



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
- 

28 March 2023

**REQUEST FOR CREDITORS' CONSENT IN TERMS OF SECTION 150(5) OF THE COMPANIES ACT 71 OF 2008, AS AMENDED ("Companies Act") FOR EXTENSION OF THE PUBLICATION OF THE BUSINESS RESCUE PLAN OF TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED (in business rescue) ("Company")**

- 1.1. Section 150(5) of the Companies Act requires that a business rescue plan ("**Plan**") for the Company should be published within 25 business days after the date on which the business rescue practitioners ("the **Practitioners**") were appointed, or such longer time as may be allowed by the holders of a majority of the creditors' voting interests.
- 1.2. The currently agreed date for publication of the Plan is on or before 31 March 2023
- 1.3. The Company is a wholly owned subsidiary of Tongaat Hulett Limited (in business rescue) ("**THL**") and has historically acted as agent for THL, with THL constituting the undisclosed principal of the Company. Therefore, the Company's affairs and activities are inextricably linked to those of THL. The Company does not carry out any activities for its own financial benefit and none of its activities generate revenue for its own profitable advantage. Thus, the Company is entirely financially dependent on THL.
- 1.4. In this regard, the development of a substantial Plan for the Company is inextricably linked to and absolutely dependent on the business rescue Plan for THL, and the successful adoption and implementation thereof. Furthermore, the proposals contained in THL's business rescue plan are

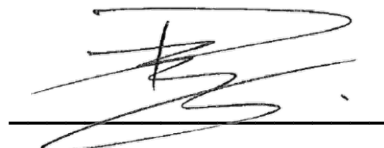
anticipated to directly impact the Company's Plan, as well as the associated outcomes for the Company's creditors. THL's business rescue Plan is intended to be published on or before 31 March 2023.

- 1.5. Accordingly, to ensure that the Company's Plan is aligned with the provisions set forth in THL adopted business rescue plan, it is the Practitioners recommendation that the date of publication of the Company's Plan is extended by one month, to **30 April 2023**.
- 1.6. This extension will allow for the THL business rescue plan to be published and subsequently voted on. The resultant outcomes thereto, will then afford the Practitioners the ability to prepare a Plan for the Company which is aligned with the proposals and provisions set forth in the THL business rescue plan, as is necessary.
- 1.7. In light of the above, the Practitioners request the creditors of the Company to provide their consent for the extension of the date by when the Plan is required to be published to **30 April 2023**, in accordance with the terms of section 150(5)(b) of the Companies Act.
- 1.8. Creditors are requested to demonstrate their consent or objection to this request for extension of such publication date to 30 April 2023, by notifying the Practitioners of such consent or objection, in writing (including in the form of an e-mail), by no later than **12:00 noon on Thursday, 30 March 2023**, such notification to be sent to: [lauren.arnold@tongaat.com](mailto:lauren.arnold@tongaat.com).
- 1.9. Creditors are reminded that all notices and documents regarding the business rescue proceedings of the Company are made available to Affected Persons on the Tongaat website at: [www.tongaat.com](http://www.tongaat.com), under the 'Business Rescue' tab.

Yours faithfully,



**TJ Murgatroyd**



**PF van den Steen**



**GC Albertyn**

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