

**1 March 2022**

## **CIRCULAR 10**

THIS DOCUMENT IS A CIRCULAR TO THE AFFECTED PERSONS RELATING TO THE BUSINESS RESCUE PROCESS OF **UPAHLA CONSTRUCTION** IN TERMS OF THE COMPANIES ACT, 71 OF 2008 AS AMENDED (THE ACT).

### **REQUEST FOR THE SUBMISSION OF PROOF OF CLAIMS**

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The business rescue practitioners (the Practitioners) wish to remind all the affected persons of Upahla Construction (the business) **to submit their respective proof of claim documents on the prescribed forms as soon as possible.**

It is the intention of the practitioners to publish the proposed Business Rescue Plan no later than **Tuesday the 5<sup>th</sup> of April 2022**, and as such the business rescue practitioners cannot accept any proof of claims after **Monday the 28<sup>th</sup> of March 2022.**

All affected persons, known to the practitioner, have been notified of the business rescue proceedings and ample opportunity has been provided to submit their respective proof of claims.

In terms of the Act, those creditors that do not submit a proof of claim and who's claims are not included in the proposed business rescue plan will be considered abandoned. Section 154 (2) of the Act states as follows:

*“If a business rescue plan has been approved and implemented in accordance with this Chapter, a creditor is not entitled to enforce any debt owed by the company immediately before the beginning of the business rescue process, except to the extent provided for in the business rescue plan”.*

These claims are for all claims of whatsoever nature, that the business could potentially owe a creditor from whatsoever cause.

If these claims are not contained in the business rescue plan they will be considered as abandoned and will not be collectable by any party at any stage.

The practitioner confirms receipt of proof of claims from the below creditors. If your name is not on the list, please complete the attached proof of claim document as soon as possible, should your name be on the list, but the amounts are not correct, please contact the practitioners.

### **CREDITORS LIST**

	Dispute	Creditor	Full Claim
1		Abe construction chemicals	R 21 634.33
2		ABSA Instalment Sale Agreement (Acc no: 92366885)	R 46 151.00
3		ABSA Instalment Sale Agreement (Acc no: 92367270)	R 46 151.00
4		ABSA Instalment Sale Agreement (Acc no: 93835064)	R 425 866.00
5		ABSA Instalment Sale Agreement (Acc no: 93835099)	R 218 092.00
6		ABSA Instalment Sale Agreement (Acc no: 93843881)	R 439 350.00
7		ABSA Overdraft (Acc no: 40-7171-0022)	R 1 726 025.00
8		ABSA Term loan Facility (acc no: 30-5285-6414)	R 2 340 774.00
9	Dispute	Airconditioning & Refrigeration Components	R 298 315.68
10	Dispute	ARB Electrical Wholesalers	R 950 000.00
11		ASJ Manufacturing	R 71 205.55
12	Dispute	Betafence	R 577 959.47
13		Bidvest Insurance	R 44 057.34
14		Bluu Car Rental	R 160 000.00
15		Buco (Arcadia)	R 437 080.74
16		Buco (PE)	R 67 941.53
17		Buco (Sterkspruit)	R 18 786.22
18		Builders (a division of Massmart)	R 747 125.81
19		Bulk Brick Supplies	R 132 007.24
20		CEM Brick Manufacturers	R 143 987.79
21	Dispute	Cape Building & Truss Supplies	R 961 029.75
22		Cape Plumbing and Bathroom	R 42 608.65
23	Dispute	Capital Homecare Group	R 94 012.50

24		Chalk-Air Cc	R	14 160.56
25		Chryso South Africa	R	28 692.50
26	Dispute	Coastal Hire (East London)	R	0.00
27		Dukathole Brickworks	R	250 621.80
28		Eazy Access Rental	R	352 262.82
29		Flotek	R	88 300.74
30	Dispute	Gelo Air	R	194 464.35
31	Dispute	H1 Engineering and Procurement	R	364 824.79
32		Hi-Q Sterkspruit	R	54 502.64
33		Hilti SA	R	42 118.17
34	Dispute	Indentisea Distributors	R	16 038.76
35		Ikhula Contractors	R	47 200.00
36		Progress Bloc	R	381 662.00
37		Imperial Air Conditioning	R	937 522.49
38		Lafarge Industries South Africa	R	539 718.09
39		Maletswai Ready Mix	R	307 040.34
40	Dispute	Marx Concrete Pipes	R	95 811.10
41		Mass Hire Port Elizabeth	R	0.00
42		Meagfer PCF	R	750 000.00
43		Monoana Bricks	R	433 240.91
44		Ms Trading Solutions	R	72 389.69
45		Parrot Products	R	107 263.26
46		Peri Formwork	R	274 134.28
47		Plant Hire Trust t/a WC Plant Hire	R	1 244 764.09
48		Pondoland Quarries	R	76 696.50
49		Prominent Paints	R	299 230.83
50		Quaryland Quarries	R	0.00
51		Raumix Aggregates Southern Region	R	397 135.74
52		Reinforcing Steel Contractors	R	148 001.09
53	Dispute	Rizel Engineering Services	R	447 639.90
54		Roadlab Laboratories	R	38 095.94
55		Safe Working Practice	R	53 281.82
56		Sanitech	R	64 781.16
57		SL Contractors	R	225 112.50
58		Standard Back (Diners Club)	R	55 501.12
59		Sterkspruit Garage	R	0.00
60		Stutt Group	R	310 712.50
61		Sunshine Manufacturing	R	26 759.81
62	Dispute	Tantogenix	R	0.00

63	Dispute	Thelma Madikane	R	34 000.00
64		Tile and Brick	R	344 548.19
65		Unispan	R	3 189 465.24
66		Volkswagen Financial Services / Wesbank	R	555 014.24
67		W&B Hardware	R	25 683.78
68		Wansley Quarries	R	48 176.68
69		IMRA Security	R	210 443.10

If your account is marked as “Dispute” the practitioner will make contact with the reasoning. Please have your latest statement, copies of all outstanding invoices and the original signed credit application ready to resolve the dispute.

**PLEASE NOTE THAT IF YOU HAVE ALREADY SUBMITTED YOUR CLAIM YOU DO NOT NEED TO DO SO AGAIN.**

It must be noted that the proof of claim submitted to the Business Rescue Practitioner does not automatically assure the creditor that this will be the amount considered in the proposed business rescue plan, or in the event that the amount is contained in the plan, that this amount will be considered during disbursements.

The amounts due will be scrutinised after the adoption of the proposed plan in order for the practitioner to not further delay the business rescue process.

Should you have any further questions please contact the practitioner directly.

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