



IN THE COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA

CASE NO: CT02436/ADJ/2025

In the matter between:

Sandton Maintenance Plumbers and Installation Services CC APPLICANT

(Registration number: 1986/021255/23)

and

Sandton Plumbers (PTY) LTD

(2025/41178/07)

RESPONDENT

Presiding Member: N CAWE

Date of handing down of decision: 5 February 2026

DECISION

Introduction

- 1 The applicant is Sandton Maintenance Plumbers and Installation Services CC which, a company duly registered and incorporated in accordance with the company laws of the Republic of South Africa under registration number: 1986/021255/23 and having its business address at 37 Gorsforth Crescent, Kyalami Estate, Midrand, 1685. Its sole director is Paul Kennedy Bryson ("Bryson").
- 2 The respondent is Sandton Plumbers (Pty) Ltd, a private company duly registered and incorporated according to the company laws of the Republic of South Africa, under registration number: 2025/162565/07, with its registered address at Plot 9, Orchards, Johannesburg, 2129.
- 3 Applicant's sole director first became aware of respondent's existence during a Google search. It is not clear whether applicant took any steps to request the Respondent to change its name or not, from the papers submitted by the applicant in support of the present application.
- 4 On 17 October 2025, the applicant applied using Form CTR142 to the Tribunal for an order that the respondent change its name. An affidavit by Bryson was filed in support thereof. I assume that it was meant to be the founding affidavit, as it sets out the applicant's grievance in terms of Sections 11(b) and (c) of the Act.
- 5 In the affidavit Bryson states that the applicant has been trading as Sandton Plumbers since 1986 whereas the respondent only registered its name in

2025. He further states that the colours and website of the respondent are extremely similar to the Applicant's and this would lead to confusion among suppliers and business contractors. Moreover, a false implication of association between the two would be created thus misleading the public.

- 6 On 02 February 2026, the applicant applied on the Form CTR145 to the Tribunal for a default order that the name of the respondent be changed. This was accompanied by the same affidavit, by Bryson, that accompanied the Form CTR142. In the main application for relief applicant does not explain the origin of the email address, info@sandtonplumbing.com used to notify the respondent of the application to the Tribunal.

Compliance with Regulation 142 is a necessity

- 7 In terms of regulation 142(1) of the 2011 Regulations, a person may apply to the Companies Tribunal for an order in respect of any matter contemplated in the Act or the Regulations by completing and filing with the Companies Tribunal's recording officer:

7.1 an application Form CTR 142; and

7.2 a supporting affidavit setting out the facts on which the application is based

- 8 In terms of regulation 142 (2) the applicant must serve a copy of the application and affidavit on each respondent named in the application, within 5 business days after filing it.
- 9 In terms of regulation 142 (3) an application must-

- (a) Indicate the basis of the application, stating the section of the Act or the Regulations in terms of which the application is made; and
- (b) depending on the context –(i)...; (ii)...; or
- (c) indicate the order sought; and
- (d) state the name and address of each person in respect of whom an order is sought”.

10 There is no indication as to when the application was served on the respondent. Moreover, there is no indication of service on the Commissioner of Companies and Intellectual Property Commission, which is a procedural requirement in name dispute applications (section 160).

Compliance with Regulation 153 of the Act

11 In terms of Regulation 153 (1) If a person served with an initiating document has not filed a response within the prescribed period, the initiating party may apply to have the order, as applied for, issued against that person by the Tribunal.

11.1 On application in terms of sub-regulation (1), the Tribunal may make an appropriate order - (a)... (b) if satisfied that the notice or application was adequately served”.

12 A fundamental requirement of the Tribunal is that the set administrative procedure must be complied with in order to bring an application to the Tribunal. This is even more so where the application involves a request for a default order in terms of Regulation 153. The Tribunal has a duty to

investigate the matter so as to satisfy itself that the appropriate procedure, as stipulated by the regulations, has been followed.

13 I am not satisfied that the applicant has complied with Regulation 142(2) on the papers submitted before me, for the following reasons:

a) The applicant is required to serve a copy of the application and the founding affidavit on the respondent. The email address,

info@sandtonplumbing.com used to serve the documents on the

respondent does not appear on the respondent's CIPC

registration certificate. Table CR3 in the Companies Regulations, which

deals with the "*Methods and Times*" for delivery of documents, provides

that in so far as delivery of documents by electronic mail is a valid method

of delivery if the person has an address for receiving electronic mail. The

origins of the email address used by applicant to send the documents to

the respondent have not been disclosed in the application documents.

In view of this there was no adequate service on the respondent.

b) The applicant has only referred to section 11(2)(b) and (c) of the Act.

There is no mention of section 160, which is also crucial in name

dispute applications.

Order

14 In the circumstances, the application is dismissed.

- 15 As no order is made on the merits, the applicant is directed, if it so wishes, to refile its application with the procedural deficiencies identified above having been rectified.
- 16 There is no costs order as there is no proof that the application was ever served on the respondent.

NOMAGCISA CAWE :
MEMBER OF THE COMPANIES TRIBUNAL