



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no: CT02480/ADJ/2025

In the matter between:

Adrienne Smith

Applicant

and

Naledi Plumbing and Plumbing and Procurement (Pty) LIMITED

Respondent

(Registration No 2018/106780/07)

Presiding Member of the Companies Tribunal: HLALELENI KATHLEEN DLEPU

Date of Decision: 14TH January 2026

DECISION and REASONS

1. INTRODUCTION

- 1.1 This is an application brought by Adrienne Smith, who is a shareholder of the respondent, Naledi Plumbing and Procurement (Pty) Limited, a private company registered under the company laws of South Africa with registration

number 2018/106780/07, and its registered office being Mini Factory 13, Simela Street, LimeRoc Business Park, Knoppieslaagte, Centurion, Gauteng.

- 1.2 The Applicant seeks a relief from the Companies Tribunal that the Company Tribunal issue an order compelling the Company to provide Annual Financial Statements for the years 2019-2024 (the past 6 six years).
- 1.3 The applicant makes the request to the Companies Tribunal in her capacity as a shareholder, consistent with the access rights afforded to shareholders under the Companies Act
- 1.4 That the said Annual Financial Statements must be submitted by email reply within 10 business days and the 10 business days expired on the 14th November 2025 and the said business days had expired without any response from the Respondent.
- 1.5 The said relief sought is in terms of section 26(1) and 31(1) of the Companies Act 71 of 2008 which provides that any shareholder of a private company is entitled on demand, to receive copies of the company's annual financial statements within ten business days, without charge.
- 1.6 That the Respondent's failure to provide the records constitutes a breach of the Applicants statutory right of access to company information .

2. THE APPLICATION

- 2.1 The Applicant brought this application brought in form CTR 145 issued in terms of Section 180 to 184 of the Companies Act, and Regulation 145(3) of the Companies Regulations and the Applicant sought the relief by default in terms of Regulation 153 of the Companies Regulation in that the Respondent although properly served has failed to file an opposing affidavit.

3. APPLICABLE LAW

- 3.1. Section 30(1) of the Act provides that -Each year ,a company must prepare annual financial statements within six months after the end of its

financial year, or such shorter period as may be appropriate to provide the required notice of an annual general meeting in terms of section 61(7).

3.2. Section 26(1) provides that: “A person who holds beneficial interest in any securities issued by a profit company, or who is a of a non-profit company, has a right to inspect and copy, without any charge member for any such inspection or upon payment of no more than the prescribed maximum charge for any such copy, the information contained in the following records of the company is in terms of subsection 1(c) entitled to the reports to annual meeting, and financial statements as mentioned in section 24 (3)(c)(i) and (ii).

3.3. Section 26(5) provides that -Where a company receives a request in terms of subsection (4)(b) it must within 14 days comply with the request by providing the opportunity to inspect or copy the register concerned to the person making such request.

3.4. Section 26(9) provides that it is an offence for any company to-

(a) fail to accommodate any reasonable request for access, or to unreasonably refuse access to any record that a person has a right to inspect or copy in terms of this section or section 31; or

(b) to otherwise impede, interfere with, or attempt to frustrate, the reasonable exercise by any person of rights as set out in section or section 31.

4. JURISDICTION

4.1. The Company Tribunal is not a court of inherent jurisdiction. It is a statutory body established in terms of section 193 of the Companies Act 71 of 2008. The powers and functions of the Company Tribunal are limited expressly set out in the Companies Act or assigned to it in terms of any other legislation listed in Schedule 4 of the Companies Act.

4.2. The Companies Tribunal's general mandate is delineated in section 195(1) of the Companies Act. Outside the parameters of Schedule 4 which has narrow categories the Companies Tribunal has no jurisdiction. The Companies Tribunal remains bound by the limits of its jurisdiction.

4.3. My conclusion is that the Companies Tribunal has no jurisdictions to compel or order the respondent as prayed or to grant any of the remedies sought.

5. ORDER

(a) The Application is dismissed for lack of jurisdiction.

(b) There is no order as to costs

H K Dlepu

Member of the Companies Tribunal