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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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7 December 2023

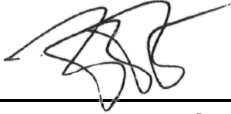
## **NOTICE TO AFFECTED PERSONS RE: ADJOURNMENT OF SECTION 151 MEETING IN THE BUSINESS RESCUE PROCEEDINGS OF TONGAAT HULETT SUGAR SOUTH AFRICA PROPRIETARY LIMITED (IN BUSINESS RESCUE) ("Company")**

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. On 5 December, a notice was 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**"); and
  - 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

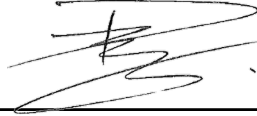
Persons of THL are cited as the fifth respondent in the aforesaid application; and

- 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.
3. For the purposes of this Notice, the urgent applications in paragraphs 2.2 and 2.3 are referred to collectively as "**the Urgent Applications**").
4. THL has opposed both of the Urgent Applications. The parties have agreed a timetable for the exchange of pleadings, and the Urgent Applications will be heard on 13 December 2023.
5. In the interim, on 7 December 2023, the Court has ordered the adjournment of the meeting ("**151 Meeting**") of THL, 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 Friday, 8 December 2023 to **Thursday, 14 December 2023**.
6. The BRPs accordingly seek the approval of creditors by way of proxy for the adjournment of the Company's 151 Meeting to **Thursday, 14 December 2023**.
7. Creditors are accordingly requested to provide their consent for the above request by completing the attached proxy form (which is also available to download from the Tongaat website at: [www.tongaat.com](http://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](mailto:BR@tongaat.com) by **no later than 23h59 on Thursday, 7 November 2023**.
8. 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](http://www.tongaat.com), under the 'Business Rescue' tab.

Yours faithfully,



\_\_\_\_\_  
**TJ Murgatroyd**



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**PF van den Steen**



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**GC Albertyn**

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