IN THE COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA

("The Tribunal") **CASE NO: CT00773ADJ2021**

In an Application in terms of Section 160 of the Companies Act 71 of 2008 ("the Act") for a determination that the company name of the First Respondent Reg. No: 2017/002480/07 does not satisfy the requirements of Section 11(2).

In the matter between:

FUELEX (PTY) LTD **APPLICANT**
(2011/00702607)

AND

FUELEX PROJECTS (PTY) LTD
(2019/292670/07)) **RESPONDENT**

Coram: Khatija Tootla

Decision handed down on 15 September 2021

DECISION

INTRODUCTION:

[1] The Applicant is **FUELEX (PTY) LTD**, a private company incorporated in terms of the Act with its registered office at Lynwood Ridge, Gauteng.

[2] The First Respondent is **FUELEX PROJECTS (PTY) LTD,** a private company incorporated in terms of the Act with its physical address being at Waverley Pretoria (as per the CIPC records).

[3] The Applicant applies in terms of section 160 of the Companies Act 71 of 2008 (Act/the Act) and regulations 143 and 153 of the Companies Act (GNR 351 of 265 April 2011) (the Regulations/ the Regs") for a default order that the Respondent be ordered to change its name by removing the name FUELEX from its company name 'FUELEX PROJECT **(PTY) LTD"**, because it is so similar to its name that it is confusing.

EVALUATION:

[4] At the outset, the Tribunal notes that there was an attempt to serve the application on the Respondent on 30 July 2021 by placing the documents in the postal box of the Respondent. There was no proper attempt made to serve the application papers on the Respondent either in terms of Rule 4 of the Uniform Rules of the High Court or Reg 7 of the Companies Act. The form of service attempted is unfortunately not service in terms of Rule 4.

[5] The Applicant must comply with either the Rules of the Uniform High Court Rules or service in terms of Regulation 7 (1) of the Regulations to the Companies Act as set out in Table 3CR 3, alternatively apply for substituted service to the Tribunal in accordance with Reg 7 (3) if no other form of service is possible.

[6] In view of the fact that there has not been proper service, the Tribunal cannot deal with the merits of the matter.

ORDER:

[7] In the circumstances, the matter is dismissed with no order as to costs

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Khatija Tootla

(Member of the Companies Tribunal)

15 September 2021