

COMPANIES TRIBUNAL
REPUBLIC OF SOUTH AFRICA

Case Number CCT001NOV2017

In the ex parte matter of:

LONEHILL RESIDENTS ASSOCIATION (LRA) NPC

Applicant

Non profit company

(Registration Number 1996/014689/08)

DECISION (Reasons and Order)

Presiding Member of the Tribunal: Lucia Glass

- 1) The Applicant requests the Tribunal to condone the delay in holding its annual general meeting.

- 2) The Applicant does not refer to any particular Section in the Companies Act 71 of 2008 (the Act) under which the Tribunal has the necessary jurisdiction to condone the delay.

- 3) I have scrutinized the Act carefully for a Section empowering the Tribunal to make such an order, and it appears that this Application is made in terms of section 61(7) of the Act.
- 4) The Deponent to the Applicant's papers is Malcolm Larsen Id no 5702155234087 who is the Chairman of the Risk Committee of the Applicant and who is authorized to make this application on behalf of the Applicant.
- 5) It is averred that at the Annual General Meeting of the members, held in September 2016, certain auditors were appointed who did not have the necessary capacity to undertake the audit of the applicant.
- 6) The facts of this case can only be weighed up, once it is established that the Tribunal has jurisdiction to preside over this matter.
- 7) If the Tribunal does not have jurisdiction the application must fail and there is no need to determine the issues.

APPLICABLE LAW

- 8) Section 61 (7) of the Act provides that a **public company** (emphasis added) must convene an annual general meeting of its shareholders..... or within an extended time allowed by the **Companies Tribunal** (emphasis added).

EVALUATION

- 9) There is no Section in the Act empowering the Tribunal to make an order extending the time allowed to convene to annual general meeting **Non profit companies'** (emphasis added) thus the Tribunal does not have jurisdiction to preside over this matter.

NO ORDER IS MADE

LUCIA GLASS

(MEMBER OF COMPANIES TRIBUNAL OF SOUTH AFRICA)

Dated this 24th November 2017