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TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons of Tongaat Hulett Sugar South Africa Proprietary 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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13 December 2023

NOTICE TO AFFECTED PERSONS RE: ADJOURNMENT OF SECTION 151 MEETING IN THE BUSINESS RESCUE PROCEEDINGS OF TONGAAT HULETT SUGAR SOUTH AFRICA PROPRIETARY LIMITED (IN BUSINESS RESCUE) ("Company")

1. As previously advised, the Company's business rescue proceedings are inextricably linked with those of Tongaat Hulett Limited (in business rescue) ("**THL**"), the Company's parent and previously undisclosed legal "principal". This is due to the fact that the Company has operated as an undisclosed agent for THL. As a result, the business rescue proceedings of the Company are wholly dependent on the business rescue proceedings and business rescue plan of THL.
2. Notices have been distributed to all Affected Persons **of THL** regarding the following matters:
 - 2.1. the judgment of Honourable Judge Vahed dated 4 December 2023, under case number D4472/2023, in the matter between, *inter alios*, THL, the Company and the joint business rescue practitioners of THL and the Company ("the **BRPs**"), in terms of which THL and the BRPs have sought leave to appeal;
 - 2.2. an urgent application launched on 5 December 2023 in the High Court of South Africa, KwaZulu Natal Local Division, Durban, under case number D13763/2023, by RCL Foods Sugar & Milling (Proprietary) Limited against, *inter alios*, THL and the BRPs. The Affected

Persons of THL are cited as the fifth respondent in the aforesaid application;

- 2.3. a further urgent application launched on 5 December 2023 in the High Court of South Africa, KwaZulu Natal Local Division, Durban, under case number D13739/2023, by the South African Sugar Association against, *inter alios*, THL and the BRPs. The Affected Persons of THL are not cited a respondent in the aforesaid application; and
 - 2.4. a further urgent application launched on 11 December 2023 in the High Court of South Africa, KwaZulu Natal Local Division, Durban, under case number D14036/2023, by RGS Group Holdings Limited, with registration number C134230 – C2/GBL ("**RGS**"), against, *inter alios*, THL and the BRPs. The Affected Persons of THL are cited as the eighth respondent in the aforesaid application.
3. For the purposes of this Notice, the urgent applications in paragraphs 2.2, 2.3 and 2.4 are referred to collectively as ("**the Urgent Applications**").
 4. On 13 December 2023, the Urgent Applications were heard and the Court has ordered, *inter alia*, the adjournment of the meeting of THL ("**THL 151 Meeting**"), which is to be held in terms of section 151 of the Companies Act, to consider and, if appropriate, approve the THL's amended Plan, from Thursday, 14 December 2023 **to a date no later than 11 January 2024**.
 5. The BRPs accordingly seek the approval of creditors by way of proxy for the adjournment of the Company's 151 Meeting **to a date no later than 11 January 2024**, which date will coincide with the THL 151 Meeting.
 6. In addition, the Court has ordered that the THL Business Rescue Plans published by the BRPs on 29 November 2023, in their unamended form, shall not be voted on.
 7. In accordance with section 151(2) of the Act, Affected Persons are hereby notified that further details regarding the date for the reconvening of the 151 Meeting will be distributed in due course.
 8. Creditors are accordingly requested to provide their consent for the request in paragraph 5 above by completing the attached proxy form (which is also available to download from the Tongaat website at: www.tongaat.com, under the 'Business Rescue' tab) and returning same to the BRPs via

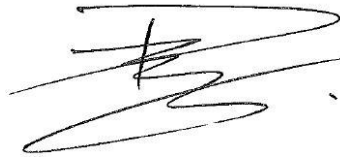
email, to the Company's business rescue email address at: BR@tongaat.com by **no later than 09h00 on Thursday, 14 December 2023.**

9. 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/will be published and made available to all Affected Persons, on the Tongaat website at: www.tongaat.com, under the 'Business Rescue' tab.

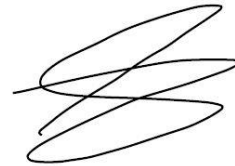
Yours faithfully,



TJ Murgatroyd



PF van den Steen



GC Albertyn

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