

Supreme Court of Appeal, Registrar's Office • PO Box 258, Bloemfontein, 9300 • c/o Elizabeth- & President Brand Street, Bloemfontein •

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Enquiries: Ms C L De Wee

Date: 25 JULY 2024

Ref: 605/2024

YOUR REF: MCM Du Plessis/WER1/0015

MDP Attorneys P O Box 26455 LANGENHOVENPARK

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McIntyre Van Der Post Inc P O Box 540 BLOEMFONTEIN 9300

Mr/Ms

## APPLICATION FOR LEAVE TO APPEAL TONGAAT HULETT LTD & OTHERS v SA SUGAR ASSOCIATION & OTHERS

With reference to the application lodged in this office on <u>06 JUNE 2024</u> this Court ordered on <u>25 JULY 2024</u> that the application be granted as per attached order:-

Yours faithfully

CLIDE WEE (Ms)

REGISTERED POST

(H/B/D/O)

YOUR REF: D 4472/2023

Vahed J

(Court a quo)

Registrar of the High Court Private Bag X 54314 DURBAN 4000



## SUPREME COURT OF APPEAL OF SOUTH AFRICA

CASE NO: 605/2024 KZD CASE NO: D 4472/2023

## BEFORE THE HONOURABLE JUSTICE MOKGOHLOA JA AND DIPPENAAR AJA

On the 25th JULY 2024

In the application between:

TONGAAT HULETT LTD (IN BUSINESS RESCUE)	1 <sup>st</sup> Applicant
TONGAAT HULETT SUGAR SOUTH AFRICA (PTY) LTD (IN BUSINESS RESCUE)	2 <sup>nd</sup> Applicant
TREVOR JOHN MURGATROYD N.O.	3 <sup>rd</sup> Applicant
PETRUS FRANCOIS VAN DEN STEEN N.O.	4 <sup>th</sup> Applicant
GERHARD CONRAD ALBERTYN N.O.	5 <sup>th</sup> Applicant
and	
SOUTH AFRICAN SUGAR ASSOCIATION	1 <sup>st</sup> Respondent
SOUTH AFRICAN SUGAR EXPORT CORPORATION (PTY) LTD	2 <sup>nd</sup> Respondent
MINISTER OF TRADE, INDUSTRY AND COMPETITION	3 <sup>rd</sup> Respondent
SOUTH AFRICAN SUGAR MILLERS' ASSOCIATION NPC	4 <sup>th</sup> Respondent
SOUTH AFRICAN CANE GROWERS' ASSOCIATION NPC	5 <sup>th</sup> Respondent
SOUTH AFRICAN FARMERS' DEVELOPMENT ASSOCIATION NPC	6 <sup>th</sup> Respondent
RCL FOODS SUGAR& MILLING	
(SOUTH AFRICA (PTY) LTD	7 <sup>th</sup> Respondent
ILLOVO SUGAR (SOUTH AFRICA) (PTY) LTD	8 <sup>th</sup> Respondent
UMFOLOZI SUGAR MILLING (PTY) LTD	9 <sup>th</sup> Respondent
GLEDHOW SUGAR COMPANY (PTY) LTD	10 <sup>th</sup> Respondent
HARRY SIDNEY SPAIN N.O.	11 <sup>th</sup> Respondent
UCL COMPANY (PTY) LTD	12 <sup>th</sup> Respondent
ALL REGISTERED GROWERS	13 <sup>th</sup> - Twenty Three
Т	housandth Respondents

THE AFFECTED PERSONS IN THL'S BUSINESS RESCUE

Twenty Three

**Thousand & first Respondents** 

and Further Respondent

Having considered the Notice of Motion and the other documents filed.

## IT IS ORDERED THAT:

- 1. Leave to appeal is granted to the Supreme Court of Appeal.
- 2. The costs order of the court *a quo* in dismissing the application for leave to appeal is set aside AND the costs of the application for leave to appal in this court and the court *a quo* are costs in the appeal. If the applicant does not proceed with the appeal, the applicant is to pay the costs.

ORDER OF THIS COURT

COURT REGISTRAL C L DE WEE (Ms)

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PO Box 258, Bloamfontoin 9301

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