



IN THE COMPANIES TRIBUNAL OF SOUTH AFRICA

Case no.: **CT02591ADJ2026**

In the matter between:

MOEGAMAT NUR LAWRENCE

Applicant

and

HEMKUMAR MAHARAJ

First Respondent

SHAHANA MAHARAJ

Second Respondent

SAGITTARIUS PRINTWORKS (Pty) Ltd

IN LIQUIDATION

Third Respondent

(2015/259248/07)

SAGRPRINT

Fourth Respondent

(K2022297395)

COMPANIES AND INTELLECTUAL

PROPERTY COMMISSION

Fifth Respondent

Presiding member: Nomagcisa Cawe

Date of decision: 30 August 2026

DECISION (Reasons and Order)

1. This is an application brought on Form CTR 142 in terms of regulation 142 of the Companies Regulations of 2011 (**“the Regulations”**), in which the Applicant, a former employee of the Third Respondent, seeks an extensive range of remedies relating to the First and Second Respondents’ handling the termination of his employment contract as well as various internal affairs of the Third Respondent. The relief sought relates, further, to the First and Second Respondents’ handling of the Third Respondents’ finances, management, decision-making processes, and the liquidation of the Third Respondent.
2. The Applicant, Mr. Moegamat Nur Lawrence (“Lawrence”) is a former employee of the Third Respondent, which is a duly incorporated company, with registration number: 2015/259248/07, according to the company laws of South Africa.

BACKGROUND

3. Briefly, the Applicant states that he was employed by the Third Respondent, Sagittarius Printworks, as a print worker. Following a dispute he was dismissed. He referred the matter of his dismissal to the Commission for Conciliation Mediation and Arbitration (“CCMA”). The Respondents did not attend the CCMA

arbitration process and a default award in his favour was issued on 11 November 2021 to the tune of R36 972 89.

4. Applicant alleges that shortly after the CCMA award was granted, the First and Second Respondents took steps to restructure the business affairs of the Third Respondent, by registering the Fourth Respondent in a manner designed to avoid paying creditors, including himself. This, according to him, was done in a deliberate, multi-layered scheme to defraud creditors and to defeat the purpose of the Companies Act 71 of 2008 (“the Act/ the Companies Act”).
5. As a result of the aforesaid, Applicant seeks the Companies Tribunal (the Tribunal”) to grant him the following order:-

5.1 Declaring the First and Second Respondents delinquent directors in terms of Section 162 of the Act.

5.2 Declaring that First and Second Respondents engaged in fraudulent trading and are personally liable, jointly and severally, for the debts of the Third Respondent, and also what he is owed according to the CCMA award. In support of this prayer, Applicant relies on Sections 22(1) and 77(3)(b) of the Act.

(Section 22 deals with reckless trading and Section 77(3)(b) deals with the liability of directors and prescribed officers for acquiescence in the carrying on of the company’s business despite knowing that it

was being conducted in a manner prohibited by section 22(1). (my own addition and emphasis)

5.3 Declaring that the name **SAGRPRINT** (Fourth Respondent) contravenes the Act and was registered fraudulently.

5.4 Directing the First and Second Respondents to take all the necessary steps, including completing the UI19 form, to facilitate Applicant's claim for UIF benefits.

5.5 Referring the present matter to the National Prosecuting authority, the South African Revenue Services and the Hawks for criminal investigation.

5.6 A costs order against the Respondents.

JURIDICTION

6. The Tribunal is a creature of statute and therefore must raise and consider the question of jurisdiction *mero motu*. The Tribunal is not a court of inherent jurisdiction. It is a statutory body established in terms of section 193 of the Act. The powers and functions of the Tribunal are limited to those expressly set out in the Companies Act, or assigned to it in terms of any other legislation listed in Schedule 4 to the Act.

7. The scope of the Tribunal's general mandate is delineated in section 195(1) of the Act, which provides that the Tribunal "*may adjudicate in relation to any application that may be made to it in terms of this Act, and may make any appropriate order provided for in this Act in respect of such an application*". The Tribunal may also perform any function "assigned to it" by the Act or by a law

listed in Schedule 4. Outside of those narrow categories, the Tribunal has no jurisdiction.

8. The relief sought is directed at the Respondent's internal workings, its financial management and obligations to creditors and its company records. Almost all the prayers contained in paragraph 5 of this order, except the director's removal, fall without the ambit of the Tribunal's jurisdiction.
9. Applicants have failed to prove the delinquency of the First and Second Respondents that would have justified their removal as directors of the Third Respondent. Moreover, the Third Respondent was liquidated in 2022. This means there is legally no Third Respondent to proceed against.
10. Even if the Applicant had provided a full factual foundation for each request - which he has not, the Tribunal would remain bound by the limits of its jurisdiction. No amount of factual detail can cure the absence of statutory authority.

CONCLUSION

11. The Companies Tribunal's jurisdiction is confined to the specific matters expressly provided for in the Companies Act. In respect of the issues raised by the Applicant, the Tribunal has no inherent, implied, or residual jurisdiction. The Tribunal may not adjudicate upon internal corporate disputes unless the legislature has expressly vested that jurisdiction in it.

12. The Tribunal therefore has no jurisdiction to entertain the application or to grant any of the remedies sought, as this would be *ultra vires*.
13. The Applicant is not entirely without recourse. He may, if he so wishes, approach the High Court for redress.

ORDER

14. It is accordingly ordered that:

- (a) The application is dismissed for want of jurisdiction.
- (b) There is no order as to costs against the Respondents.

Nomagcisa Cawe:

Member of the Companies Tribunal