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# TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons of Tongaat Hulett 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
  - Availability recorded in an announcement to shareholders on the Stock Exchange News Service (SENS), released after distribution.
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13 December 2023

**URGENT NOTICE TO AFFECTED PERSONS OF TONGAAT HULETT LIMITED (IN BUSINESS RESCUE) ("Company") IN TERMS OF SECTION 128 OF THE COMPANIES ACT 71 OF 2008 ("the Act") READ TOGETHER WITH SECTIONS 144, 145 AND 146 OF THE COMPANIES ACT**

**RE: SECTION 151 MEETING TO BE ADJOURNED BY ORDER OF COURT IN THE BUSINESS RESCUE PROCEEDINGS OF THE COMPANY**

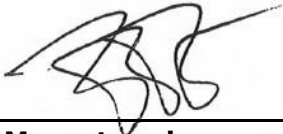
1. Notices have been distributed to all Affected Persons of the Company regarding the following matters:
  - 1.1. the judgment of Honourable Judge Vahed dated 4 December 2023, under case number D4472/2023, in the matter between, *inter alios*, the Company, Tongaat Hulett Sugar South Africa (Pty) Ltd and the joint business rescue practitioners of the Company ("the **BRPs**") (which is referred to as the "**Main Application**"), in terms of which the applicants have applied for leave to appeal;
  - 1.2. 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*, the Company and the BRPs. The

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

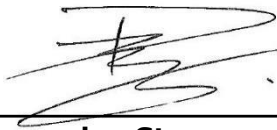
- 1.3. a further urgent application launched on 5 December 2023 in the High Court of South Africa, KwaZulu Natal Local Division, Durban, under case number D13739/2023, by the South African Sugar Association against, *inter alios*, the Company and the BRPs. The Affected Persons of the Company are not cited a respondent in the aforesaid application; and
  - 1.4. 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*, the Company and the BRPs. The Affected Persons of the Company are cited as the eighth respondent in the aforesaid application.
2. For the purposes of this Notice, the urgent applications in paragraphs 1.2, 1.3 and 1.4 are referred to collectively as "**the Urgent Applications**").
  3. On 13 December 2023, the Urgent Applications were heard and the Court has ordered, *inter alia*, the adjournment of the meeting of the Company, which is to be held in terms of section 151 of the Companies Act ("**151 Meeting**"), to consider and, if appropriate, approve the Company's amended Plan, from Thursday 14 December 2023 **to a date no later than Thursday 11 January 2024**.
  4. In addition, the Court has ordered that the Business Rescue Plans published by the BRPs on 29 November 2023, in their unamended form, shall not be voted on.
  5. 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.
  6. Finally, the Court ordered that -
    - 6.1. the RCL interdict application (paragraph 1.2 above), SASA interdict application (paragraph 1.3 above) and RGS application (paragraph 1.4 above) are postponed *sine die*; and
    - 6.2. the leave to appeal the Main Application (paragraph 1.1 above) is similarly postponed *sine die*.

7. No orders were made as to the costs of the abovementioned applications.
8. Affected Persons are reminded that all documentation, information and notifications relevant to the business rescue proceedings of the Company, are available for review and/or download on the Tongaat website at: [www.tongaat.com](http://www.tongaat.com) under the 'Business Rescue' tab.
9. If you have any requests or queries, they may be directed to the Company's business rescue team at: [BR@tongaat.com](mailto:BR@tongaat.com).

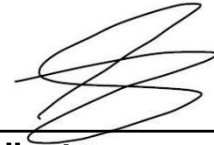
Yours faithfully,



**TJ Murgatroyd**



**PF van den Steen**



**GC Albertyn**

**The Joint Business Rescue Practitioners of Tongaat Hulett Limited (in business rescue)**