

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

**CAPE TOWN: Thursday, 8 June 2017**  
**BEFORE: The Honourable Mr Justice A Le Grange**

8-6-2017

WESTERN CAPE HIGH COURT  
2017 -06- 08  
CAPE TOWN/KAAPSTAD  
WES-KAAP HOË HOF

Case No: 10123/17

In the matter between :

**THE MINISTER OF ENVIRONMENTAL AFFAIRS**

Applicant

and

**KUSAGA TAKA CONSULTING (PTY) LTD**  
**(Registration number: 2010/017708/07)**

Respondent

**DRAFT 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 is 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, and section 30(3)(b)(iii)(bb) of the Income Tax Act 58 of 1962, alternatively, to the provisional and/or final liquidator of Recycling and Economic Development Initiative of South Africa NPC (registration number 2010/022733/08) (“REDISA”) as appointed by the Master of the High Court, Cape Town under Master’s reference C 361/2017;
  - 3.3 why the costs of this application should not be costs in the winding-up;
4. Service of the court order be effected:
  - 4.1 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 on the South African Revenue Services at 22 Hans Strijdom Avenue, Cape Town, Western Cape;

- 4.4 on the Respondent at its registered office at 4<sup>th</sup> floor, South Wing, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town;
- 4.5 on the employees of the Respondent, and/or any trade union representing them, at the registered office of the Respondent.
5. The Master of this Court is directed urgently, and in any event, within 24 hours of the making of this order, to appoint a provisional liquidator for the Respondent;
6. The provisional liquidator is directed to take immediate control of the assets and business of the Respondent, including the administration and control of all assets found at 4<sup>th</sup> Floor, South Wing, Sunclare Building, 21 Dreyer Street, Claremont, Cape Town, including 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 or in the name of the Respondent.

**BY ORDER OF THE COURT**

  
**COURT REGISTRAR**

State Attorney

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