



## IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

**CASE NO: CT00515ADJ2020**

Ex Parte Application

GRIQUA DIAMONS NCC trading as Northern Cape Cricket **APPLICANT**

Presiding Member: Dr. M A Chicktay  
Date of Decision: 30<sup>th</sup> December 2020

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### **DECISION**

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#### **INTRODUCTION**

[1] The Applicant is GRIQUA DIAMONS NCC trading as Northern Cape Cricket (“the Applicant”), registered in terms of the company laws of the Republic of South Africa, under registration number 2001/027403/08

[2] The Applicant filed an application requesting an extension to hold its AGM more than the statutory 15 Months after the last AGM which was held on 6<sup>th</sup> August 2019.

[3] The Application is brought by the Applicant’s Chief Executive Mr. Eugene Jacobs duly authorized to act on behalf of the company.

#### **APPLICANT’S SUBMISSIONS**

[4] The applicant submits that there was a dispute between the Francis Beard Cricket Association and the NCC. The NCC requested Cricket South African (CSA) to intervene on 24<sup>th</sup> July 2020. CSA indicated that it would appoint a judge to assist with the dispute. As of the date of this application they had still not appointed a judge. The NCC had as such attempted to have an AGM and would be prejudiced if it would not be granted.

[5] The applicant thus request an extension

## **APPLICABLE LAW**

[6] Section 61 of the Companies Act 71 of 2008 provides for shareholders meetings.

[7] Section 61(7) specifically provides as follows:

“A public company must convene an annual general meeting of its shareholders-

(a) Initially, no more than 18 months after the companies date of incorporation; and

(b) Thereafter, once every calendar year, but no more than 15 months after the date of the previous annual general meeting, or within an extended time allowed by the Companies Tribunal, on good cause shown,”

## **EVALUATION**

[8] The Tribunal is satisfied that good cause has been shown as to why the AGM could not be held within the statutory period required by the Act. Due to the conflict it was difficult for the applicant to have an AGM. It had requested assistance from CSA, which is still forthcoming. If the Applicant were not granted an extension it would be severely prejudiced

[9] The applicant will be given an extension to hold its AGM by no later than 28<sup>th</sup> February 2021.

## **ORDER**

[10] The Applicant is granted an extension to hold its AGM by no later than 28<sup>th</sup> February 2021.

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**Dr. MOHAMED ALLI CHICKTAY**  
**MEMBER OF THE COMPANIES TRIBUNAL**