

REPUBLIC OF SOUTH AFRICA



SOUTH GAUTENG HIGH COURT, JOHANNESBURG

CASE NO: 44500/10

In the matter between:

ERF 179 BEDFORDVIEW (PTY) Ltd

Applicant

and

BEDFORD SQUARE PROPERTIES (PTY) Ltd

First Respondent

and

WOOLWORTHS (PTY) LTD

Second Respondent

SUMMARY- GRANTING INTERIM ORDER

SPILG, J:

Competition Act no 89 of 1998: High Court has jurisdiction to grant interim interdict preventing breach of a restraint agreement pending proceedings before Competition Tribunal to declare the restraint a prohibited restrictive practice

Interdicts: Interim Interdict- An applicant who demonstrates a clear right, as opposed to only a *prima facie* right, is not obliged to also demonstrate balance of convenience when seeking interim relief. Provided other

requirements for interim interdict are met, such an applicant is entitled to interim relief and is not obliged to seek relief that is final in effect.

Setlogelo v Setlogelo 1914 AD 221 (AD) at 227 repeated and applied.

Interpretation of Statutes: Section 62(1) of the Competition Act does not confer exclusive jurisdiction on Competition Tribunal in respect of interpreting or applying section 65(1) of that Act. High Court therefore enjoys competent jurisdiction to do both

Interpretation of Statutes: Section 65 (1) of Competition Act preserves the validity of an agreement, even if it is subject to a complaint before the Competition Tribunal under that Act, unless actually declared void by the Tribunal or the Competition Appeal Court

Jurisdiction: Under section 62(1) of the Competition Act a High Court retains jurisdiction to interpret and apply the provisions of section 65 of that Act.