

Attention: **All Affected Persons**

Group Five Construction Proprietary Limited (in business rescue)

Attention: **Companies and Intellectual Property Commission**

[businessrescue@cipc.co.za](mailto:businessrescue@cipc.co.za)

Delivered by Email

Displayed

- Registered Office and Principal Place Business of the Company and anywhere where Employees are employed
- Published on the Website Maintained by the Company and Accessible to Affected Persons

Hand Delivered to the Trade Unions after publication

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February 2020

## **BUSINESS RESCUE STATUS UPDATE REPORT FOR GROUP FIVE CONSTRUCTION PROPRIETARY LIMITED (IN BUSINESS RESCUE)**

1. In accordance with section 132(3)(a) and section 132(3)(b) of the Companies Act 71 of 2008, as amended ("**Act**") when the business rescue proceedings of a company have not concluded within 3 months of the date on which they started, a business rescue practitioner is required to –
  - 1.1. Prepare a report on the progress of the business rescue, and update it at the end of each subsequent month until the end of the business rescue proceedings; and
  - 1.2. Deliver the report and each update to each affected person and to the Companies and Intellectual Property Commission ("**CIPC**").
2. This requirement is applicable to Group Five Construction Proprietary Limited (In Business Rescue) ("**the Company**").
3. This report is for the month of February 2020 and is published as an update to the status update report for the month of January 2020, circulated to all known affected persons and filed with the CIPC.

Group Five Construction (Pty) Ltd

Reg No 1974/003166/07

Directors: AJ Clacher NM Humphreys KR Maharaj

2 Eglin Road, Sunninghill, 2191

Postnet Suite 500 Private Bag X26 Sunninghill 2157 South Africa  
Tel +27 10 060 1555 Email info@groupfive.co.za Web www.groupfive.co.za



4. Capitalised words not otherwise defined in this report shall have the meaning ascribed to them in the Business Rescue Plan for the Company published on 30 August 2019 ("**the Plan**").
5. Accordingly, we, the Business Rescue Practitioners ("**BRPs**") hereby provide you with the ninth report on the status of the Company's business rescue proceedings.

## **6. General**

- 6.1. Construction Contracts – Remaining project-related construction activities are being exited, completed and/or concluded by the Company in controlled, considered and stable processes, specific to each individual project.
- 6.2. Asset and Business Sales – We continue to engage in and conclude numerous sale processes related to subsidiary companies, operating divisions, properties, assets and/or shareholdings that are available for disposal. The asset and business sale process remains ongoing and on track and in accordance with the adopted Plan. A significant majority of the assets and businesses available for sale have either been realised or are the subject matter of binding sale agreements.
- 6.3. Litigation etc. – The Company continues to actively pursue the resolution of disputes by means of negotiation or, where applicable, by means of litigation, arbitration and adjudication matters.

## **7. Disputed Creditors**

- 7.1. In the Plan, "Disputed Creditors" are defined as persons who have "Disputed Claims" or who allege that they are "Creditors", but, who dispute the amount for which their "Claim" is reflected in Annexure B of the Plan, they are also considered persons who dispute the class in which they are reflected in Annexure B, and / or who dispute the existence and / or value of their security as reflected in Annexure B. Thus, Disputed Claims are any claims, or parts thereof, not recognised in the Plan.
- 7.2. In Section 10 of the Plan, a "Dispute Resolution Mechanism" was set out for Disputed Creditors to resolve Disputed Claims, in an expedited manner and at minimum cost to all parties concerned.

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7.3. The Company has engaged with all Disputed Creditors who notified the Company of their Disputed Claims in accordance with Section 10 of the Plan, and for the most part, the disputes have been resolved.

7.4. The BRPs are confident that the remaining Disputed Claims will be resolved with Disputed Creditors of the Company in a timeous manner through the process set out in the Dispute Resolution Mechanism.

## **8. Abandonment and resultant expungement of claims**

8.1. In the eighth status update report of January 2020, the BRPs requested that all Creditors draw their attention to clauses 1.3.21, 1.3.22, 6.24.2, 6.24.4, 6.29.1.3, 7.10.2, and 10 of the duly approved and adopted Business Rescue Plan.


8.2. Having regard to these clauses, any person who had an alleged claim against the Company that was not recognised, whether in full or in part, in the approved business rescue plan, and who had failed to meet the time periods contemplated in clause 10, has thus abandoned its/his/her alleged claim (i.e. waived its/his/her rights) against the Company.

8.3. As such, any such person's alleged claim against the Company has been expunged and is therefore no longer enforceable, in terms of Section 154 of the Companies Act 71 of 2008.

9. If you have any queries, they may be directed to the BRPs at: [G5constructionptyltdBR@groupfive.co.za](mailto:G5constructionptyltdBR@groupfive.co.za).

10. All relevant notices circulated to the affected persons of the company, to date, have been published on the company's website at [www.g5.co.za](http://www.g5.co.za), under the Business Rescue tab.

Yours faithfully,



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**Dave Lake**



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**Peter van den Steen**

**Joint Business Rescue Practitioners of Group Five Construction Proprietary Limited (in business rescue)**

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