



ATTENTION: All Affected Persons of Blasting & Excavating Proprietary Limited (in business rescue)

Dear Sir/Madam

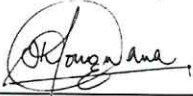
NOTICE TO THE AFFECTED PERSONS OF THE COMMENCEMENT OF BUSINESS RESCUE PROCEEDINGS IN RESPECT OF BLASTING AND EXCAVATING PROPRIETARY LIMITED (IN BUSINESS RESCUE) ("THE COMPANY"), AND OF THE APPOINTMENT OF THE BUSINESS RESCUE PRACTITIONER TO SUPERVISE THE COMPANY, IN TERMS OF SECTIONS 129(3)(a) AND 129(4)(b) OF THE COMPANIES ACT 71 OF 2008, AS AMENDED

1. You are hereby notified that the board of the Company adopted a resolution on 6 September 2023 in accordance with Section 129(1) of the Companies Act 71 of 2008 (as amended) ("the Companies Act") in terms of which the Company voluntarily commenced business rescue proceedings, and to appoint Siviwe Dongwana as the business rescue practitioner.
2. Mr Dongwana accepted this appointment. Their letter of acceptance is attached hereto.
3. This letter, the resolution, a form CoR 123.1 (being a Notice of Beginning of Business Rescue), a form CoR123.2 (being a Notice of Appointment as Business Rescue Practitioners), a sworn statement and other supporting documents, were lodged with the Companies and Intellectual Property Commission ("the Commission") on 11 September 2023.
4. The effective date of the Company's business rescue proceedings is accordingly **11 September 2023**.
5. In accordance with the requirements of Section 129(3)(a) of the Companies Act, please find herewith:
 - 5.1. the notice to commence business rescue proceedings (form CoR 123.1), filed with the Commission;
 - 5.2. the resolution passed by the board of directors of the Company; and
 - 5.3. a sworn statement of the facts relevant to the grounds on which the board resolution was adopted.
6. Further, in accordance with the requirements of Section 129(4)(b) of the Companies Act, the notice of appointment of the business rescue practitioner (form CoR 123.2), is also attached herewith.
7. Please note that the aforesaid documents, as well as all other notices relevant to the business rescue proceedings of the Company, are also available at <https://www.basilread.co.za/brpbande.php>.

**NOTICE TO THE AFFECTED PERSONS OF THE COMMENCEMENT OF BUSINESS RESCUE PROCEEDINGS
IN RESPECT OF BLASTING AND EXCAVATING PROPRIETARY LIMITED (IN BUSINESS RESCUE) AND OF
THE APPOINTMENT OF THE BUSINESS RESCUE PRACTITIONER**

8. In terms of section 147(1) and 148(1) of the Companies Act the business rescue practitioner must convene the first meeting of creditors and the first meeting of employees' representatives within 10 business days of their appointment. Further details about these meeting will be provided in due course.
9. We will continue to keep you apprised of the developments with this matter. All queries, however, can be directed to bebusinessrescue@basilread.co.za and the Business Rescue Practitioner will address same in due course.

Yours faithfully



Business Rescue Practitioner

Mr Siviwe X. Dongwana

COR 123.1



Companies and Intellectual
Property Commission
a member of the dtic group

COMPANIES AND INTELLECTUAL PROPERTY COMMISSION REPUBLIC OF SOUTH AFRICA

Date: 11/09/2023
Customer name: SALOME RAMOKONE RANKAPOLE
Customer code: AAHJTE
E-mail address: SRANKAPOLE@ENSAFRICA.COM
Rereference Number: 60000760516

The Commission has received a form CoR123.1 Notice to Commence Business Rescue Proceedings in terms of section 129 or court order commencing business rescue proceedings in terms of section 131 of the Companies Act, 71 of 2008, dated 11/09/2023 for:

Company / Close Corporation Name: **BLASTING AND EXCAVATING (PTY) LTD**
Registration Number: **1979/000127/07**
Company / Close Corporation Status: **BUSINESS RESCUE**

The application was duly registered on 11/09/2023 and the effective date of commencement of business rescue proceedings is recorded as 11/09/2023.

Yours sincerely,

Commissioner: CIPC

The Companies and Intellectual Property Commission of South Africa
P.O Box 429, Pretoria, 0001, Republic of South Africa
Docex 256, Pretoria
Contact centre 086 100 2472
www.cipc.co.za



1979/000127/07



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Certificate of Confirmation

Registration Number: **1979/000127/07**
Enterprise Name: **BLASTING AND EXCAVATING**

ENTERPRISE INFORMATION

Registration number: **1979/000127/07**
Enterprise Name: **BLASTING AND EXCAVATING (PTY) LTD**
Registration Date: **12/01/1979**
Business Start: **12/01/1979**
Enterprise Type: **PRIVATE COMPANY**
Enterprise Status: **BUSINESS RESCUE**
Financial Year End: **DECEMBER**
Main business/Main object: **CONSTRUCTION**
Tax number: **9975001711**

Addresses:

	Postal Address	Address Of Registered Office
	PRIVATE BAG X170	21 JETPARK ROAD
	BEDFORDVIEW	BOKSBURG
	BEDFORDVIEW	BOKSBURG
	3370	3370
	2008	1459

Company Records Location:

The Companies and Intellectual Property Commission of South Africa

P.O Box 429, Pretoria, 0001, Republic of South Africa

Docex 256, Pretoria

Contact centre 086 100 2472

www.cipc.co.za



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Certificate of Confirmation

Registration Number: **1979/000127/07**
Enterprise Name: **BLASTING AND EXCAVATING**

Registration Number: **1979/000127/07**
Enterprise Name: **BLASTING AND EXCAVATING (PTY) LTD**

AUDITORS

Name

Postal Address

ACTIVE MEMBERS / DIRECTORS

Full Name	Director Type	ID Number	Appoint. Date	Cellphone Number	Address
MOHUBE ESTHER SEGATE	DIRECTOR	7007220415085	08/06/2020	0664718922	Postal:PRIVATE BAG X170, BEDFORDVIEW, JOHANNESBURG, 3370,2008 Residential Address: BUILDING B VISCOUNT OFFICE PARK,8 VISCOUNT ROAD, BEDFORDVIEW, 3370,2007
WILLIAMS NATHAN RICARDO	DIRECTOR	7305245263088	01/07/2018	0844343298	Postal:PRIVATE BAG X170, BEDFORDVIEW, JOHANNESBURG, 3370,2008 Residential Address: BUILDING B VISCOUNT ROAD OFFICE PAR,8 VISCOUNT ROAD, BEDFORDVIEW, 3370,2007



1979/000127/07



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MOOSA ISMAIL ABDOOL KADER	DIRECTOR	7603255102083	04/03/2019	0834159049	Postal:PRIVATE BAG X170, BEDFORDVIEW, BEDFORDVIEW, 3370,2007 Residential Address: BUILDING B VISCOUNT ROAD OFFICE PAR,8 VISCOUNT ROAD, BEDFORDVIEW, 3370,2008
MAPASA KHATHUTSHELO	DIRECTOR	7705085506084	30/05/2014	0736541286	Postal:PRIVATE BAG X 170, BEDFORDVIEW, JOHANNESBURG, 3370,2008 Residential Address: 19 8TH STREET, HOUGHTON, JOHANNESBURG, 3370,2198
EMMAUS HOLDINGS NO NAME	SECRETARY (COMPANIES AND CC'S)	K2015181791	01/12/2018		Postal:PRIVATE BAG X170, BEDFORDVIEW,NO ADRESS,3370,2008 Residential Address: NO ADRESS,NO ADRESS,NO ADRESS,3370,0



1979/000127/07



60000760516



COMPANIES AND INTELLECTUAL PROPERTY COMMISSION REPUBLIC OF SOUTH AFRICA

Date of Issue: **13/09/2023**
 Our Reference: **60000762124**
 Customer Code: **SIVI78**
 Email Address: **SDONGWANA@ADAMANTEM.CO.ZA**

This hereby confirms that your notice of application dated 13/09/2023 for business rescue practitioner(s) was successful.

Company Number: **1979/000127/07**
 Company Name: **BLASTING AND EXCAVATING (PTY) LTD**
 Company Status: **BUSINESS RESCUE**

Business Rescue Practitioner(s)

Name	Classification	Action	Date
Siviwe Xolisile Arthur Dongwana	Senior Practitioner	Appoint	12/09/2023

Yours truly

Commissioner: CIPC





Private Bag X170,
Bedfordview 2008,
RSA

21 Jetpark Road
Boksburg, 1459
Gauteng, RSA

T: +27 11 418 6300
E: enquiries@blasting.co.za
www.blasting.co.za

BLASTING & EXCAVATING (Pty) Ltd
Reg no. 1979/000127/07 | Directors: K. Mapasa; N. Williams; IAK Moosa and ES Mohube

**RESOLUTION OF THE BOARD OF DIRECTORS OF
BLASTING AND EXCAVATING (PTY) LTD
(1979/000127/07) ("COMPANY")**

**PASSED AT A MEETING OF THE BOARD HELD VIA INTERACTIVE ELECTRONIC
COMMUNICATION ON 6 SEPTEMBER 2023**

COMMENCEMENT OF VOLUNTARY BUSINESS RESCUE PROCEEDINGS

1. IT IS RECORDED THAT –

- 1.1 Adequate notice of the meeting and agenda were given to the directors of the Company in accordance with clause 6.4 (5). of the Memorandum of Incorporation ("Mol") as read with section 73 of the Companies Act, 71 of 2008 ("Companies Act");
- 1.2 A quorum was present for the meeting via interactive electronic communication. Any non-compliance with the requirements of clause 6.4 (5) of the Mol and otherwise in respect of notice of the meeting, is hereby waived and/or condoned, to the extent necessary;
- 1.3 After careful consideration, the directors of the Company adopted the following resolutions in accordance with the provisions of the Mol and the Companies Act;
- 1.4 After careful consideration, the directors adopted resolutions below in accordance with the provisions of the Company's Mol and the Companies Act.

WHEREAS –

2. All of the members of the board of directors of the Company sufficient to constitute a quorum and validly consider and resolve on such matters, reasonably believe that the Company is sufficiently financially distressed, within the meaning of section 128 (1)(f(i), as it will be unable to pay its debts as they become due and payable within the ensuing 6 (six) months, for the following reasons:



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BLASTING & EXCAVATING (Pty) Ltd

Reg no. 1979/000127/07 | Directors: K. Mapasa; N. Williams; IAK Moosa and ES Mohube

- 2.3 The Company reflected an operating loss before tax of R 2,101,897 for the financial period ended 31 July 2023, which compares negatively to the budget of R3,940,272 profit before tax. The Company experienced negative cash flows from operating activities of R1,973,704 for the 2023 financial year.
 - 2.4 The Company lost a significant contract, being Kareevlei Diamond Mine, which contract was terminated by the client during February 2023, as a consequence of the client being placed into business rescue. This resulted in a cash loss of approximately R13,000,000.00.
 - 2.5 Consequently, management's cash flow forecasts for the 2023 financial year reflect negative financial results and negative cash flows, although creditors have to be deferred until the sale of non-core assets and resolution of legacy claims have been achieved. Management does, however, have some uncertainty relating to the timing of cash flows which has cast doubt on the entity's ability to continue as a going concern and therefore, it may be unable discharge its liabilities in the ordinary course of business.
 - 2.6 The Company currently has little or no liquidity, with no realistic prospects of any significant improvements in its fortunes for the balance of the current financial year. The Company is therefore financially distressed, within the meaning of section 128 (1) (f) (i) of Chapter 6 of the Companies Act, in that, it appears to be reasonably unlikely that the Company will be able to pay all of its debts as they fall due and payable within the immediately ensuing six months.
3. Taking all of the above into consideration, the Board of directors of the Company is of the view that the Company is financially distressed but that there remains a reasonable prospect of rescuing the Company and accordingly that the Company should be placed under supervision and in business rescue proceedings as contemplated in section 129 (1) of the Companies Act.

RESOLUTION:

ACCORDINGLY, IT IS RESOLVED THAT:

4. The Company voluntarily commences with business rescue proceedings immediately and that it be placed under supervision in terms of section 129(1) of the Companies Act;
5. The Company lodges the requisite documents for the commencement of business rescue proceedings with the Companies and Intellectual Property Commission of South Africa and any documents ancillary thereto and/or necessary for the commencement and/or continuation of business rescue proceedings;
6. **SIVIWE XOLISILE ARTHUR DONGWANA** (ID Number: 701128 5610 085) be appointed as the joint business rescue practitioners in terms of Section 129(3)(b) of the Act;

Km  *ES* 



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Reg no. 1979/000127/07 | Directors: K. Mapasa; N. Williams; IAK Moosa and ES Mohube

BLASTING & EXCAVATING (Pty) Ltd

7. To the extent required, authorise **EDWARD NATHAN SONNENBERGS INCORPORATED** to lodge any and all documents with the Companies and Intellectual Property Commission in order to give effect to the aforesaid resolutions;

8. **NATHAN WILLIAMS** (ID Number: 7305245263088) of the Company be and is hereby authorised to do all things necessary, or to procure the doing of all things necessary and to sign any and all documents, or to procure the signing of any and all documents, as it necessary to give effect to the above resolutions on behalf of the Board of directors of the Company, including deposing to and signing the sworn statement contemplated in section 129(3(a) of the Companies Act.

K. MAPASA
Director

NR WILLIAMS
Director

ES MOHUBE
Director

IAK MOOSA
Director

SWORN STATEMENT

I, the undersigned,

NATHAN WILLIAMS

(Identity Number: 7305245263088)

do hereby state as follows –

- 1 I am a director of Blasting and Excavating Proprietary Limited (Registration Number: 1979/000127/07) ("**Company**"), a company with its registered address and principal place of business at 21 Jetpark, Boksburg, Gauteng, 1459.
- 2 I am duly authorised to depose to this sworn statement on behalf of the Company.
- 3 The facts contained herein were presented to the Company's board of directors by Ismail Moosa, as the finance director of the Company, at an urgent special meeting of the Company's board of directors on 6 September 2023, and which I believe to be true and correct.
- 4 This Sworn Statement is made by me on behalf of the Company to support the commencement of business rescue proceedings ("**Business Rescue**") in terms of Section 129 of the Companies Act, 71 of 2008 ("**Act**").
- 5 With this Sworn Statement I intend to provide the relevant information that is required in order to demonstrate that the Company should be placed under supervision and in business rescue proceedings.
- 6 The information contained in this Sworn Statement and the opinions expressed in the Sworn Statement relate to the financial difficulties of the Company and how the Company can –
 - 6.1 be rescued and continue as a going concern as an alternative to liquidation; or
 - 6.2 pay a higher dividend to its creditors than that which would become payable to creditors if the Company were to be liquidated.



- 7 The Company commenced business in the 1980's and has been focussed on blasting and drilling and related services.
- 8 The Company reflected an operating loss before tax of R 2,101,897 for the financial period ended 31 July 2023, which compares negatively to the budget of R3,940,272 profit before tax. The Company experienced negative cash flows from operating activities of R1,973,704 for the 2023 financial year.
- 9 The Company lost a significant contract, being Kareevlei Diamond Mine, which contract which was terminated by the client during February 2023, as a consequence of the client being placed into business rescue. This resulted in a cash loss of *circa* R13,000,000.00.
- 10 As a consequence, management's cash flow forecasts for the 2023 financial year reflect negative financial results and negative cash flows, although creditors have to be deferred until the sale of non-core assets and resolution of legacy claims have been achieved. Management does, however, have some uncertainty relating to the timing of cash flows which has cast doubt on the entity's ability to continue as a going concern and therefore, it may be unable discharge its liabilities in the ordinary course of business.
- 11 The Company currently has little or no liquidity, with no realistic prospects of any significant improvements in its fortunes for the balance of the current financial year. The Company is therefore financially distressed, within the meaning of section 128 (1) (f) (i) of Chapter 6 of the Companies Act, in that, it appears to be reasonably unlikely that the Company will be able to pay all of its debts as they fall due and payable within the immediately ensuing six months.
- 12 In addition, the Company is engaged (or may become engaged) in labour related proceedings, which may result in the incurrence of ongoing legal expenses, which expenses may be curtailed should the duly appointed business rescue practitioner elects not to continue with such proceedings.



13 Notwithstanding the above, the directors of the Company believe that there is a reasonable prospect of rescuing the business of the Company, if action is immediately taken and if the Company commences business rescue proceedings. If the Company is placed under supervision, initiatives can be taken by the business rescue practitioner, when duly appointed, to take the following steps -

13.1 instituting a structured wind-down of the Company and the sale of its assets at a value higher than in a liquidation, without the Company incurring any further significant costs; and

13.2 negotiating a managed cession of the remaining contracts to other parties in a manner that does not undermine the operations and businesses of the Company's clients. Discussions are underway to effect seamless transitioning in certain of these contracts which may include the sale of plant therein and the transfer of employees.

14 Accordingly, the Company through its board of directors, is of the view that the Company is financially distressed and that there remains a reasonable prospect of rescuing the company and accordingly that the Company should be placed under supervision and in business rescue proceedings.



NATHAN WILLIAMS

I certify that this statement was signed and sworn to before me at Sandton on this the 7th day of SEPTEMBER 2023 by the deponent after he declared that he knew and understood the contents of this statement, that he had no objection to taking the prescribed oath and has taken the prescribed oath which he considered binding on his conscience, having complied with regulations contained in government notice R1258 of 21 July 1972, as amended.



COMMISSIONER OF OATHS

Name:

Address:

Capacity:

REAMOGETSE EUGENIA SERUMULA
EX OFFICIO - COMMISSIONER OF OATHS
PRACTISING ATTORNEY
82 MAUDE STREET, SANDTON, 2196 JHB
REPUBLIC OF SOUTH AFRICA