



## **ELITHENI COAL (PTY) LTD**

**REGISTRATION NUMBER: 2001/002173/07**

**(IN BUSINESS RESCUE)**

**BUSINESS RESCUE STATUS REPORT IN TERMS OF SECTIONS  
132 AND 141 OF THE COMPANIES ACT, 71 OF 2008 READ  
WITH REGULATION 125 OF THE COMPANIES ACT FILED BY  
THE BUSINESS RESCUE PRACTITIONERS J F KLOPPER AND A  
N FLYNN**

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**J F Klopper and A N Flynn**

**March 2022**

## 1. IMPORTANT INFORMATION AND ACTIONS

	Date
Board of directors passes resolution for Business Rescue on	2015-07-07
File notice of resolution with CIPC on	2015-07-08
Publish notice to affected parties-within 5 days from Filing	2015-07-14
Company nominates a BRP within 5 days of filing	2015-07-13
CIPC confirms the appointment of BRP	2015-07-13
File notice to CIPC on BRP appointment within 2 days	2015-03-25
Publish notice to affected parties of BRP within 5 days	2015-07-14
First meeting of creditors-10 days from appointment	2015-07-22
First meeting of employees-10 days from appointment	2015-07-21
Publish Business Plan within 25 days of appointment of BRP on	0000-00-00
Notice of meeting to determine Business Plan	0000-00-00
Meeting to determine Business Plan 10 days after publication	0000-00-00

## 2. CURRENT STATUS OF BUSINESS RESCUE PROCEEDINGS

1. Elitheni Coal (Pty) Ltd was placed under Business Rescue in terms of Section 129(1) of the Companies Act 2008 (“the Act”) on 8 July 2015.
2. Elitheni Coal (Pty) Ltd complied with the requirements of Section 129(3)(a) and (b) of the Act.
3. Johannes Frederick Klopper and Anthony Norman Flynn were licensed by the Commission in respect of the company and appointed as Business Rescue Practitioners (BRPs) to this company on 13 July 2015 in terms of Section 138 of the Act.
4. A First Meeting of Creditors was held in terms of Section 147 of the Act on 21 July 2015.
5. Creditors with a majority voting interest have agreed to the postponement of the date of publication of the business rescue plan to 31 May 2022.
6. We were in preliminary negotiations with an experienced and credible mine operator to recommence mining operation at Elitheni with effect from January / February 2022.
7. Unfortunately, as a result of the arrival of the Omicron variant of Covid and the extension of travel lockdown in South Africa, our negotiations have ultimately been interrupted for a further 2 months, due to the interim placement of South Africa on the UK “Red List” for international travel.

8. Despite these complications and interruptions, during the past few months, a number of ‘on the ground’ meetings and negotiations have taken place and there has been very considerable progress. There is renewed optimism that a viable plan will be completed in the next 2 months to recover the mining operations at Elitheni.
9. The largest creditor (holding circa 80% of the debt) and largest shareholder (holder of 74% of the equity) has asked that we delay the date for the publication of the business rescue plan until 31 May 2022.



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**J F KLOPPER AND A N FLYNN**

**BUSINESS RESCUE PRACTITIONERS**

**Date: 31 March 2022**