commission and the legal representatives of the merging parties, by no later than 16h00 on 29th July.
5. The abovementioned merger will be heard by the Tribunal on 1 August 2011 at 10h00.



N Manojm

**Concurring: Y Carrim
: A Wessels**

Tebogo Mputle

From: Tebogo Mputle
Sent: Wednesday, July 20, 2011 2:34 PM
To: Werner Rysbergen; 'SBalona@werksmans.com'; Mfundo Ngobese; 'ltindale@werksmans.com'; 'pcoetser@werksmans.com'; 'dareteiro@werksmans.com'
Cc: Songezo Ralarala; Lerato Motaung
Subject: Order: Shoprite Checkers (Proprietary) Limited and others and the Competition Commission - 30/LM/Apr11
Attachments: Order 20110720.pdf

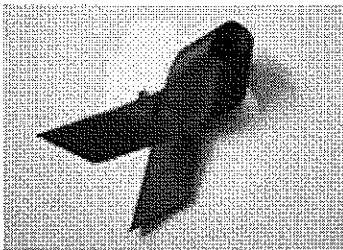
Dear All,

Please find attached the Tribunal's order in the extension application in the above matter.

Further please supply the Tribunal with the relevant contact details for SACCAWU so we may forward the Order to them as well.

Kind Regards

Tebogo Mputle
Registry Administrator
competition tribunal south africa
Tel No: +27 (12) 394 3354
Fax No: +27 (12) 394 4354
Mobile: +27 (82) 557 6897
Email: tebogom@comptrib.co.za
Website: www.comptrib.co.za



The information contained in this message (and any attachments) relates to the official business of the Competition Tribunal, is confidential in nature and may not be reproduced, copied, disclosed or distributed. The information may be legally privileged. The Competition Tribunal does not own and endorse any other content. Views and opinions are those of the sender unless clearly stated as being that of the Competition Tribunal. The Competition Tribunal therefore does not accept liability for any claims, loss or damages of whatsoever nature, arising as a result of the reliance on such information by anyone.

This e-mail is intended solely for the use of the recipient(s) to whom it is addressed and others authorized to receive it. If you are not the intended recipient(s) you are hereby notified that any disclosure, copying, distribution or taking action in reliance of the contents of this information is strictly prohibited and may be unlawful.

E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late, incomplete and/or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message, which arise as a result of e-mail transmission. If verification is required please request a hard-copy version.

The Competition Tribunal is not liable for any delay in the transmission of this e-mail.

Recipient

Werner Rysbergen

'SBalona@werksmans.com'

Mfundo Ngobese

'ltindale@werksmans.com'

'pcoetser@werksmans.com'

'dareteiro@werksmans.com'

Songezo Ralarala

Lerato Motaung

Delivery

Delivered: 20/7/2011 2:34 PM

Delivered: 20/7/2011 2:34 PM