



MERGER NOTICE NO 54: 2023

THE PROPOSED ACQUISITION OF DELTA PHARMACEUTICALS (PTY) LIMITED A-OPCO (PTY) LTD.

Pursuant to section 49(1) of the Competition Act 2018, the Competition and Consumer Authority ("the Authority") has received a merger notification for the proposed acquisition of the entire issued share capital in Delta Pharmaceuticals (Pty) Limited ("Delta" or the "Target Enterprise") by A-Opco (Pty) Limited ("A-Opco" or the "Acquiring Enterprise"). Following the implementation of the proposed merger, the Acquiring Enterprise shall become the sole shareholder of the Target Enterprise.

The Acquiring Enterprise is a newly established company incorporated in accordance with the Laws of the Republic of Botswana. A-Opco is a special purpose vehicle established for the purpose of acquiring the Target Enterprise and as such does not currently provide any services. The Acquiring Enterprise is controlled and owned 100% by A-HoldCo Proprietary Limited, which is in turn wholly owned by the AGFI Partnership Proprietary Limited, a fund that is capitalised and predominantly representing the investments of Botswana based pension funds and institutional investors. The Directors of A-Opco are Bafana Kgotla Molomo and Refilwe Sebege-Walebowa (both Botswana).

The Target Enterprise is a company registered in Botswana in accordance with the Laws of Botswana. Delta is a leading pharmaceutical wholesale and distribution company, which supplies a wide range of generic and branded pharmaceutical products, medical equipment such as orthopaedic implants, surgical and laboratory consumables, and health supplements.

The Target Enterprise services both public and private markets and has a diversified client base including retailers, wholesalers, the Government of Botswana, medical aid administrators and private hospitals and clinics. The Target Enterprise has a sole shareholder, Mr Harshadkumar Patel. The Target Enterprise does not directly or indirectly control any entity in Botswana. The Directors of Delta are Mr Harshadkumar Patel (Botswana), Jitendra Chaturbhai Patel (American) and Anil Kumar Chiralayam (Indian).

According to section 50 (3) of the Competition Act 2018, "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 and Consumer 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:

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