



dedect

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North West Provincial Government
REPUBLIC OF SOUTH AFRICA



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North West Consumer Affairs Court orders refund following supplier's failure to deliver.

The Department of Economic Development, Environment, Conservation and Tourism, through the Consumer Affairs Office, marked a significant milestone by providing relief to one of its complainants, Ms. Paballo Matsietsa of Stilfontein, in a court ruling handed down on 3 March 2026 in Klerksdorp. The complaint arose from allegations that the motor vehicle was defective and did not meet the quality standards envisaged in the Consumer Protection Act.

On 21 April 2023, the complainant purchased a 2013 Volkswagen Polo GTI 1.4 TSI DSG from Agenbag Motor GRP CC for an amount of R237,186.49. Ms. Matsietsa took delivery of the vehicle on the same date, and while driving home, the dashboard displayed a message indicating an airbag error. This was immediately reported to the dealership, and the vehicle was returned on 24 April 2023 for repairs. The motor vehicle was subsequently returned to the complainant after the reported defects were allegedly repaired.

Despite these repairs, the complainant continued to experience defects and repeatedly reported the matter to the dealership. At the time, Ms. Matsietsa did not realise that this marked the beginning of her ordeal.

After failing to obtain satisfactory assistance from the dealership, Ms. Matsietsa filed a complaint with the Provincial Consumer Affairs Office for assistance, having realised that her right to receive a motor vehicle in good working order and free from defects had been infringed.

The Department investigated the complaint, but mediation efforts failed. The matter was then referred to the Provincial Consumer Affairs Court for adjudication. During the trial, the Office presented an assessment report from King Price Insurance, which revealed that the motor vehicle had previously been involved in a major accident in 2016 and had been written off.

In delivering judgment, the Chairperson of the North West Provincial Consumer Affairs Court, Mr Kennedy Kgomongwe, indicated that Ms Matsietsa was entitled to cancellation of the agreement on the basis that the dealership had been afforded several opportunities to remedy the defects but had failed to do so. The Department relied on the expert report issued by Mr. Lesley Maranda, a motor technician from the Motor Industry Ombudsman of South Africa. The Court concluded that the motor vehicle did not meet the standard and quality envisaged under

Section 55 of the Consumer Protection Act 68 of 2008 and that the complainant was therefore entitled to the remedies provided for under Section 56.

Furthermore, Mr. Kgomongwe emphasised that “The Consumer Protection Act was promulgated to protect the fundamental rights of consumers and provides a legislative framework regulating consumer-supplier interactions. The Act establishes comprehensive measures to eliminate unethical business practices and to safeguard consumers, particularly vulnerable individuals, against unscrupulous suppliers.”

The Court ordered that:

- The contract between the parties is cancelled.
- Ms. Matsietsa releases the motor vehicle to Agenbag and signs all documents necessary to enable the Defendant to register the motor vehicle in its name, with the dealership collecting the vehicle at its own cost.
- The dealership refunded the complainant an amount of R220,186.49, after deducting a usage cost of R17,000.00.

Ms. Matsietsa expressed her gratitude to the Provincial Consumer Affairs Office for its assistance and encouraged other consumers to make use of the Office when their rights are infringed.

DEDECT remains committed to assisting consumers in exercising and enforcing their rights while ensuring fair and ethical business practices across the province.

Ends.

Issued by the Department of Economic Development, Environment, Conservation and Tourism

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