



# TongaatHulett®

- Delivered by Email To:**
- All known Affected Persons of Tongaat Hulett Sugar South Africa 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 THL and accessible to Affected Persons
- 

December 2024

## REPORT ON THE STATUS OF THE BUSINESS RESCUE PROCEEDINGS OF TONGAAT HULETT SUGAR SOUTH AFRICA LIMITED (IN BUSINESS RESCUE) ("COMPANY")

### 1. GENERAL

1.1. In accordance with section 132(3)(a) and section 132(3)(b) of the Companies Act 71 of 2008, as amended ("**Companies Act**"), when the business rescue proceedings of a company have not concluded within 3 months of the date on which they started, a business rescue practitioner is required to-

1.1.1. prepare a report on the progress of the business rescue, and update it at the end of each subsequent month until the end of the business rescue proceedings; and

1.1.2. deliver the report and each update to each affected person and to the Companies and Intellectual Property Commission ("**CIPC**").

1.2. In compliance with the sections referred to in paragraph 1.1 above, we hereby provide you with the twenty-second report, being the December 2024 report, on the status of the Company's business rescue proceedings.

### 2. BUSINESS RESCUE UPDATES

Affected Persons are reminded that the Company has operated as an agent for a previously

undisclosed principal, being Tongaat Hulett Limited (“**THL**”) and as a result, the business rescue proceedings of the Company are wholly dependent on the business rescue proceedings and inextricably linked to the business rescue plan of THL.

The following matters have occurred or remain relevant since the distribution and publication of the Company’s November 2024 business rescue status update report (“**November Report**”):

## 2.1. **Implementation of the Adopted Amended Business Rescue Plan**

2.1.1. The business rescue practitioners (“**BRPs**”) continue to advance the necessary steps for purposes of implementing the Adopted and Amended Business Rescue Plan (“**the Plan**”) for the Company as approved and adopted by the requisite majority of creditors on Wednesday 31 January 2024 in accordance with section 151 of the Companies Act.

## 2.2. **Business Rescue Proceedings of other Tongaat Hulett Group Entities**

2.2.1. The approved and adopted business rescue plan for Tongaat Hulett Developments Proprietary Limited (“**THD**”) as approved and adopted by the relevant Affected Persons on Tuesday 30 May 2023 continues to be implemented.

2.2.2. The BRPs also continue to advance the necessary steps for purposes of implementing the Adopted and Amended Business Rescue Plans of Voermol Feeds Proprietary Limited (in business rescue) (“**Voermol**”) as approved and adopted by the requisite majority of creditors on Wednesday 31 January 2024 in accordance with section 151 of the Companies Act and THL as approved and adopted by the requisite majority of creditors on Thursday 11 January 2024.

2.2.3. Separate monthly status update reports are provided for THD, THL and Voermol, which reports are uploaded and made accessible to Affected Persons on the THL website at: [www.tongaat.com](http://www.tongaat.com), under the ‘Business Rescue’ tab.

## 2.3. **Litigation Matters**

2.3.1 **Declarator Application:** The record in relation to the Appeal in the Supreme Court of Appeal with respect to the THL's SASA redistribution payments was filed at the end of

November 2024. THL and the BRPs' Heads of Argument are due at the beginning of February 2025. The Notice of Appeal is available for download at <https://www.tongaat.com/sca-notice-of-appeal-26-august-2024/>

## 2.4. Creditor Claims

- 2.4.1 Creditors are reminded to review their claims as they are reflected in 'Annexure A' of the Plan, which reflects all claims in accordance with the Company's records. In the event that any Creditor identifies any discrepancies between its submitted claim and the claim amount recorded by the Company, please do not hesitate to contact us on: [BR@tongaat.com](mailto:BR@tongaat.com).
- 2.4.2 Take note that the Plan provides a process for Creditors to deal with any remaining disputes related to claims, and Creditors who dispute their claims reflected in the Plan, will be at liberty to follow such process, if they so wish.

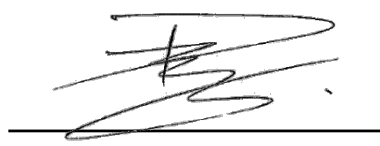
## 3. CLOSING REMARKS

- 3.1. It remains our view that the Company stands a reasonable chance of being rescued, as contemplated in section 128(1)(h) of the Companies Act, in a manner that will balance the rights and interests of all Affected Persons.
- 3.2. 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 or will be published and made available to all Affected Persons on the THL website at: [www.tongaat.com](http://www.tongaat.com), under the 'Business Rescue' tab.
- 3.3. If you have any queries, they may be directed to the business rescue email address at: [BR@tongaat.com](mailto:BR@tongaat.com).

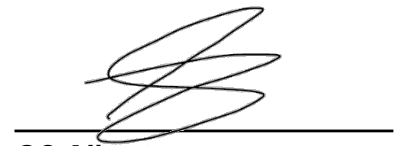
Yours faithfully,



**TJ Murgatroyd**



**PF van den Steen**



**GC Albertyn**

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

Companies and Intellectual Property Commission  
Republic of South Africa

Form CoR 125.1

About this Form

- This form is issued in terms of section 132 and 141 of the companies Act, 2008, and Regulation 125 of the Companies Regulations, 2011.
- This Notice and the attached report must be published to every affected person, and to:
  - a) The Commission, if the business rescue proceedings were started by the company; or
  - b) The court, if the proceedings were ordered by the court.
- A report and Notice must be issued at the end of the first three months of the business rescue proceedings, and at regular monthly intervals after that

**Contacting the Commission**

The Companies and Intellectual Property Commission of South Africa

Postal Address  
PO Box 429  
Pretoria  
0001  
Republic of South Africa  
Tel: 086 100 2472

www.cipc.co.za

**Business Rescue Status Report**

Date: December 2024

Customer Code: WERKMP

**Concerning**

(Name and Registration Number of Company)

Name: Tongaat Hulett Sugar South Africa Limited

Registration No: 1965/000565/06

The above named company commenced business rescue proceedings on 22 December 2022.

Because the business rescue proceedings have not concluded within three months, the appointed business rescue practitioner provides the attached report in terms of section 132 (3).

**Name and Title of person signing on behalf of the Practitioner:**

TJ Murgatroyd, PF van den Steen & GC Albertyn  
Joint Business Rescue Practitioners

Authorised Signature:

