NATIONAL CONSUMER COMMISSION v AFFORDABLE POWER SOLUTIONS (PTY) LTD

CASE NO: NCT/465107C/2026/100(6)(a)

1. SUMMARY OF THE JUDGEMENT

The matter concerned a defective lithium battery purchased from Affordable Power Solutions (Pty) Ltd for R43 875.00, carrying a ten-year warranty. After the battery became non-functional, the Respondent alleged water damage and refused to honour the warranty or provide a refund.

Following its investigation, the National Consumer Commission (NCC) issued a compliance notice on 15 May 2026, requiring the Respondent to engage with the consumer and provide appropriate redress in terms of the Consumer Protection Act 68 of 2008 (CPA).

The Respondent failed to comply with the notice and did not utilise the statutory review process under section 101(1). The NCC consequently approached the National Consumer Tribunal (Tribunal) under section 100(6)(a), seeking an administrative fine of R1 million.

The Tribunal found that the compliance notice had been lawfully issued and that the Respondent had failed to comply with it. It clarified that proceedings under section 100(6)(a) concern non-compliance with a compliance notice and cannot be used to reopen the merits of the underlying complaint.

The Tribunal strongly criticised the Respondent's disregard for the compliance notice, emphasising that suppliers cannot selectively decide which statutory notices they will obey. It held that ignoring a compliance notice undermines the rule of law and the authority of regulatory bodies.

Having considered the factors in section 112(3) of the CPA, the Tribunal imposed an administrative fine of **R200 000.00**, payable within 30 business days. It further confirmed that payment of the fine does not extinguish the compliance notice, which remains enforceable.

2. IMPACT OF THIS CASE

This judgment reinforces the NCC's statutory enforcement authority and confirms that compliance notices issued under the CPA are legally enforceable.

The Tribunal clarified that:

- Suppliers who dispute compliance notices must utilise the review procedure under section 101(1), rather than simply ignore them.
- Proceedings for an administrative fine under section 100(6)(a) cannot be used to challenge the underlying compliance notice.

- Failure to comply with a compliance notice may attract a substantial administrative fine.
- Payment of an administrative fine does not discharge the supplier's continuing obligation to comply with the notice.

3. A STRONG MESSAGE TO THE SUPPLIERS

The judgment sends an unequivocal message that compliance notices issued by the NCC are not optional. Suppliers must either comply with the notices or challenge them through the appropriate legal process.