

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
 KWAZULU-NATAL LOCAL DIVISION,
 DURBAN

CASE NO: **2026-031780**

In the matter between:

**Gerhard Conrad Albertyn NO ,Trevor
 John Murgatroyd NO ,Petrus Francois
 Van Den Steen NO**

Plaintiff / Applicant / Appellant

and

**Tongaat Hulett Limited,The Affected
 Persons**

Defendant / Respondent

Counter Claim

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ELECTRONICALLY SIGNED
 BY:

**Registrar of The High Court,
 KwaZulu-Natal, Durban.**

**IN THE HIGH COURT OF SOUTH AFRICA
(KWA-ZULU NATAL DIVISION, DURBAN)**

Case number: 2026 – 031780

In the application of:

RGS GROUP HOLDINGS LIMITED

Applicant

and

GERHARD CONRAD ALBERTYN N.O.

First Respondent

TREVOR JOHN MURGATROYD N.O.

Second Respondent

PETRUS FRANCOIS VAN DEN STEEN N.O.

Third Respondent

TONGAAT HULETT LIMITED

Fourth Respondent

(IN BUSINESS RESCUE)

**THE AFFECTED PERSONS IN THE BUSINESS
RESCUE OF THE FOURTH RESPONDENT**

Fifth Respondents

VISION INVESTMENTS 155 (PTY) LTD

Sixth Respondent

TERRIS AGRIPRO (MAURITIUS)

Seventh Respondent

REMOGGO (MAURITIUS) PCC

Eighth Respondent

**GUMA AGRI AND FOOD SECURITY LTD
(MAURITIUS)**

Ninth Respondent

**ALMOIZ NA HOLDINGS LIMITED (UNITED
ARAB EMIRATES)**

Tenth Respondent

STANDARD BANK OF SOUTH AFRICA LTD

Eleventh Respondent

In re the matter between

GERHARD CONRAD ALBERTYN N.O.

First Applicant

TREVOR JOHN MURGATROYD N.O.

Second Applicant

M.A. 

PETRUS FRANCOIS VAN DEN STEEN N.O.

Third Applicant

and

TONGAAT HULETT LIMITED
(IN BUSINESS RESCUE)

First Respondent

THE AFFECTED PERSONS

Further Respondents

**FOUNDING AFFIDAVIT
RGS' COUNTER APPLICATION**



I, the undersigned,

MOMADE AQUIL RAJAHUSSEN

do hereby make oath and say that:

1. I am an adult male and the chairman of the applicant ("**RGS**") which is an admitted creditor in the business rescue of the fourth respondent ("**THL**"). I am duly authorised to bring this counter application on RGS' behalf and to depose to this affidavit.
2. The facts contained in this affidavit are within my personal knowledge, save where the context indicates otherwise and are, to the best of my belief, both true and correct. Where I rely on information provided to me by others, I believe such information to be true and correct. Where I make legal submissions, I do so on the advice of the applicant's legal representatives.

M.A.² Rajahussen

THE PARTIES TO THIS COUNTER APPLICATION

3. The applicant is **RGS GROUP HOLDINGS LIMITED** a company duly incorporated in terms of the laws of the Republic of Mauritius with registration number C124230-C2/GBL, having its principal place of business at no 5 President John Kennedy Street, Port Louis, Mauritius.
4. The **FIRST TO FIFTH RESPONDENTS** are cited in paragraphs 1 to 5, 9, and 10 of the founding affidavit to the liquidation application. RGS seeks no relief against the fifth respondent, Affected Persons have been cited simply because of the direct interest they have in these proceedings.
5. The sixth respondent is **VISION INVESTMENTS 155 (PTY) LTD** (registration number 2023/178789/07), a private company with limited liability duly incorporated in terms of the company laws of the Republic of South Africa and having its principal place of business at 135 Beethoven Street, Waterkloof Glen, Pretoria.
6. The seventh respondent is **TERRIS AGRIPRO (MAURITIUS)** (registration number 171903GBC), a company duly incorporated in terms of the laws of the Republic of Mauritius and whose further details are unknown to the applicant.
7. The eighth respondent is **REMOGGO (MAURITIUS) PCC** (registration number 117836 C1/GBL), a fund registered and incorporated in accordance with the laws of Mauritius and whose further details are unknown to the applicant.
8. The ninth respondent is **GUMA AGRI AND FOOD SECURITY LIMITED (MAURITIUS)** (registration number C192979), a company duly registered and



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M.A. [Signature]

incorporated in accordance with the laws of Mauritius and whose further details are unknown to the applicant.

9. The tenth respondent is **ALMOIZ NA HOLDINGS LIMITED (UNITED ARAB EMIRATES)** (registration number 67410836), a company registered and incorporated in accordance with the law of the United Arab Emirates and whose further details are unknown to the applicant.
10. The eleventh respondent is the **STANDARD BANK OF SOUTH AFRICA LIMITED** (registration number 1962/000738/06) a public company with limited liability, duly incorporated in terms of the laws of the Republic of South Africa and having its principal place of business at Standard Bank Centre, 5 Simmonds Street, Johannesburg, 2001. RGS seeks no relief against the eleventh respondent, which has been cited herein simply to the extent that it may have an interest in the relief sought by RGS against the sixth to tenth respondents in terms of paragraphs 8 and 9 of the notice of motion in this counter application.



JOINDER OF THE SIXTH TO ELEVENTH RESPONDENTS

11. I am advised that it is unnecessary for the sixth to eleventh respondents to be joined to these proceedings because:
- 11.1. they have been cited as respondents in this counter application;
- 11.2. the relief sought in this counter application against them is separate and distinct from the relief sought in the underlying liquidation application (i.e. the termination of THL's business rescue proceedings and the conversion thereof to liquidation);

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M.A.

- 11.3. they are all in any event affected persons in the underlying liquidation application and have thus been cited as the “further respondents” therein.
12. Alternatively, to the extent that this Court finds that the formal joinder of the sixth to eleventh respondents is required, I submit that a case for their joinder has been demonstrated because:
- 12.1. It would – on the extraordinary facts of this matter as set out fully in RGS’ answering affidavit to the liquidation application – be convenient to do so in terms of this Court’s inherent jurisdiction to avoid a multiplicity of applications and the piecemeal adjudication of inter-related legal and factual issues;
- 12.2. RGS seeks relief against the sixth to tenth respondents in terms of this counter application. Those respondents are moreover directly and integrally involved in the facts and legal issues that arise in the liquidation application, and it is therefore appropriate for them to be joined;
- 12.3. The sixth to tenth respondents have a direct and substantial interest in this Counter Application;
- 12.4. The eleventh respondent *may* have a direct and substantial interest in the relief sought by RGS against the sixth to tenth respondents in this Counter Application and should therefore be given the opportunity to oppose the relief sought against the sixth to tenth respondents should it wish to do so.



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M.A. [Signature]

RGS' ANSWERING AFFIDAVIT IN THE LIQUIDATION APPLICATION

13. The facts which support the relief sought by RGS in this counter application are set out in the answering affidavit that it has filed in opposition to the liquidation application, the contents of which should be read as though expressly incorporated herein.

14. Without detracting in any way from the above (i.e. the incorporation of all the allegations set out in RGS' answering affidavit in the liquidation application herein):



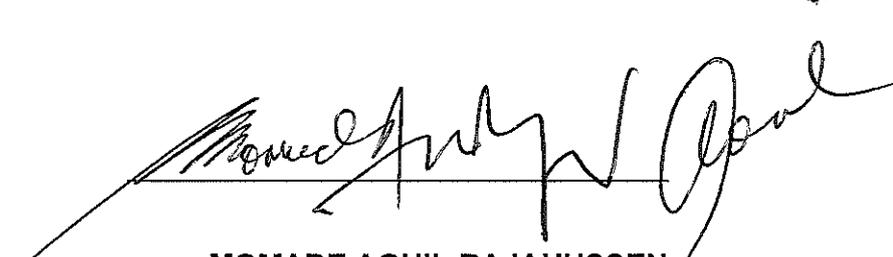
14.1. The following paragraphs of the answering affidavit are particularly relevant to the relief sought by RGS in terms of paragraph 7 of the notice of motion to this counter application: RGS answering affidavit paragraphs 18 – 21, 46 – 65, 273 – 285, and 352 – 362;

14.2. The following paragraphs of the answering affidavit are particularly relevant to the relief sought by RGS in terms of paragraph 8 of the notice of motion to the counter application: RGS answering affidavit paragraphs 46 – 72, and 352 – 362.

CONCLUSION

15. RGS therefore prays for an order in terms of the notice of motion to this Counter Application.

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M.A. Agri



MOMADE AQUIL RAJAHUSSEN

I certify that the deponent has acknowledged that he knows and understands the contents of this affidavit, which was signed and sworn to before me at DURBAN on this the 24 th day of **FEBRUARY 2026**, the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended by Government Notice No. 1648 of 17 August 1977, as amended having been complied with.





COMMISSIONER OF OATHS

**MUHAMMED AKOON
 COMMISSIONER OF OATHS
 PRACTISING ATTORNEY
 331 ST THOMAS ROAD
 MUSGRAVE, DURBAN**

