

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA



CASE NO.: 15285/2019

(1) REPORTABLE: ~~YES~~/ NO
(2) OF INTEREST TO OTHER JUDGES: ~~YES~~/NO
(3) REVISED.

26/03/2019

A handwritten signature in black ink, appearing to be "S. J. van der Westhuizen", is written over a horizontal line.

In the matter between:

AYO TECHNOLOGY SOLUTIONS LIMITED

Applicant

and

COMPANIES AND INTELLECTUAL PROPERTY
COMMISSION

First Respondent

MINISTER OF TRADE AND INDUSTRY

Second Respondent

THE PUBLIC INVESTMENT CORPORATION
LIMITED

Third Respondent

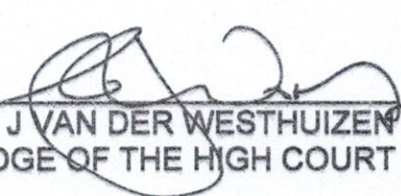
JUDGMENT

VAN DER WESTHUIZEN, J

- [1] This matter came before me by way of urgency. It concerns the issue by the first respondent of a Compliance Notice in terms of the provisions of section 171 of the Companies Act, 71 of 2008 (the Act), to the third respondent on 21 February 2019.
- [2] The matter was enrolled together with an urgent application, under Case No. 15315/2019, brought by the third respondent against the first respondent. Counsel for the first and third respondents also appeared in the other matter. Both applications were independently launched, the one not knowing of the other. This application was launched prior to the one under Case No. 15315/2019. It is submitted by counsel for the present applicant that if the judgment in the matter brought by the third respondent against the first respondent was in favour of the third respondent, this application would be moot. The same compliance notice is under attack in both matters, albeit on different grounds. The relief sought in both applications are similar in effect, if not identical.
- [3] I have granted judgment in favour of the third respondent as applicant in matter no. 15315/2019. In terms of that judgment, the said notice of compliance was declared of no force and effect and accordingly set aside.
- [4] It follows that this application is rendered moot and I make no findings on the merits or on this application.

I grant the following order:

- (a) The application is removed from the roll.


C J VAN DER WESTHUIZEN
JUDGE OF THE HIGH COURT

On behalf of Applicant: N Cassim SC
K Pillay
Instructed by: C Abrahams Attorneys

On behalf of First and Second Respondent: A F Arnoldi SC
S Mentz
Instructed by: State Attorney