



MERGER NOTICE NO 29: 2019

THE PROPOSED ACQUISITION OF THE ENTIRE ISSUED SHARE CAPITAL OF KALAHARI MEDICAL DISTRIBUTOR (PTY) LTD BY BALRAM OTTAPATHU.

Pursuant to section 56(1) of the Competition Act (Cap 46:09), the Competition Authority (“the Authority”) has received a merger notification for the proposed acquisition of the entire issued share capital of Kalahari Medical Distributor (Pty) Ltd (“KMD”) by Balram Ottapathu.

The acquirer, Balram Ottapathu, is a Motswana who directly and wholly controls Pharma Futura (Pty) Ltd (“Pharma Futura”). Pharma Futura is a medical wholesaler that sell pharmaceutical products which includes scheduled drugs and over-the-counter products. The afore-mentioned products are sold across Botswana. Pharma Futura supplies both the private and public sector. Besides his interest in Pharma Futura, Balram Ottapathu does not directly or indirectly control any other firm that has an interest in the pharmaceutical industry in Botswana.

The primary target enterprise, KMD, is a private company incorporated in accordance with the Laws of the Republic of Botswana. KMD is entirely controlled by New Clicks South Africa (Pty) Ltd (“NCSA”). Besides KMD, NCSA owns 100% shares of the following companies in Botswana: The Clicks Organisations (Botswana) (Pty) Ltd - operates 3 retail outlets in Botswana, all located in Gaborone. The other companies owned by NCSA outside Botswana include: Clicks Stores Lesotho (Pty) Ltd; Clicks Group Namibia (Pty) Ltd; Unicorn Pharmaceuticals (Pty) Ltd; Clicks Investments (Pty) Ltd; Clicks Retailers (Pty) Ltd; BTB Media (Pty) Ltd; and Clicks Mobile Communications (Pty) Ltd. KMD does not own any other firm. KMD is a wholesaler that sells pharmaceuticals products which include scheduled drugs and Over-the-counter products. The company sells its products across Botswana. The directors of KMD are Abdool Rahim Khan (Motswana); Vikesh Ramsuder (South African); and Michael Flemming (South African).

According to section 57(3), of the Competition Act, “any person, including a third party not a party to the proposed merger, may voluntarily submit to the inspector or the Authority any document, affidavit, statement or other relevant information in respect of a proposed merger”. The Competition Authority therefore seeks any stakeholder views for or against the proposed merger, which may be sent within 10 days from date of this publication to the following address:

Director, Mergers and Monopolies
Competition Authority
Private Bag 00101
Plot 28, Matsitama Road, Main Mall
Gaborone
Tel: +267 3934278 Fax: +267 3121013
Email: CA@competitionauthority.co.bw