

"SA6" X

25/5/2021



IN THE HIGH COURT OF SOUTH AFRICA
WESTERN CAPE DIVISION, CAPE TOWN

Case No: 8825/2021

Before his Lordship Acting Justice Myburgh
On Tuesday, 25 May 2021

In the matter between:

JOHAN DU TOIT N.O.

First Applicant

(In his capacity as the duly appointed business rescue practitioner of Tsoma Trading CC (in business rescue))

IAN FLEMING N.O.

Second Applicant

(In his capacity as the duly appointed business rescue practitioner of Tsoma Trading CC (in business rescue))

**TSOMA TRADING CC (IN BUSINESS RESCUE)
TRADING AS CC CRANES**

Third Applicant

(Registration Number: 2009/178451/23)

and

AZARI WIND PROPRIETARY LIMITED

First Respondent

(Registration Number: 2011/002624/07)

**NORDEX ENERGY SOUTH AFRICA
PROPRIETARY LIMITED**

Second Respondent

(Registration Number: 2011/148529/07)

**VESTAS SOUTHERN AFRICA
PROPRIETARY LIMITED**

Third Respondent

(Registration Number: 2010/008330/07)

**ALL THE KNOWN AFFECTED PERSONS OF THE
SECOND APPLICANT**

Fourth Respondent

(As more fully described in Annexure "X"
to the notice of motion)

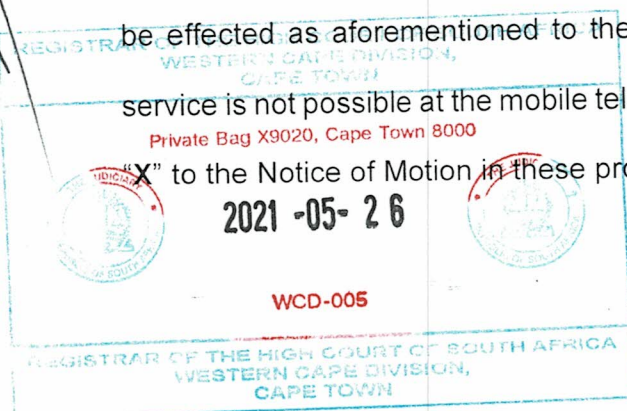


DRAFT ORDER

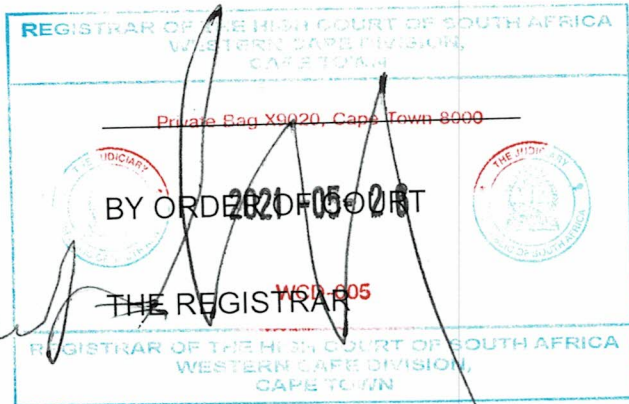
After reading the papers filed of record in this matter and hearing from Counsel for the applicant:

IT IS HEREBY ORDERED THAT:

1. That the relief sought herein be heard urgently in terms of Rule 6(12) read together with section 136(2)(b) of the Companies Act 71 of 2008 (*"the Companies Act"*) and that the Applicants' non-compliance with the Rules of Court relating to service and time periods is hereby condoned.
2. Applicants are authorised to serve this application on the Fourth Respondents, in circumstances where electronic service is not possible, by way of sending a text message with a summary of the terms of the relief sought to their respective mobile telephone numbers advising them that a full copy of this application can be obtained from the offices of the Third Applicant at 5 Beryllium Road, Alrode, Gauteng and, on its website, https://www.cccranehire.co.za/?page_id=475.
3. The notice by way of text message contemplated in paragraph 2 above will be effected as aforementioned to the Fourth Respondent where electronic service is not possible at the mobile telephone numbers specified in Annexure "X" to the Notice of Motion in these proceedings.



4. The costs of this application shall be costs in the business rescue proceedings.



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