

TONGAAT HULETT LIMITED

(Incorporated in the Republic of South Africa)

Registration number: 1892/000610/06

Share code: TON

ISIN: ZAE000096541

("Tongaat Hulett" or "Company" or "THL")



URGENT NOTICE TO AFFECTED PERSONS OF TONGAAT HULETT LIMITED

Shareholders are advised that in accordance with section 128 of the Companies Act 71 of 2008 ("**the Act**"), as amended, read together with sections 144(3)(a), 145(1)(a) and 146(a) of the Act, Affected Persons are hereby advised to consider the Notice ("**the Notice**") published on the Company's website, www.tongaathulett.com, under the 'Business Rescue' tab.

The Notice relates to two separate urgent applications launched on 5 December 2023 in the High Court of South Africa, KwaZulu Natal Local Division, Durban ("**the Court**"), as well as the judgment handed down pertaining to the declaratory proceedings, the details of which were notified to Shareholders on 5 May 2023. The details of which are as follows:

- The relief sought in RCL Foods Sugar & Milling (Proprietary) Limited ("**RCL**") application is as follows:
 - in Part A, RCL seeks that the meeting of creditors called by the Business Rescue Practitioners ("**BRP**") for Friday, 8 December 2023 be interdicted pending the final determination of the relief sought in Part B below. RCL seeks that Part A be set down and heard on Thursday 7 December 2023 at 09h30; and
 - in Part B, RCL seeks that the Court declares as unlawful and sets aside the proposed business rescue plans published by the BRPs on 29 November 2023. RCL seeks that Part B be set down on a future date to be allocated by the Registrar of the Court.
- The relief sought in the South African Sugar Association ("**SASA**") application seeks on a rule *nisi* (interim) basis that:
 - the BRPs are interdicted and restrained from proceeding with the meeting of creditors called by the BRPs scheduled for Friday, 8 December 2023;
 - the proposed business rescue plans published by the BRPs on 29 November 2023 are declared unlawful; and
 - SASA has similarly sought that its application be set down and heard on Thursday 7 December 2023 at 09h30.
- In relation to the declaratory proceedings launched by THL and the BRPs, dated 5 May 2023 ("**the Declaratory Proceedings**"):
 - the Honourable Justice Vahed ("**Vahed J**") delivered his order in the Declaratory Proceedings, having dismissed the application with costs. Vahed J's written judgment was delivered on 4 December 2023.

Copies of the Notices of Motion and Founding Affidavits in each of the above urgent applications, as well as the judgment, are available on THL's website at <https://www.tongaathulett.com/business-rescue/>

6 December 2023

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