



MERGER DECISION NO 12: 2022

Notice in Terms of Section 53(4) (a) (ii) of the Competition Act, 2018

DECISION ON THE PROPOSED SALE OF TRIBAL LOT 105, TLOKWENG BY ABDUL KADER HUSSAIN TO SAROVA INVESTMENTS (PTY) LTD

Introduction of the Merging Parties

- i. Pursuant to section 53(4)(a)(ii) of the Competition Act of 2018 ("the Act"), notice is hereby given on the decision made by the Competition and Consumer Authority ("The Authority") in respect of the proposed sale of Tribal Lot 105, Tlokweng by Abdul Kader Hussain ("Mr Hussain") to Sarova Investments (Pty) Ltd ("Sarova"). The transaction was notified to the Authority on 30th March 2022 and the merger assessment was completed on 22nd April 2022.
- ii. Sarova, the Acquiring Enterprise, is a company incorporated in accordance with the Laws of the Republic of Botswana. The Acquiring Enterprise does not directly or indirectly control any enterprise and it is currently not involved in any business activity.
- iii. Sarova is wholly owned by Mr Georgios Kazandjis (a citizen of Botswana) who is also its sole director.
- iv. Mr Hussain, the Seller, is a citizen of South Africa. He is the sole owner of Tribal Lot 105, in Tlokweng an industrial plot developed with part double storey warehouse/office all standing on open boundaries.

Relevant Markets

- v. The acquirer is currently not engaged in any business activity. However, its sole owner, Mr Georgios Kazandjis owns several businesses which operate in the real estate sector as the target. As such, the relevant market was ultimately defined as the market for industrial property in Gaborone.

Competitive Analysis and Public Interest

- vi. There exists overlap in the activities of the merging parties in Gaborone as a result of Mr Georgios Kazandjis owning several other enterprises that operate in the same

market as the Target Enterprise. However, the Authority did not establish any substantial lessening of competition concerns arising from the merger. Furthermore, there is no acquisition of market dominance post-merger; nor any negative effect on public interest that was identified as per section 52(2) of the Competition Act, 2018.

The Determination

- vii. Pursuant Pursuant to the provision of section 53 of the Competition Act, the Authority has decided to unconditionally approve the proposed sale of Tribal Lot 105, Tlokweng by Abdul Kader Hussain to Sarova Investments (Pty) Ltd.
- viii. However, as stated under section 61 of the Act, this approval does not override or negate any other mandatory statutory approvals or processes that any of the parties to this merger must comply with under the Laws of Botswana.

Dated at Gaborone on this 22nd day of April 2022

Tebelelo Pule, Chief Executive Officer, Competition and Consumer Authority, P/Bag 00101, Gaborone, Plot 28, Matsitama Road, Tel: 3934278 Fax: 3121013