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# TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons of Voermol Feeds 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 VOERMOL FEEDS 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 ultimate parent and previously undisclosed legal "principal". This is due to the fact that the Company has operated as an agent for its previously undisclosed principal, being Tongaat Hulett Sugar South Africa Proprietary Limited ("**THSSA**"), noting that THSSA operated as an agent for THL as its previously undisclosed principal. 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, THSSA 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**



**PF van den Steen**



**GC Albertyn**

**The Joint Business Rescue Practitioners of Voermol Feeds Proprietary Limited (in business rescue)**