

IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA

001

CASE NUMBER: 18096/17

In the matter between:

CONSUMER GOODS AND SERVICES OMBUD NPC

First Applicant

**THE CONSUMER GOODS AND SERVICES
OMBUDSMAN**

Second Applicant

and

VOLTEX (PTY) LTD

First Respondent

THE MINISTER OF TRADE AND INDUSTRY

Second Respondent

THE CONSUMER GOODS COUNCIL

Third Respondent

NOTICE OF MOTION

KINDLY TAKE NOTICE that Application will be made on behalf of the aforesaid Applicants for an Order in the following terms:

1. The Consumer Goods and Services Code of Conduct, is declared to have lawfully been established in accordance with the requirements of the Constitution of the Republic of South Africa, Act No. 108 of 1996 ("the Constitution") and the provisions of the law, and in particular, the Consumer Protection Act 68 of 2008 ("CPA").

2. That it is declared competent for the Code to make participation in the CGSO mandatory for all eligible businesses as defined in the Code.
3. That it be declared lawful and competent for the Code to require all eligible businesses to pay fees and/or levies as a contribution towards the costs of operating the CGSO.
4. That it be declared competent by the CGSO Board to declare a fee structure with eligible businesses and that it lawfully did so.
5. That it be declared competent for the CGSO to compel participants to disclose their annual turnover figures to the CGSO for purposes of determining the annual fees and/or levies payable to the CGSO, failing which the CGSO is authorised to make a fee determination payable by such participant, which amount shall be regarded as final and binding.
6. That it be declared competent for the CGSO to initiate legal proceedings to recover any outstanding fees or levies owed by a participant as defined in Regulation 3.1.29 of the Code.
7. That it be declared competent for the CGSO acting in terms of Section 4(1)(d) of the CPA, to approach a court, the National Consumer Tribunal established in terms of Section 26 of the National Credit Act, No, 35 of 2005 ("NCA") or the National Consumer Commission established under Section 85 of the CPA, alleging that prohibited conduct has occurred in that the Code has been contravened either by a participant -

- 7.1. having failed to register with the CGSO in accordance with the procedures provided on the CGSO's website from time to time; or
- 7.2. having failed to contribute towards the funding of the CGSO in accordance with the funding model as set out in clause 4.2 read together with clause 6.2 of the Industry Code.
8. Costs of suit only in the event of opposition.
9. Further and/or alternative relief.

KINDLY TAKE NOTICE FURTHER that the Affidavit of Neville John Melville, together with annexures will be used in support of this Application.

TAKE NOTICE FURTHER that the Applicants have appointed Hahn & Hahn Attorneys, 218 Richard Street, Hatfield, reference: Mr J Luterek, telephone number: 012 431 2480 at which they will accept notice and service of all processes in these proceedings.

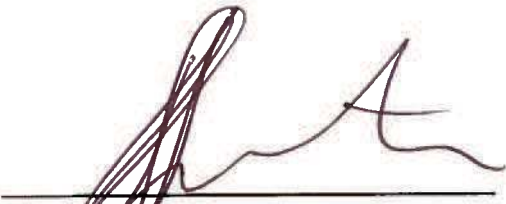
TAKE NOTICE FURTHER that if you intend opposing this application you are required:

- (a) To notify the Applicants in writing on or before the 12th day of April 2017;
- (b) And within 15 (fifteen) days after you have so given notice of your intention to oppose the application, to file your answering affidavits, if any;

and further that you are required to appoint in the notification an address referred to in Rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings.

- (c) If no such notice of intention to oppose be given, the application will be made on the 8th day of June at 10h00 or so soon thereafter as counsel for the applicants may be heard.

DATED AT PRETORIA ON THIS 14th DAY OF MARCH 2017



HAHN & HAHN ATTORNEYS
ATTORNEYS FOR APPLICANTS

(with Right of Appearance in terms of Section 4(2) of Act 62 of 1995)

218 Richard Street

Hatfield

Pretoria

Tel: 0123421774

REF: Mr J Luterek

e-mail: janusz@hahnlaw.co.za

**TO: THE REGISTRAR OF THE HIGH COURT
PRETORIA**

AND TO: THE FIRST RESPONDENT

VOLTEX (PTY) LTD
VOLTTEX HOUSE – BLOCK B
ST ANDREWS OFFICE PARK
39 WORDSWORTH AVENUE
SENDERWOOD
GAUTENG
(SERVICE BY SHERIFF)

AND TO: THE SECOND RESPONDENT

THE MINISTER OF TRADE AND INDUSTRY
CARE OF THE STATE ATTORNEY
PRETORIA
GROUND FLOOR, SALU BUILDING
316 THABO SEHUME STREET (CORNER FRANCIS BAARD)
PRETORIA

Received a copy hereof on the _____
day of _____ 2017.

The State Attorney
Pretoria

AND TO: THE THIRD RESPONDENT

CONSUMER GOODS COUNCIL
BLOCK D, HURLINGHAM OFFICE PARK
WOODLANDS AVENUE
HURLINGHAM MANOR
JOHANNESBURG
GAUTENG
(SERVICE BY SHERIFF)

Consumer Goods Council of South Africa
(Registration Number: 1982/006710/08)
PO Box 41417
CRAIGHALL
2024

03/16/2017.
[Signature]