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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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3 June 2024

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

1. Affected Persons are asked to take notice in terms of section 128 of the Companies Act that the Company and the joint business rescue practitioners of the Company ("**BRPs**") have brought an application for leave to appeal in the Supreme Court of Appeal in Bloemfontein, against the judgment of Honourable Judge Vahed ("**Vahed J**") dated 4 December 2023 ("**the judgement**") in the High Court of South Africa, KwaZulu Natal Local Division, Durban under case number D4472/2023. In the application for leave to appeal they seek the following order
  - 1.1. That leave to appeal be granted to the applicants to appeal the whole of the judgment and order, including as to costs, granted by Vahed J in the KwaZulu-Natal Division of the High Court, Durban on 4 December 2023.
  - 1.2. That the costs of this application for leave to appeal be costs in the appeal.
  - 1.3. That further and/or alternative relief be granted.
2. As previously advised, the Company and its BRPs, has cited the Affected Persons of THL as the twenty-three thousand and first respondent in the declarator application. Affected Persons are therefore entitled in terms of the Companies Act to, *inter alia*, (i) receive a copy of the application, (ii) take independent legal advice *vis-à-vis* the application and (iii) participate in the application

proceedings.

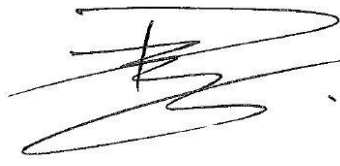
3. A copy of the founding papers in the application for leave to appeal is available on THL's website at <https://www.tongaat.com/business-rescue/>.
4. Affected Persons are reminded that all notices and documents regarding the business rescue proceedings of the Company that have been and/or will be circulated 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,**



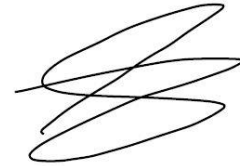
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**TJ Murgatroyd**



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**PF van den Steen**



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**GC Albertyn**

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