



CONSTITUTIONAL COURT OF SOUTH AFRICA

Case CCT 31/26

In the matter between:

**TONGAAT HULETT LIMITED
(IN BUSINESS RESCUE)**

First Applicant

**TONGAAT HULETT SUGAR SOUTH AFRICA
(PTY) LIMITED (IN BUSINESS RESCUE)**

Second Applicant

TREVOR JOHN MURGATROYD N.O.

Third Applicant

PETRUS FRANCOIS VAN DEN STEEN N.O.

Fourth Applicant

GERHARD CONRAD ALBERTYN N.O.

Fifth Applicant

and

SOUTH AFRICAN SUGAR ASSOCIATION

First Respondent

**S.A. SUGAR EXPORT CORPORATION
(PTY) LIMITED**

Second Respondent

**MINISTER OF TRADE, INDUSTRY
AND COMPETITION**

Third Respondent

**SOUTH AFRICAN SUGAR MILLERS'
ASSOCIATION NPC**

Fourth Respondent

**SOUTH AFRICAN CANE GROWERS
ASSOCIATION NPC**

Fifth Respondent

**SOUTH AFRICAN FARMER'S DEVELOPMENT
ASSOCIATION NPC**

Sixth Respondent

**RCL FOODS SUGAR AND MILLING
(PTY) LIMITED**

Seventh Respondent

ILLOVO SUGAR (SOUTH AFRICA) (PTY) LIMITED	Eighth Respondent
UMFOLOZI SUGAR MILL (PTY) LIMITED	Ninth Respondent
GLEDHOW SUGAR COMPANY (PTY) LIMITED	Tenth Respondent
HARRY SIDNEY SPAIN N.O.	Eleventh Respondent
UCL COMPANY (PTY) LIMITED	Twelfth Respondent
ALL REGISTERED GROWERS	Thirteenth to Twenty-Three Thousandth Respondents
THE AFFECTED PERSONS IN THL'S BUSINESS RESCUE	Twenty-Three Thousand and First Respondents and Further Respondents

ORDER

CORAM: Maya CJ, Mhlantla ADCJ, Kollapen J, Mathopo J, Nuku AJ, Ngcukaitobi AJ, Rogers J and Savage J.

The Constitutional Court has considered the application for condonation, leave to appeal and leave to file a replying affidavit. It has concluded that the delay in bringing the application for leave to appeal is minimal, the explanation for the delay is adequate and there is no prejudice to the respondents. Consequently, condonation must be granted. It has also concluded that a case has been made out for leave to file a replying affidavit. As a result, leave to file a replying affidavit is granted. Finally, it has concluded that there are no reasonable prospects of success on the merits of the application for leave to appeal. Therefore, leave to appeal must be refused with costs.

Order:

1. Condonation is granted.
2. Leave to file a replying affidavit is granted.
3. Leave to appeal is refused with costs.

BOYBOY MOLOI
REGISTRAR
CONSTITUTIONAL COURT



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AND TO: ALL REGISTERED GROWERS

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