



Est. 1892

TongaatHulett®

- Delivered by Email To:**
- All known Creditors of Tongaat Hulett Sugar South Africa Limited (in business rescue)
 - Companies and Intellectual Property Commission
- Displayed:**
- Registered office and principal place of business of the Company
- Published:**
- On the website maintained by the Company and accessible to Affected Persons
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14 February 2023

NOTICE TO ALL KNOWN AFFECTED PERSONS ("Affected Persons") OF TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED (in business rescue) WITH REGISTRATION NUMBER: 1965/000565/06 ("Company")

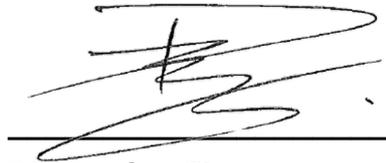
1. The Company is a wholly owned subsidiary of Tongaat Hulett Limited (in business rescue) ("**THL**"). THL commenced business rescue proceedings on 27 October 2022, in accordance with the provisions set forth in section 129 of the Companies Act 71 of 2008, as amended. The Company commenced business rescue proceedings on 23 December 2022.
 2. With the consent of the joint business rescue practitioners ("**BRPs**") of THL, THL's lenders instituted an application to Court to perfect the general notarial bonds registered in favour of such lenders ("**GNB Application**"), which application was to be heard during the week commencing 14 November 2022. Notice thereof was transmitted to all known affected persons of THL, on 15 November 2022 ("**Initial THL Notice**"). Affected Persons of the Company are referred to this Initial THL Notice, which was published and made available to THL's affected persons, on the Tongaat Hulett website, and which is accessible to the Company's Affected Persons at: www.tongaat.com, under the "Business Rescue" tab.
 3. The Initial THL Notice confirmed that, notwithstanding the lenders perfecting their security rights in respect of THL's operating assets, THL would have the right to continue to access the applicable premises and continue to utilise the relevant assets, to enable THL to continue operating in the ordinary course, subject to maintaining and preserving the security of the lenders.
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4. Pursuant to the GNB Application, on 17 November 2022, the High Court of South Africa, Kwa-Zulu Natal Division ("**the High Court**"), issued a *Rule Nisi* ("**the Rule Nisi**") pertaining to the perfection by the lenders over the assets of the various respondents mentioned in the GNB Application, one of which being the Company, and invited any interested party to appear before the High Court on 20th February 2023 at 09:30, to show cause why an order in the terms provided for in the *Rule Nisi*, should not be made final.
5. A copy of the *Rule Nisi* is attached hereto and marked as "**Annexure A.**"
6. Affected Persons are reminded that all notices and documents regarding the business rescue proceedings of the Company that have been and/or will be circulated to Affected Persons, are/will be published and made available to all Affected Persons, on the Tongaat Hulett website at: <https://www.tongaat.com>, under the 'Business Rescue' tab.
7. If you have any queries, they may be directed to the business rescue email address at: br@tongaat.com.

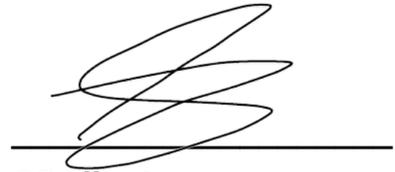
Yours faithfully,



TJ Murgatroyd



PF van den Steen



GC Albertyn

The Joint Business Rescue Practitioners of Tongaat Hulett Sugar South Africa Limited (in business Rescue)



IN THE HIGH COURT OF SOUTH AFRICA
KWAZULU-NATAL DIVISION, PIETERMARITZBURG

CASE NO: 15784/22

ON THE 17TH DAY OF NOVEMBER 2022
BEFORE THE HONOURABLE JUDGE LOPES

In the matter between:

BOWWOOD AND MAIN NO 296 (RF) PROPRIETARY LIMITED Applicant
(Registration number: 2018/358484/07)

and

TREVOR MURGATROYD N.O. First Respondent

PETER VAN DEN STEEN N.O. Second Respondent

GERHARD ALBERTYN N.O. Third Respondent

[in their capacities as the joint business rescue practitioners of the fourth and fifth respondent]

TONGAAT HULETT LIMITED (IN BUSINESS RESCUE) Fourth Respondent
(Registration number: 1892/000610/06)

TONGAAT HULETT DEVELOPMENTS PROPRIETARY LIMITED Fifth Respondent
(Registration number: 1981/012378/07)

TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED Sixth Respondent
(Registration number: 1965/000565/06)

TONGAAT HULETT ESTATES PROPRIETARY LIMITED Seventh Respondent
(Registration number: 1967/006009/07)

VOERMOL FEEDS PROPRIETARY LIMITED Eighth Respondent
(Registration number: 1936/007892/07)

HAVING read the Notice of Motion, and the other documents filed of record; and

HAVING heard Counsel for the Applicant;

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IT IS ORDERED THAT:

1. A rule *nisi* is issued calling upon the Respondents and any interested party to appear before the above Court on **20th February 2023 at 09h30**, to show cause why an order in the following terms should not be made final:

1.1. The Applicant, alternatively the Applicant's duly authorised agent, alternatively the Sheriff of the High Court ("the Sheriff"), is authorised to take possession of all movable assets of the Fourth to Eighth Respondents ("the aforesaid Respondents"), in order to perfect the Applicant's security under general notarial bonds BN00352/2020, BN00353/2020, BN00401/2020, BN00438/2020 and BN00584/2020 and to hold the movable assets in its possession and be constituted as pledgee, such assets being situated at the following addresses:

- 1.1.1. 444 South Coast Road ,Durban, 4093;
 - 1.1.2. 1 Mill Road, Amatikulu, Gingindlovu;
 - 1.1.3. 1 Mill Road, Felixton, Empangeni;
 - 1.1.4. 1 Main Avenue, Maidstone, Tongaat;
 - 1.1.5. 1 Main Road, Maidstone, Tongaat; and
 - 1.1.6. Amanzimnyama Hill, Tongaat;
- ("the Respondents' premises")



or wheresoever the movable assets may be found, whether in the aforesaid Respondents' possession or not;

1.2. The Applicant, alternatively the Applicant's duly authorised agent, alternatively the Sheriff, with jurisdiction is authorised and directed, to enter upon the aforesaid Respondents' premises and/or anywhere else the aforesaid Respondents carry on business or where the movable assets are being kept, to attach and make an inventory of all the movable assets of the aforesaid Respondents, of whatsoever nature and description, as security for the payment of all monies due by the aforesaid Respondents to the Applicant and by such attachment thereof shall be deemed to be given to the Applicant to hold in pledge;

1.3. The aforesaid Respondents, through their agents, representatives and employees, are ordered to point out all movable assets to the Applicant or its duly appointed representative, alternatively the Sheriff, wherever such movable assets may be situated;

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- 1.4. The Applicant, alternatively, the Sheriff is authorised to:
- 1.4.1. Lock and secure the movable assets, at the Respondents' premises or any other premises at which the aforesaid Respondents carry on business;
 - 1.4.2. Affix a notice of attachment to the principal doors / gates of the Respondents' premises or any other premises at which the aforesaid Respondents' movable assets may be found;
- in either event the Applicant shall be deemed to have taken effective possession of such movable assets and have perfected the aforementioned general notarial bonds;
- 1.5. The Applicant is authorised to sell the movable assets of the aforesaid Respondents which have been attached in terms of this order by private treaty or public auction, in the sole discretion of the Applicant, and that any manager or director of the Applicant, whose appointment need not be proved, is authorised to sign any sale agreement and all subsequent documents necessary to give transfer of the movable assets to any purchaser;
- 1.6. The Respondents are ordered to pay the costs of this application on the attorney and client scale, jointly and severally with any other party who unsuccessfully opposes this application.
2. The orders contained at paragraphs 1.1, 1.2, 1.3 and 1.4 shall be effective immediately and operate as interim orders pending the return date of this application.

Venns Attorneys
Ref: Nida Jooste

BY ORDER OF THE COURT

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| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG | |
| Private Bag X9014, Pietermaritzburg 3200 | |
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| 2022 -11- 17 | |
| KZND-PMB-007 | |
| REGISTRAR OF THE HIGH COURT OF SOUTH AFRICA KWAZULU-NATAL DIVISION, PIETERMARITZBURG | |


**R J JOOSTE
REGISTRAR**

/agoba
17/11/2022