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# TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons 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
- 

September 2023

## **REPORT ON THE STATUS OF THE BUSINESS RESCUE PROCEEDINGS OF TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED (IN BUSINESS RESCUE) ("Company")**

### **1. GENERAL**

- 1.1. In accordance with section 132(3)(a) and section 132(3)(b) of the Companies Act 71 of 2008, as amended ("**Act**"), when the business rescue proceedings of a company have not concluded within 3 months of the date on which they started, a business rescue practitioner is required to-
- 1.1.1. prepare a report on the progress of the business rescue, and update it at the end of each subsequent month until the end of the business rescue proceedings; and
- 1.1.2. deliver the report and each update to each affected person and to the Companies and Intellectual Property Commission ("**CIPC**").
- 1.2. Accordingly, we hereby provide you with the seventh report, being the September 2023 report, on the status of the Company's business rescue proceedings.

### **2. BUSINESS RESCUE UPDATES**

Affected Persons are reminded that the Company has operated as an agent for a previously undisclosed principal, being Tongaat Hulett Limited ("**THL**") and as a result, the business rescue proceedings of the Company are wholly dependent on the business rescue proceedings and inextricably linked to the business rescue plan of THL.

The following matters have occurred or remain relevant since the distribution and publication of the Company's August 2023 business rescue status update report ("**August Report**"):

2.1. **Extension of the publication date of the Amended Business Rescue Plan and further adjournment of the meeting in terms of section 151 of the Act**

2.1.1. The process to finalise the transaction details with regard to THL's Strategic Equity Partner ("**SEP**") process was taking longer than anticipated. As a result, it was deemed necessary to extend the date for the publication of THL's amended business rescue plan and as such, the amended Business Rescue Plan ("**Plan**") for the Company and further adjournment of the Company's meetings to be held in terms of section 151 of the Act ("**Meeting**").

2.1.2. Accordingly, the BRPs convened a virtual meeting of Creditors on 08 September 2023, to seek the approval of Creditors for the extension of the date for the publication of the Plan to no later than 31 October 2023, and the further adjournment of the Meeting to no later than 30 November 2023.

2.1.3. Pursuant to this meeting, the requisite majority of Creditors' voting interests voted in favour of the motions to:

- Extend the date for the publication of the Plan to a date no later than 31 October 2023; and
- Adjourn the Meeting to a date no later than 30 November 2023, and no less than 30 days' prior written notice of the intended date of the Meeting being provided to Creditors.

2.2. **Business Rescue Proceedings of other Tongaat Hulett Group Entities**

2.2.1. The amended business rescue plans for THL and Voermol Feeds Proprietary Limited (in business rescue) ("**Voermol**"), will be published at a similar time as the Company's Plan.

2.2.2. The adopted business rescue plan for Tongaat Hulett Developments Proprietary Limited ("**THD**") as published on Friday, 19 May 2023 continues to be implemented.

2.2.3. Separate monthly status update reports are provided for THD, THL and Voermol, which reports are uploaded and made accessible to Affected Persons on the THL website at: [www.tongaat.com](http://www.tongaat.com), under the 'Business Rescue' tab.

### 2.3. **Litigation Matters**

2.3.1. Affected Persons are reminded of the application to court referred to in the notice to Affected Persons on 15 June 2023. The matter was heard in court on the 13th and 14th of September 2023 and judgement is reserved.

### 2.4. **Creditor Claims**

2.4.1. Post the publication of the Plan, we have not received any further claims against the Company. Thus, the process of claim verification and the reconciliation of creditor claims against the Company is currently up to date. Creditors are reminded that all claims lodged against the Company, which are accepted in whole or in part, will be reflected in the amended business rescue plan. The amended business rescue plan will provide a process for Creditors to deal with any remaining disputes related to claims and Creditors who dispute their claims reflected in the amended business rescue plan, will be at liberty to follow such process, if they so wish.

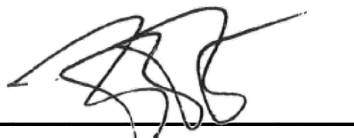
## 3. **CLOSING REMARKS**

3.1. It remains our view that with your continued assistance and co-operation, the Company stands a reasonable chance of being rescued, within the meaning of section 128(1)(h) of the Companies Act, in a manner that will balance the rights and interests of all Affected Persons.

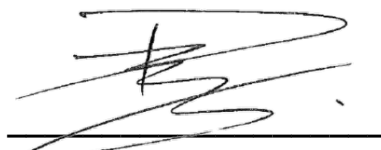
3.2. Affected Persons are reminded that all notices and documents regarding the business rescue proceedings of the Company that have been and/or will be circulated to all known Affected Persons are or will be published and made available to all Affected Persons on the THL website at: [www.tongaat.com](http://www.tongaat.com), under the 'Business Rescue' tab.

3.3. If you have any queries, they may be directed to the business rescue email address at: [BR@tongaat.com](mailto: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)**

**Companies and Intellectual Property Commission  
Republic of South Africa**

**Business Rescue Status Report**

**Form CoR 125.1**

**About this Form**

- This form is issued in terms of section 132 and 141 of the companies Act, 2008, and Regulation 125 of the Companies Regulations, 2011.
- This Notice and the attached report must be published to every affected person, and to-
  - a) The Commission, if the business rescue proceedings were started by the company; or
  - b) The court, if the proceedings were ordered by the court.
- A report and Notice must be issued at the end of the first three months of the business rescue proceedings, and at regular monthly intervals after that

**Contacting the Commission**

The Companies and Intellectual Property Commission of South Africa

**Postal Address**

PO Box 429  
Pretoria  
0001  
Republic of South Africa  
Tel: 086 100 2472

[www.cipc.co.za](http://www.cipc.co.za)

**Date:** September 2023

**Customer Code:** WERKMP

**Concerning**

*(Name and Registration Number of Company)*

**Name:** Tongaat Hulett Sugar South Africa Limited

**Registration No:** 1965/000565/06

The above named company commenced business rescue proceedings on 22 December 2022.

Because the business rescue proceedings have not concluded within three months, the appointed business rescue practitioner provides the attached report in terms of section 132 (3).

**Name and Title of person signing on behalf of the Practitioner:**

TJ Murgatroyd, PF van den Steen & GC Albertyn  
Joint Business Rescue Practitioners

**Authorised Signature:**

