

18 April 2023

## CIRCULAR 21

THIS DOCUMENT IS A CIRCULAR TO THE AFFECTED PERSONS RELATING TO THE BUSINESS RESCUE PROCESS OF **VARYMIX NINETEEN (PTY) LTD** IN TERMS OF SECTION 132(2)(A)(II) READ WITH SECTION 141(2)(A)(II) OF THE COMPANIES ACT, 71 OF 2008 AS AMENDED (THE ACT).

### **NOTICE OF THE TERMINATION OF BUSINESS RESCUE PROCEEDINGS**

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To whom it may concern,

This circular is to notify the affected persons that the Business Rescue Practitioner (The BRP) of Varymix Nineteen (Pty) Ltd, registration number 2001 / 025604 / 07 (The Business) has filed for the termination of the Business Rescue proceedings in terms of Section 132(2)(a)(ii) read with Section 141(2)(a)(ii) of The Act.

The business has thus formally exited from business rescue upon the filing of the COR125.2 with the CIPC. This circular is to confirm that the CIPC has accepted and registered same on their system and has returned the business status to "In Business" – Pending the final liquidation order.

This has the effect that the business rescue practitioner no longer has any standing in the matter and is officially *functus officio* as at the time of filing the above-mentioned notice and the business rescue proceedings have concluded due to the provisional liquidation order being granted on the 16<sup>th</sup> of March 2023 in the Bloemfontein High Court under case number 719/2023. The affected persons ought to have received notice of this from the attorneys, and as a result this is merely a courtesy notice of the above proceedings and termination of the rescue.

Kind Regards

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**IN THE HIGH COURT OF SOUTH AFRICA  
FREE STATE DIVISION, BLOEMFONTEIN**

Case No: **719/2023**

Before the Honourable Judge **C REINDERS**

On the **16<sup>th</sup>** day of **MARCH 2023**

In the matter between:

**QUINTON PATTINSON N.O.**

Applicant

and

**VARYMIX NINETEEN (PTY) LTD  
REG NO: 2001/025604/07**

Respondent

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Having considered the documents filed of record and having heard the legal practitioners,

**IT IS ORDERED THAT:**

1. The business rescue process is hereby terminated.
2. The Respondent is placed under Provisional Liquidation at the hands of the Master of this Honourable Court in terms of the provisions of Section 344(h) of the Companies Act 61 of 1973 and Section 141(2) of the Companies Act 71 of 2008.
3. A rule *nisi* is hereby issued calling upon all interested parties or otherwise affected persons to show cause, if any, on **11 MAY 2023** by the above Honourable Court, why the Respondent should not be placed under final liquidation.
4. A copy of the Rule *nisi* Order shall be effected upon:
  - 4.1 The Respondent at its registered address.
  - 4.2 The Bloemfontein offices of the South African Revenue Services.
  - 4.3 All employees of the Respondent and all affected persons at its principal place of business, being 21A Sand Du Plessis Road, Estoire, Bloemfontein; and
  - 4.4 Any trade unions to which such employees belong, as far as the Sheriff can ascertain.

5. This Order to be published in the Government Gazette and in one edition of the "Bloemnuus" newspaper.
6. Costs of the application to be costs in the liquidation of the Respondent.

**BY ORDER OF THIS COURT**

**COURT REGISTRAR**

**KLEINGELD ATTORNEYS**

