

"X"
A. Cloete
1.6.17

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

**CAPE TOWN: Thursday, 1 June 2017
BEFORE: The Honourable Ms Justice Cloete**

Case No: 9675/2017

In the matter between :

THE MINISTER OF ENVIRONMENTAL AFFAIRS

Applicant

and

**RECYCLING AND ECONOMIC DEVELOPMENT
INITIATIVE OF SOUTH AFRICA NPC
(Registration No. 2010/022733/08)**

Respondent



ORDER

Having heard counsel for the applicant and having read the papers filed of record, it is ordered that:

1. The applicant be granted leave, in terms of section 157(1)(d) of the Companies Act, 71 of 2008 ("the Companies Act"), to bring an application for the provisional and final winding-up of the respondent in terms of section 81(1)(c)(ii) and/or (d)(iii) of the Companies Act.



2. The respondent be placed under a provisional winding-up order.
3. A rule *nisi* be issued calling upon the respondent and any other party with a legitimate interest to show cause, if any, to this Court on Tuesday, 25 July 2017:
 - 3.1 Why the respondent should not be placed under a final winding-up order;
 - 3.2 Why the liquidator of the respondent should not be directed to distribute the entire net value of the respondent to the Waste Management Bureau, a juristic person established in terms of section 34A of the National Environmental Management: Waste Act 59 of 2008, in terms of section 30(3)(b)(iii)(bb) of the Income Tax Act 58 of 1962 read with clause 8.5.2 and/or clause 8.5.3 of the Memorandum of Incorporation of the respondent;
 - 3.3 Why the costs of this application should not be costs in the winding-up of the respondent.
4. Service of this order be effected:
 - 4.1 By service on the Master of the High Court, Cape Town;



- 4.2 By one publication in each of the Cape Times and Die Burger newspapers as well as one publication in the Government Gazette;
- 4.3 By service on the South African Revenue Services at 22 Hans Strijdom Avenue, Cape Town, Western Cape;
- 4.4 By service at the registered office of the respondent at 4th Floor, South Wing, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town;
- 4.5 By service on the employees of the respondent and/or any trade union representing them, at the registered office the respondent.

5. The Master is directed urgently, within 24 hours of making of this order, to appoint a provisional liquidator for the respondent.

6. The provisional liquidator is directed to take immediate control of the business of the respondent, including the administration and implementation of the approved Integrated Industry Waste Tyre Management Plan as published in the Government Gazette by way of Government Notice 988 on 30 November 2012, and of the registered office of the respondent and of all assets found at 4th Floor, South Wing, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town, and that such control shall include control over as

well as full and unrestricted access to the Oracle computer system and all bank accounts, at any bank, held by or on behalf of the respondent.

7. It is directed that the powers of the provisional liquidator be extended to include the power and the authority to continue to conduct the business of the respondent as a going concern.

BY ORDER OF THE COURT



COURT REGISTRAR

State Attorney

Tel: 021-4419202

Email: AMarshScott@justice.gov.za

