

CAUTION AGAINST KATLEGO MOTORS (PTY) LTD

The Competition and Consumer Authority (CCA) cautions the general public against Katlego Motors (Pty) Ltd (Katlego Motors), which is in the business of selling imported second hand vehicles. Katlego Motors' last known place of business was Plot 6655 Mogoditshane, from which it has since relocated to a new place of business. In relocating to this new place of business, Katlego Motors has two outstanding Competition and Consumer Tribunal orders under which it had to refund consumers whom it had sold defective vehicles to. The Authority has reason to believe that Katlego Motors continues to operate and offer services to consumers who may not be aware of its history of unfair business practices. The public is therefore warned to be cautious and vigilant in their dealings with Katlego Motors.

In the first case, the Tribunal had ordered Katlego Motors in Mogoditshane to refund a complainant the sum of P37, 000 for a defective vehicle it sold. The case was referred to the Tribunal by the CCA after concluding through its investigations that Katlego Motors Pty Ltd contravened the provisions of section 15(1) of the Consumer Protection Act by engaging in an unfair business practice through the sale of a vehicle which was not of good quality, in good working order and free of defects without informing the consumer of the state of such goods. Through a default decision (because Katlego Motors failed to respond to the referral within the stipulated timelines) the Tribunal ordered that the consumer be refunded P37 000 within 21 days. Katlego Motors paid P20 000 and for the remaining P17 000 the Authority has had to secure a writ of execution, to which end P11 000 has been paid and there is an outstanding balance of P6 000.

With regard to the second case, the consumer's claim was for a refund in the sum of P33 000 being monies paid to Katlego Motors for the supply of a motor vehicle of a make and model; Madza 6 grey in colour. The motor vehicle was to be delivered within four working days from the date of payment. Katlego Motors failed to deliver the grey Mazda 6 and instead delivered a blue Mazda 6 which was also not in a good working condition. The Parties agreed and indeed signed an agreement that Katlego Motors would sell the motor vehicle and refund the consumer. Katlego Motors did sell the motor vehicle but failed to refund the consumer. The Authority investigated the complaint on the basis that Katlego Motors had committed an unfair business practice against the consumer by failing to deliver goods which are of good quality, in good working order, and free of defects contrary to section 15(1) of the Consumer Protection Act 2018.

In an endeavour to resolve the matter amicably, the Parties through the Authority, entered into an agreement in terms of section 34 of the Act as read with regulation 5 of the Consumer Protection Regulations 2019, for Katlego Motors to refund the

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consumer within a specified time. Katlego Motors only made two payments amounting to P9 900 leaving a balance of P23 100. The Authority subsequently referred the case to the Tribunal and Katlego Motors was ordered to refund the consumer with immediate effect. To date, Katlego Motors has not complied with the Order of the Tribunal, and the Authority has since secured a writ of execution in respect of this matter for the total amount of P23 100.