

**IN THE NATIONAL CONSUMER TRIBUNAL
HELD IN CENTURION**

Case number: **NCT/417752/2025/73(2)(b)**

In the matter between:

NATIONAL CONSUMER COMMISSION

APPLICANT

and

**IMAGINE CRUISING (PTY) LTD
T/A IMAGINE HOLIDAYS**

RESPONDENT

Coram:

Dr MC Peenze – Presiding Tribunal member

Date of consideration in chambers: 10 July 2026

Date of Judgment: 11 July 2026

CONFIRMATION OF SETTLEMENT AGREEMENT

PARTIES

1. The applicant is the National Consumer Commission (the applicant or the NCC), a juristic person established under section 85(1) of the Consumer Protection Act 68 of 2008 (CPA). The applicant is responsible for enforcing the CPA by monitoring the consumer market to prevent, detect, and prosecute prohibited conduct and offences.
2. The respondent is Imagine Holidays (Pty) Ltd (the respondent). It is a private company registered under the company laws of the Republic of South Africa, with registration number 2012/166464/07. The respondent is defined as a supplier per section 1 of the CPA.

TERMINOLOGY

3. A reference to a section in this judgment refers to a section of the CPA.

APPLICATION TYPE

4. This is an application in terms of section 74(1) for the Tribunal to confirm a settlement agreement as a consent order.
5. The applicant has submitted a settlement agreement that the parties wish to be confirmed as a consent order (the settlement agreement).

BACKGROUND

6. The applicant referred this matter to the Tribunal under section 73(2)(b). This section authorises the NCC to refer a matter to the Tribunal after concluding an investigation into a complaint from a consumer, if it believes that a person has engaged in prohibited conduct.¹
7. The NCC received a complaint from Ms Koleka Lubelwana (the complainant) alleging that the respondent engaged in prohibited conduct in its dealings with her by failing to refund her after the cancellation of a consumer agreement. Based on this, the NCC formed a reasonable suspicion of prohibited conduct by the respondent and issued a directive instructing an inspector to investigate the respondent's conduct. At the conclusion of the investigation, the NCC found that the respondent had contravened certain provisions of the CPA, in particular sections 17(2), (3) and (4), 48(2)(a) and (b), and 51(1)(a) and (b). Thereafter, the NCC and the respondent engaged in settlement discussions and reached a settlement agreement. The parties request that the Tribunal confirm this settlement agreement as a consent order.

THE SETTLEMENT AGREEMENT

8. The settlement agreement confirms that, on 16 March 2023, the complainant entered into a retreat agreement with the respondent for a trip to Mila, Amsterdam and Berlin, and paid a deposit of R33 000.00. Subsequently, a further amount of R34 000.00 was paid to the respondent. The cost of the entire booking was R66 500.00.

¹ Prohibited conduct is defined in section 1 as an act or omission in contravention of the CPA.

9. On cancellation of the agreement, the respondent refunded only R34 000.00 to the complainant, not the deposit of R33 000.00.
10. Following settlement discussions, the respondent agreed to refund the complainant the deposit amount of R33 000.00.
11. In addition, the parties agreed that no administrative fine will be imposed on the respondent and that the above payment will be the final payment to the complainant. Furthermore, neither the complainant nor the NCC will have any further claims against the respondent.

CONSIDERATION

12. Section 74(1) provides that, if the NCC has investigated a matter and both the NCC and the respondent agree to the proposed terms of an appropriate order, the Tribunal, without hearing any evidence, may confirm that agreement as a consent order. Section 74(2) confirms the Tribunal's discretion to make the order as agreed and proposed, to indicate any changes to be made before making the order, or to refuse to make the order.
13. The Tribunal is satisfied that the settlement agreement sets out the terms of settlement between the parties and that the respondent has undertaken to refund the purchase within 48 hours of signing.
14. The Tribunal has considered that the parties and the complainant have agreed that the settlement may be confirmed as a consent order in terms of section 74(1).
15. Consequently, the Tribunal is persuaded that it is appropriate to grant the application and confirm the settlement agreement as a consent order.

ORDER

16. Accordingly, the Tribunal makes the following order:
 - 16.1. The settlement agreement entered into by the applicant and the respondent on 29 October 2025, which is annexed to this consent order as Annexure A to NCC v Imagine Cruising (Pty) Ltd t/a Imagine Holidays NCT/417752/2025/73(2)(b), is confirmed and made an order of the National Consumer Tribunal in terms of section 74(1) of the National Consumer Act, 68 of 2008; and

16.2. There is no cost order.

[signed]

Dr MC Peenze

Presiding Tribunal Member

Authorised for issue by The National Consumer Tribunal

National Consumer Tribunal

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