



NATIONAL CONSUMER TRIBUNAL AND OTHERS V MOTORS & MORE (PTY) LTD

CASE NUMBER: NCT/417119/2025/73(2)(B)

1. SUMMARY OF THE JUDGEMENT

The National Consumer Commission (NCC) referred to a complaint against Motors & More (Pty) Ltd for supplying defective motor vehicle engines to consumer Mr Mfundo Ntlombe. The complaint arose from a sales transaction in June 2022, where the respondent sold and replaced three engines, all of which were defective. The NCC alleged contraventions of sections 55(2)(a)-(c), 56(2), and 51 of the Consumer Protection Act (CPA), and sought declaratory, refund, and administrative penalty orders.

The respondent failed to file an answering affidavit and was absent from the hearing. Consequently, the Tribunal proceeded on a default basis in terms of Rule 24 of the Tribunal Rules.

The complainant testified that all three replacement engines supplied by the respondent were defective. The first and second engines were replaced, while the third engine leaked oil and required repairs at the complainant's own expense (R4,599.30). The NCC argued that the respondent's conduct constituted continuing prohibited conduct not barred by prescription under section 116(1)(a) of the CPA.

The tribunal found that complaints about the first and second engines defects (June and August 2022) were time-barred, as they occurred more than three years before the referral in September 2025 and the Tribunal dismissed the NCC allegation and argument of continuing conduct. The Tribunal only found that the respondent had contravened sections 55(2)(a)-(c) by supplying a defective engine and section 56(2)(b) by refusing a refund in relation to the third engine and the respondent's conduct was declared prohibited. The Tribunal found no loss from installation costs but ordered a refund of R4,599.30 for repairs and no administrative penalty was imposed.

2. IMPACT OF THIS CASE:

This judgment represents a significant milestone in consumer protection law and the enforcement of the CPA. The Tribunal reaffirmed the consumer's right to safe, durable, and defect-free goods under section 55 of the CPA.

Here are some key effects of the case:

- **Strengthening Regulatory Enforcement:**

By confirming that the NCC's compliance notices are rational, lawful, and procedurally fair, the Court has strengthened the Commission's authority to act against suppliers who engage in prohibited conduct

- **Consumer Confidence:**

The judgment promotes confidence in the consumer protection framework by demonstrating that consumers can successfully assert their rights, and that regulators and courts will protect them against unfair business practices.