

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO: 57045/2020

In the matter between:

KINGSGATE CLOTHING (PTY) LTD T/A MAJESTIC CLOTHING MANUFACTURES, PRINCETON SCHOOLWEAR MANUFACTURES AND STAR CLOTHING MANUFACTURES	1 ST APPLICANT
MAYTEX LINEN CC	2 ND APPLICANT
SUPER OCEAN TRADING CC	3 RD APPLICANT
MAYTEX CARDING CC	4 TH APPLICANT
CRUISE COLLECTIONS CC	5 TH APPLICANT
TWIN CLOTHING MANUFACTURES (PTY) LTD	6 TH APPLICANT
APPAREL INDUSTRIES (PTY) LTD	7 TH APPLICANT
CLEMATIS TRADING (PTY) LTD	8 TH APPLICANT

and

EDCON LIMITED (IN BUSINESS RESCUE)	1 ST RESPONDENT
PIERS MARSDEN (Joint Business Rescue Practitioner)	2 ND RESPONDENT
LANCE SCHAPIRO (Joint Business Rescue Practitioner)	3 RD RESPONDENT
JUSTICE FDJ BRAND RESPONDENT	4 th

FILING NOTICE

DOCUMENT FILED: **REPLYING AFFIDAVIT IN SUPPORT OF**

**INTERLOCUTORY APPLICATION AND
ANSWERING AFFIDAVIT TO COUNTER-APPLICATION**

FILED BY : **EDWARD NATHAN SONNENBERG INC**
ATTORNEYS FOR FIRST TO THIRD RESPONDENTS
C/O JACOBSON & LEVY INC.
BUILDING A, FIRST FLOOR
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REF: J LEVY/lj/K5917

TO : THE REGISTRAR OF THE
ABOVE HONOURABLE COURT

AND TO: **PATHER AND PATHER ATTORNEYS INC.**
Attorneys for the Applicants
3 Nollsworth Crescent
La Lucia
Tel: 031 304 4212
E-mail: kuben@patherandpather.co.za
Ref: KUBEN MOODELY/lg/
C/O MACROBERTS INC.
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Brooklyn
Pretoria
Tel: 012 425 3451
Ref: AVN/sg

MacRobert
Attorneys
2021-08-23
Without prejudice of clients rights
Sonder Benadeling van klient se regte
GLEN J. COLEMAN

11:47

042-3

AND TO:

COUZYN HERTZOG & HORAK
Attorneys for the Fourth Respondent
321 Middel Street
Brooklyn
Pretoria
Tel: 012 460 5090
Ref: Oosthuizen/am/C549
E-mail: annaliem@couzyn.co.za

Sonder benadeling van Regte
Without Prejudice

RECEIVED / ONTVANG

2021 -08- 23

COUZYN HERTZOG & HORAK

P
12/11/21

**IN THE HIGH COURT OF SOUTH AFRICA
GAUTENG DIVISION, PRETORIA**

CASE NO.: 57045/2020

In the matter between:

KINGSGATE CLOTHING (PTY) LTD T/A	First Applicant
MAJESTIC CLOTHING MANUFACTURERS, PRINCETON SCHOOLWEAR MANUFACTURERS AND STAR CLOTHING MANUFACTURERS	
MAYTEX LINEN CC	Second Applicant
SUPER OCEAN TRADING CC	Third Applicant
MAYTEX CARDING CC	Fourth Applicant
CRUISE COLLECTIONS CC	Fifth Applicant
TWIN CLOTHING MANUFACTURERS (PTY) LTD	Sixth Applicant
APPAREL INDUSTRIES (PTY) LTD	Seventh Applicant
CLEMATIS TRADING (PTY) LTD	Eighth Applicant
and	
EDCON LIMITED (IN BUSINESS RESCUE)	First Respondent
PIERS MARSDEN (JOINT BUSINESS RESCUE PRACTITIONER)	Second Respondent
LANCE SCHAPIRO (JOINT BUSINESS RESCUE PRACTITIONER)	Third Respondent
JUSTICE FDJ BRAND	Fourth Respondent

**REPLYING AFFIDAVIT IN SUPPORT OF INTERLOCUTORY APPLICATION AND
ANSWERING AFFIDAVIT TO COUNTER-APPLICATION**

I, the undersigned,

LETITIA FIELD,

do hereby make oath and say:

1. I am an adult female director of Edward Nathan Sonnenbergs Inc., the attorneys of record for the first, second and third respondents ("the Respondents").
2. I deposed to the founding affidavit in the interlocutory application ("the founding affidavit"), instituted on behalf of the Respondents, to compel the first to eighth applicants ("the Applicants") to file their practice note, heads of argument and chronology table ("the application to compel"). I remain duly authorised to depose to this affidavit. The terms defined in the founding affidavit will continue to be referred to herein.
3. The facts contained in this affidavit are within my personal knowledge, save where the contrary appears from the context, and are true and correct. Where I refer to information conveyed to me by others, I believe such information to be true and correct.
4. I have read the Applicants' opposing affidavit, deposed to by Kubendran Moodley ("the opposing affidavit"), in terms of which the Applicants:
 - 4.1. oppose the application to compel the delivery of *inter alia* their heads of argument in the main application; and

- 4.2. counter-apply for the following relief ("the counter-application"):
- 4.2.1. that the application to compel be postponed *sine die*, with leave being granted to the Applicants to supplement the opposing affidavit, if necessary; and
 - 4.2.2. that the main application be stayed until the lapse of 30 days after the final determination of the Applicants' new application for *inter alia* leave to institute action proceedings against Edcon ("action proceedings") and to join Edcon's creditors, in the event that the Applicants fail to institute such action proceedings, alternatively, after the final determination of the action proceedings, whichever is the latter ("the leave application").
5. The opposing affidavit fails to set out any valid grounds for the Applicants':
- 5.1. application for condonation;
 - 5.2. opposition to the application to compel; and
 - 5.3. relief sought in the counter-application, which is also contradictory to what is stated in paragraph 29 of the Applicants' founding affidavit to the leave application.
6. As is the case in the Applicants' founding affidavit in the main application, much of what is contained in the opposing affidavit is irrelevant, emotive and misleading. It is also contradictory. This has been done to create atmosphere in an attempt to detract from the fact that the Applicants have no grounds for opposing the application to compel and delaying the final determination of the main application.

7. Of further concern is the misrepresentation to this Court of the factual position relating to *inter alia* the conduct of the Respondents and the determination of the quantum of the Applicants' claims, which is heavily relied upon by the Applicants to justify, incorrectly, the relief sought by the Applicants in the counter-application. This will be dealt with further below.
8. Irrespective of the aforesaid, it is necessary to point out the following:
 - 8.1. This is an interlocutory application to compel the delivery of *inter alia* the Applicants' heads of argument in the main application.
 - 8.2. The main application was instituted by the Applicants – they are *dominus litis*. The Applicants were obliged to deliver their heads of argument 6 months ago. They did not. The Respondents wrote to the Applicants repeatedly, and the Applicants repeatedly required time and made undertakings to file their heads of argument.
 - 8.3. The Respondents simply want the Applicants to file their heads in the main application, which has been ripe for hearing since January 2021, which is required to apply for an opposed date.
 - 8.4. The issue for determination in the main application is discreet - whether the expert determination made by the fourth respondent should be set aside and determined by another retired judge. This issue is completely independent and separate to any of the issues in the leave application and contemplated action proceedings.
 - 8.5. The Applicants have filed the opposing affidavit at the last minute to avoid filing their heads of argument and dealing with the merits of the main application.

The issues raised in the opposing affidavit relating to the leave application and/or contemplated action proceedings are issues that would be argued and determined in such proceedings if they so wish. It is completely inappropriate for the Applicants to now attempt to deal with these issues in an interlocutory application to compel them to file their heads of argument and to do what they should have done 6 months ago.

8.6. At present, there is a binding expert determination which the Applicants want to set aside in terms of the main application. This has nothing to do with any of the other issues raised by the Applicants in the leave application and contemplated action proceedings.

8.7. The opposing affidavit and counter-application are a continued abuse by the Applicants:

8.7.1. It is clear that the Applicants have realised that there is no merit in the main application, and this is their attempt to avoid dealing therewith, without withdrawing the main application and tendering the costs thereof.

8.7.2. As set out in the founding affidavit, the Applicants on numerous occasions, and over the period of at least four months, undertook to file their heads of argument and then failed to do so. At no stage prior to 16 August 2021 did they advise the Respondents that the leave application would be instituted or that they were contemplating same. The Applicants caused the Respondents to incur costs for opposing the main application and delivering heads of argument, in hindsight, well knowing that they would not file

heads of argument. The Applicants deliberately delayed the finalisation of the main application.

8.7.3. The bulk portion of the legal costs have already been incurred in this matter and the main application should be determined without further delay. It is in any event contradictory for the Applicants to refuse to incur legal costs for the preparation of heads of argument, but then oppose the application to compel and file a 18 page answering affidavit, replete with unnecessary content.

8.7.4. What is clear from the Applicants' conduct to date, the opposing affidavit, the leave application and the contemplated action proceedings, is that the Applicants are intent on delaying the finalisation of the business rescue proceedings and causing the Respondents to incur unnecessary legal costs in matters which have already been finally determined and statutorily binding on the Applicants. The Applicants' conduct has been prejudicial to Edcon's business rescue proceedings and its other creditors.

8.7.5. The Applicants should not be permitted to do this any further.

9. In addition, the counter-application and allegations made in the opposing affidavit in support thereof directly contradict what the Applicants state in paragraph 29 of the leave application, being that the Applicants "*intend to make application for that proceeding [the fresh determination of the dispute relating to the reservation of ownership], after its referral to oral evidence or trial [i.e. assuming the main application is granted and that the dispute is capable of being referred to oral evidence or trial], to be heard together with the action proceedings in contemplation*".

10. This clearly contemplates and would first require a determination of the main application and the leave application in favour of the Applicants.
11. The main application concerns aspects about which a final and binding determination has been made. It was after an agreed process of filing affidavits. No evidence may be received, nor may the record be enlarged, to determine the issue in the main application, that is, whether the determination in the dispute resolution should be set aside.
12. In the circumstances, the Applicants' opposition is without merit and no case is made for the relief sought in the counter-application. It is telling that, nowhere prior to the delivery of the leave application on 16 August 2021 did the Applicants inform the Respondents of their intention not to file heads of argument or to bring the leave application.
13. I turn to deal with the allegations made in the opposing affidavit. I do not intend to deal with each allegation contained therein and my failure to do so should not be construed as an admission thereof. In light thereof that this affidavit was prepared on an urgent basis, the Respondents reserve their rights to deal more fully with the allegations made in the opposing affidavit if the application to compel is not determined on 25 August 2021.

Ad paragraph 3 of the opposing affidavit

14. It is denied that the contents of the opposing affidavit are all true and correct for the reasons set out herein.

Ad paragraphs 6 and 7 thereof

15. The "*preliminary observations*" and "*reasons*" for the Applicants' opposition to the application to compel are without merit and irrelevant to the application to compel.

Ad paragraphs 8 to 16 thereof

16. This is an interlocutory application to compel the delivery of heads of argument in accordance with the practice of this Court. The Applicants' opposition, despite being *dominus litis*, is in bad faith and shows a complete disregard for the Court, the rules, the practice and for opponents. There is no reason why the Applicants' heads of argument cannot be filed, irrespective of what the Applicants wish to do with the leave application and/or contemplated action proceedings.
17. In any event, it is denied that the reasons proffered by the Applicants for the late filing of their notice of opposition and opposing affidavit entitle the Applicants to condonation.
18. The first reason is gratuitous and contradictory to the allegations made in the support of the second reason. The Applicants' heads of argument were due by February 2021 already, being 6 months ago. If the Applicants' version of events is to be believed, they have been contemplating the institution of further proceedings against the Respondents since then. Yet they kept quiet, made undertakings to file their heads of argument, caused the Respondents to file heads of argument and took no steps to finalise the main application.
19. It is also denied that there is a "*link*" between the leave application and the main application, and that the leave application and the application to compel should be postponed, to allow the leave application, and potential further action proceedings, to

be determined first. This course of action is nothing more than a stratagem by the Applicants to avoid dealing with the merits of the main application, which they have now realised is meritless.

20. The Applicants' conduct to date has been prejudicial to the Respondents and Edcon's creditors.
21. To the extent that any allegation contained in these paragraphs has not been addressed, it is denied.

Ad paragraphs 17 to 24 thereof

22. For the reasons set out herein:

22.1. I did not agree to Mr Moodley's request and advised *inter alia* that the Respondents will be proceeding with the application to compel and that a punitive costs order was being contemplated;

22.2. the punitive costs order is justified;

22.3. it is denied that the Applicants were compelled to bring the counter-application, which is contradictory to what is stated in paragraph 29 of the founding affidavit to the leave application, and that they are entitled to the relief sought in the counter-application; and

22.4. the allegations contained in paragraphs 23 and 24 are also denied.

Ad paragraphs 25 to 36 thereof

23. The issue of the determination of the quantum is irrelevant for the purposes of the application to compel and forms part of the determination which the Applicants want

to have set aside and determined by another retired judge in terms of the main application.

24. In addition, the allegations contained in paragraphs 25, 27, 31 – 36 are false and denied.

25. Contrary to what is asserted in these paragraphs, the Respondents have been attending to the finalisation of the Applicants' claim amounts.

26. As at the date of deposing to this affidavit, the Respondents have:

26.1. Confirmed the accepted claim amounts of:

26.1.1. the first applicant, in respect of:

26.1.1.1. Majestic Clothing, on 7 June 2021, with the confirmation having been resent on 20 August 2021 upon realising that the incorrect email address was initially used; and

26.1.1.2. Princeton Schoolwear Manufacturers, on 22 August 2021;

26.1.2. the second applicant on 20 August 2021;

26.1.3. the fourth applicant on 23 June 2021;

26.1.4. the fifth applicant on 30 June 2021;

26.1.5. the sixth applicant on 2 July 2021; and

26.1.6. the seventh applicant on 4 May 2021.

- 26.2. Requested, and are still waiting for, the first applicant to provide an updated claim form in respect of Star Clothing Manufacturers (discussions with the first applicant on this claim commenced as far back as July 2020);
- 26.3. Have been corresponding with the eighth applicant in regard to the reconciliation of its claim amount and are waiting for the eighth applicant to respond; and
- 26.4. Been attending (internally) to the reconciling items relating to the claim of the third applicant.
27. A copy of the correspondence addressed to the respective Applicants confirming the contents of paragraphs 26.1 to 26.3 above, as well as the delivery and/or read receipts by the respective Applicants, is attached, marked "LF1". It is anticipated that correspondence will be addressed to the third applicant to finalise its claim amount during the week of 23 August 2021.
28. As is evident from the above and annexure LF1, the correspondence addressed to the Applicants largely predates the opposing affidavit, which was deposed to on 19 August 2021, and the failure to disclose this in the opposing affidavit is telling.
29. Evidently, the allegations relating to the Respondents' conduct and purported issues with the quantum of the Applicants' claims, in particular, paragraph 31 of the opposing affidavit which states that the Respondents "**made no endeavour whatsoever to indicate what their differences are or to attempt to reconcile that with the applicants**", are, simply put, false and a deliberate attempt to mislead this Court.

30. There is accordingly no underlying factual issue or dispute of fact. Even if there was, which is denied, it would not form a basis for the opposition to the application to compel or for the relief sought in terms of the counter-application.

Ad paragraphs 37 to 44 thereof

31. The Respondents' refusal to agree to a private review is irrelevant to the application to compel and cannot be used by the Applicants as an excuse for their failure to comply with the practice of this Court and delaying the determination of the main application.
32. The Applicants' true motive of delaying and frustrating the finalisation of Edcon's business rescue proceedings, to the prejudice of Edcon's creditors, is again demonstrated by the Applicants' referral to the finding in the main application being susceptible to appeal in paragraph 43 of the opposing affidavit.
33. The assumptions made in paragraphs 41 and 42 are denied.

Ad paragraphs 45 to 56 thereof

34. For the reasons set out herein, the allegations contained in these paragraphs are irrelevant to the application to compel.
35. Once again, the Applicants' true motive of delaying and frustrating the finalisation of Edcon's business rescue proceedings (which commenced as far back as 29 April 2020), to the prejudice of Edcon's creditors, is demonstrated by the various threatened proceedings referred to in paragraphs 46 to 48 of the opposing affidavit and the allegations contained in paragraph 49 thereof.
36. The allegations contained in paragraphs 52 and 53 are denied for the reasons set out herein. The Applicants cannot deal with any issue relating to the quantum of the

Applicants' claims in other proceedings, as this already forms part of the determination, subject to the main application. Clearly, the Applicants are not entitled to have the main application stayed in an attempt to do so.

37. The Applicants' are the sole cause of the unnecessary incurrence of costs referred to in paragraphs 54 and 56.
38. The allegations contained in paragraph 55 are also denied. The issue in the main application must still be determined, irrespective of the outcome of the leave application and the contemplated action proceedings.
39. The Applicants brought the main application and must either withdraw same, and tender the wasted costs, or proceed to have the main application finally determined without further delay.

Ad paragraphs 57 to 61 thereof

40. The allegations contained in paragraph 57 are denied and are contradictory to what is stated in paragraphs 58 to 61, which are also denied.
41. Clearly, the Applicants had, and still have, no intention of proceeding with the main application.
42. The reasons provided in these paragraphs do not excuse the Applicants' failure to deliver their heads of argument in the main application and causing the Respondents to incur unnecessary legal costs. The Applicants cannot allege that they failed to file their heads of argument to save costs as all of the affidavits have already been filed and the main application is ripe for hearing.
43. The Applicants deliberately failed to file their heads to prevent the main application from being determined.

44. Again, the Applicants must either withdraw the main application, and tender the costs, or deliver their heads of argument so that the main application can be enrolled without further delay. The Applicants can argue the stay when the main application is argued. There is, however, no reason why the Applicants should not be compelled to file their heads of argument.

Ad paragraphs 62 to 72 thereof

45. The allegations contained in these paragraphs are irrelevant to the application to compel and are denied for the reasons already set out herein.

Ad paragraph 76 thereof

46. The allegations contained in this paragraph are denied for the reasons set out herein.

Ad paragraph 77 thereof

47. The allegations contained in this paragraph are denied. Evidently the Respondents could not rely on Mr Moodley's undertaking to provide the heads of argument as he did not do so. He also did not advise the Respondents of the intended leave application.

Ad paragraph 78 thereof

48. The Applicants have failed to set out any valid reasons in the opposing affidavit disputing the contents of paragraph 24 of the founding affidavit.

Ad paragraph 79 and the concluding paragraph thereof

49. The allegations contained in these paragraphs are denied for the reasons set out herein.

CONCLUSION

- 50. It is submitted that no case is made for the opposition to the application to compel or the relief sought in the counter-application.
- 51. The Applicants have deliberately failed to file their heads of argument, despite making repeated undertakings to do so and in circumstances where there was no intention to proceed with main application, which they brought.
- 52. This has caused an unnecessary incurrence of costs.
- 53. This affidavit has been prepared under unnecessary time constraints. The right is reserved to supplement it, should the need arise.
- 54. In the circumstances, it is submitted that a punitive cost order is justified against the Applicants.
- 55. The Respondents will accordingly seek an order in accordance with the notice of interlocutory application and the dismissal of the counter-application, with costs on the scale of attorney and client, including the cost of two counsel. These costs are to be paid jointly and severally by the Applicants.




LETITIA FIELD

I certify that:

- I. the Deponent acknowledged to me that :
 - a. She knows and understands the contents of this declaration;
 - b. She has no objection to taking the prescribed oath;
 - c. She considers the prescribed oath to be binding on her conscience.
- II. the Deponent thereafter uttered the words, "I swear that the contents of this declaration are true, so help me God".
- III. the Deponent signed this declaration in my presence at the address set out

EK BERTIFISEER DAT HIERDIE DOKUMENT 'N WAARHEDEWAGTE KOPIE VAN DIE OORSPRONKLIKE DOKUMENT WAT AAN MY TOEGESTUUR IS. GORGEL IS EK BERTIFISEER VERDER DAT VOLGENS MY WAARNEMINGS, DAAR NIE 'N WYSGIENS OF VERANDERING OF DIE OORSPRONKLIKE DOKUMENT AANGEBOING IS NIE.
 I CERTIFY THAT THIS DOCUMENT IS A TRUE REPRODUCTION (COPY) OF THE ORIGINAL DOCUMENT WHICH WAS FORWARDED TO ME FOR AUTHENTICATION. I FURTHER CERTIFY THAT, ACCORDING TO MY OBSERVATIONS, AN AMENDMENT OR CHANGE WAS NOT MADE TO THE ORIGINAL DOCUMENT.

MANDTEKENING / SIGNATURE
 MAGSNUMMER / FORCE NUMBER RANG / RANK
 NAAM IN DRUKSKRYF / NAME IN PRINT



COMMISSIONER OF OATHS

Lance Schapiro

From: Edcon Creditors
Sent: Friday, 20 August 2021 12:07
To: Roheeth Roshenlall
Subject: FW: EDCON - IN BUSINESS RESCUE

Importance: High

Good day,

Please find below mail in respect of Acceptance of your claim.

We have noted that this has been sent to an incorrect e-mail address; kindly accept our apologies for this error.

Trust you find all in order.

Regards,
BR Team

From: Edcon Creditors
Sent: Monday, 07 June 2021 09:11
To: Alyssa Rhode <Alyssa@essential.co.za>
Subject: EDCON - IN BUSINESS RESCUE
Importance: High

To whom it may concern

Please be advised that **Majestic Clothing Manufacturers (Vendor : 11398)** pre-commencement business rescue claim submitted to Edcon Limited has been accepted as **R1 377 741.00**

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Kindly advise per return mail should you agree/disagree with the above reconciled claim value.

Creditors will continue to be updated by way of the monthly progress reports.

Regards
Business Rescue Team

8/20/2021

Mail - Edcon Creditors - Outlook

042-20

Read: EDCON - IN BUSINESS RESCUE

Roheeth Roshenlall <roheeth@kingsgate.co.za>

Fri 8/20/2021 12:35 PM

To: Edcon Creditors <creditors@edconbr.co.za>

Your message

To: Roheeth Roshenlall

Subject: FW: EDCON - IN BUSINESS RESCUE

Sent: Friday, August 20, 2021 10:06:56 AM (UTC+00:00) Monrovia, Reykjavik

was read on Friday, August 20, 2021 10:35:27 AM (UTC+00:00) Monrovia, Reykjavik.

From: Edcon Creditors
Sent: Sunday, 22 August 2021 10:48
To: Roheeth Roshenlall <roheeth@kingsgate.co.za>
Subject: Edcon In Business Rescue - Kingsgate Clothing Princeton - 16802
Importance: High
Sensitivity: Confidential

To whom it may concern

Please be advised that Kingsgate Clothing t/a Princeton Schoolwear Manufacturers (Vendor : 16802) pre-commencement business rescue claim submitted to Edcon Limited has been accepted as R3 031 149.32

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Should we not hear from you within 7 (seven) days of date hereof, we will presume that the matter has been accepted and finalised.

Creditors will continue to be updated by way of the monthly progress reports.

We trust the above is in order.

Regards
Business Rescue Team

From: Mail Delivery System <MAILER-DAEMON@IMSV.A.kingsgate.co.za>
Sent: Sunday, 22 August 2021 10:46
To: Edcon Creditors
Subject: Relayed: Edcon In Business Rescue - Kingsgate Clothing Princeton - 16802

This is the mail system at host IMSV.A.kingsgate.co.za.

Your message was successfully delivered to the destination(s) listed below. If the message was delivered to mailbox you will receive no further notifications. Otherwise you may still receive notifications of mail delivery errors from other systems.

The mail system

<roheeth@kingsgate.co.za>: delivery via localhost[127.0.0.1:10025: 250 2.0.0
Ok: queued as ABB82AA050

From: Pontsho Lesia
Sent: Friday, August 20, 2021 2:36 PM
To: roheeth@kingsgate.co.za
Subject: FW: Urgent request for statements.

Good day Roheeth,

Please note Hilda no longer works at Edcon.

Thank you for the documents received, however the account in query is for vendor 12378 - STAR CLOTHING - KINGSGATE CLOTHING, we received a claim form for R19,608,340.51, however the revised statement was for R12,847,408.88, we therefore require a revised claim form for R12,8 mill or a statement that matches to the claim amount of R19,6 mill.

Kind regards,
Pontsho

From: Roheeth Roshenlall <roheeth@kingsgate.co.za>
Sent: Friday, August 20, 2021 1:24 PM
To: Hilda Ndlovu <NShekwa@edcon.co.za>
Cc: Pontsho Lesia <PLesia2@edcon.co.za>
Subject: RE: Urgent request for statements.

Hi Hilda,

Herewith the debtors statement as requested that ties up to our claim form which was previously submitted.

REGARDS,
ROHEETH ROSHENLALL

From: Hilda Ndlovu [<mailto:NShekwa@edcon.co.za>]
Sent: 06 August 2021 12:41 PM
To: Roheeth Roshenlall
Cc: Pontsho Lesia
Subject: RE: Urgent request for statements.

Good day

Kindly provide feedback on the below request, please send your claim and statement to Pontsho cc'd on the email.

Regards,
Nomsa Ndlovu.

From: Hilda Ndlovu
Sent: Wednesday, 04 August 2021 11:06
To: Roheeth Roshenlall <roheeth@kingsgate.co.za>
Subject: RE: Urgent request for statements.

Good day Roheeth

As per our telephonic conversation on Monday, kindly provide your statement that agrees to the claim form.

Regards,
Nomisa Ndlovu.

From: Roheeth Roshenlall
Sent: Monday, 07 June 2021 12:39
To: Hilda Ndlovu <NShekwa@edcon.co.za>
Subject: FW: Urgent request for statements.

Dear Hilda,

Please take note that there is a second page to the Excel Statement, entitled "Recon" which provides a detailed reconciliation between the statement balance and the claim value and in so doing explains the difference between the two amounts.

Please give consideration to the reconciliation which I'm sure will answer your query.

REGARDS,
ROHEETH ROSHENLALL

From: Hilda Ndlovu [mailto:NShekwa@edcon.co.za]
Sent: 07 June 2021 09:26 AM
To: Roheeth Roshenlall
Subject: RE: Urgent request for statements.

Good day.

Please see attached claim form and statement provided do not match.

I am requesting for this information because your claim form and statement totals should match.

Your assistance will be highly appreciated.

Kind regards,

Hilda Ndlovu.

From: Roheeth Roshenlall
Sent: Wednesday, 26 May 2021 15:05
To: Hilda Ndlovu <NShekwa@edcon.co.za>
Subject: RE: Urgent request for statements.

Dear Hilda,

Your email below refers.

I am not sure as to the reason why you are requesting for a claim form to be completed on behalf of Majestic, considering that we had previously done so and uploaded the claim together with all supporting documentation to the BRP via their portal as well as emailed same to them for which we subsequently received an acknowledgement.

In addition, you were in possession of the same claim document when you sent me an email on the 29th of July 2020, which is evident from the email thread below.

REGARDS,

ROHEETH ROSHENLALL
KINGSGATE CLOTHING (PTY) LTD

TEL: 031 - 300 8132

FAX: 031 - 3012489

EMAIL: Roheeth@kingsgate.co.za

240/2 Mathews Meyiwa Road, Durban, 4001

From: Hilda Ndlovu [<mailto:NShekwa@edcon.co.za>]

Sent: 26 May 2021 02:22 PM

To: roheeth@kingsgate.co.za

Subject: FW: Urgent request for statements.

Good day

Please complete the attached claim form for Majestic and send it back.

Regards,

Nomsa Ndlovu.

From: Roheeth Roshenlall

Sent: Thursday, 30 July 2020 16:33

To: Hilda Ndlovu <NShekwa@edcon.co.za>

Cc: Sherwin - Debtors <Sherwin@kingsgate.co.za>

Subject: RE: Urgent request for statements.

Good Day Hilda,

Please find attached the statements (excel format) as at 29th April 2020 together with a reconciliation tying back to the claims submitted on behalf of:

- Kingsgate Clothing (Pty) Ltd t/a Majestic Clothing Manufacturers
- Kingsgate Clothing (Pty) Ltd t/a Princeton Schoolwear Manufacturers
- Kingsgate Clothing (Pty) Ltd t/a Star Clothing Manufacturers

Trust that you will find all in order.

REGARDS,

ROHEETH ROSHENLALL

From: Hilda Ndlovu [<mailto:NShekwa@edcon.co.za>]

Sent: 29 July 2020 03:02 PM

To: roheeth@kingsgate.co.za

Subject: Urgent request for statements.


042-25

Good day

Kindly send me your statements in excel format relating to the attached claim forms to reconcile your accounts.

Your urgent assistance will be highly appreciated.

Nomsa Ndlovu
FTP Finance Shared Services Controller

This message is subject to certain restrictions and qualifications which are contained in our email disclaimer which is available on our website at www.edcon.co.za/Edcon/Disclaimer or from the Group Secretary on (011) 495-8090. The disclaimer also provides our corporate information and names of our directors as required by law. The disclaimer is deemed to form part of this message in terms of Section 11 of the Electronic Communications and Transactions Act, 2002.


042-26

Lance Schapiro

From: Edcon Creditors
Sent: Friday, 20 August 2021 09:25
To: pushpam
Subject: EDCON CLAIM Maytex Linen (Vendor 50048)

Importance: High

To whom it may concern

Please be advised that **Maytex Linen (Vendor : 50048)** pre-commencement business rescue claim submitted to Edcon Limited has been accepted as **R7 613 297.55**

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Should we not hear from you within 7 (seven) days of date hereof, we will presume that the matter has been accepted and finalised.

Creditors will continue to be updated by way of the monthly progress reports.

We trust the above is in order.

Regards
Business Rescue Team

Lance Schapiro

From: Microsoft Outlook
To: pushpam
Sent: Friday, 20 August 2021 09:26
Subject: Relayed: EDCON CLAIM Maytex Linen (Vendor: 50048)

Delivery to these recipients or groups is complete, but no delivery notification was sent by the destination server:

[pushpam \(pushpam@maytex.co.za\)](mailto:pushpam@maytex.co.za)

Subject: EDCON CLAIM Maytex Linen (Vendor: 50048)

Lance Schapiro

From: Edcon Creditors
Sent: Wednesday, 23 June 2021 09:30
To: madamjee@maytex.co.za
Subject: EDCON - IN BUSINESS RESCUE

Importance: High

To whom it may concern

Please be advised that **Maytex Carding (Vendor : 50408)** pre-commencement business rescue claim submitted to Edcon Limited has been accepted as **R1 978 432.00**

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Should we not hear from you within 7 (seven) days of date hereof, we will presume that the matter has been accepted and finalised.

Creditors will continue to be updated by way of the monthly progress reports.

We trust the above is in order.

Regards
Business Rescue Team

Lance Schapiro

From: Adamjee <madamjee@maytex.co.za>
To: Edcon Creditors
Sent: Wednesday, 23 June 2021 09:34
Subject: Read: EDCON - IN BUSINESS RESCUE

Your message

To: Adamjee
Subject: EDCON - IN BUSINESS RESCUE
Sent: Wednesday, June 23, 2021 9:30:29 AM (UTC+01:00) Brussels, Copenhagen, Madrid, Paris
was read on Wednesday, June 23, 2021 9:34:04 AM (UTC+01:00) Brussels, Copenhagen, Madrid, Paris.

Letitia Field

From: Edcon Creditors <creditors@edconbr.co.za>
Sent: 30 June 2021 12:04 PM
To: ALVIN@CRUISEC.CO.ZA
Subject: EDCON - IN BUSINESS RESCUE

Importance: High

To whom it may concern

Please be advised that **CRUISE COLLECTIONS INVESTMENTS CC (Vendor : 50611)** pre-commencement business rescue claim submitted to Edcon Limited has been accepted as **R14 135 112.00**

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Should we not hear from you within 7 (seven) days of date hereof, we will presume that the matter has been accepted and finalised.

Creditors will continue to be updated by way of the monthly progress reports.

We trust the above is in order.

Regards
Business Rescue Team

Letitia Field

From: Alvin Pillay <alvin@cruisec.co.za>
To: Edcon Creditors
Sent: 30 June 2021 12:08 PM
Subject: Read: EDCON - IN BUSINESS RESCUE

Your message

To: Alvin Pillay
Subject: EDCON - IN BUSINESS RESCUE
Sent: Wednesday, June 30, 2021 12:03:52 PM (UTC+02:00) Harare, Pretoria

was read on Wednesday, June 30, 2021 12:07:34 PM (UTC+02:00) Harare, Pretoria.

Letitia Field

From: Edcon Creditors <creditors@edconbr.co.za>
Sent: 02 July 2021 01:36 PM
To: iyp
Subject: EDCON -IN BUSINESS RESCUE

To whom it may concern

Please be advised that **TWIN CLOTHING MANUFACTURERS (PTY) LTD (Vendor : 60689)** pre-commencement business rescue claim submitted to Edcon Limited has been accepted as **R1 898 984.00**.

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Should we not hear from you within 7 (seven) days of date hereof, we will presume that the matter has been accepted and finalised.

Creditors will continue to be updated by way of the monthly progress reports.

We trust the above is in order.

Regards
Business Rescue Team



Letitia Field

From: Ismail Paruk <iyp@twinclothing.co.za>
To: Edcon Creditors
Sent: 05 July 2021 09:33 AM
Subject: Read: EDCON - IN BUSINESS RESCUE

Your message:

To: Ismail Paruk
Subject: EDCON - IN BUSINESS RESCUE
Sent: Friday, July 2, 2021 11:35:55 AM (UTC+00:00) Monrovia, Reykjavik.

was read on Monday, July 5, 2021 7:32:35 AM (UTC+00:00) Monrovia, Reykjavik.

8/20/2021

Mail - Edcon Creditors - Outlook

 Delete ...**Edcon - in Business Rescue**

EC

Edcon Creditors

Tue 5/4/2021 11:11 AM

To: accounts@apparel.co.za



From: Edcon Creditors
Sent: 04 May 2021 11:08 AM
To: Karen Pretorius <karen@milestone.co.za>
Subject: Edcon - in Business Rescue

To whom it may concern

Please be advised that **Apparel Industries (Vendor number 10138)** pre-commencement business rescue claim submitted to Edcon Limited has been accepted as **R 16209845.00**

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Kindly advise per return mail should you agree/disagree with the above reconciled claim value.


Creditors will continue to be updated by way of the monthly progress reports.

Regards
Business Rescue Team


Reply Forward





8/20/2021

Mail - Edcon Creditors - Outlook

 Delete ...

Delivered: Edcon - in Business Rescue

 Mail Delivery System <Mailer-Daemon@mx32.antispamcloud.com>
Tue 5/4/2021 11:11 AM
To: Edcon Creditors

    ...

Edcon - in Business Rescue
34 KB

This message was created automatically by mail delivery software.
----- The following addresses had successful delivery notifications -----
<accounts@apparel.co.za> (relayed via non "Remote SMTP" router)

Reply Forward

From: Edcon AP Help <EdconAPHelp@edcon.co.za>
 Sent: Thursday, July 8, 2021 2:52 PM
 To: debbie.c@clematistrading.co.za <debbie.c@clematistrading.co.za>
 Cc: Edcon Creditors <creditors@edconbr.co.za>
 Subject: RE: EDCON - IN BUSINESS RESCUE

Good day,

Kindly note the R108,020.03 variance,

CLAIM	18,365,887.03
01) unallocated credits - to allocate	98,216.79
03) qty diffs to credit	-5,099.59
06) rebates to credit	-16,137.72
08) advertising to credit	-184,585.90
13) claims - no Edcon refs	-414.00
	18,257,866.61

Kind regards,
 Edcon AP Help
 From: Debbie Chellan <debbie.c@clematistrading.co.za>
 Sent: Tuesday, 06 July 2021 11:56
 To: Edcon Creditors <creditors@edconbr.co.za>
 Cc: Arthur Limbouris <arthur@flyersunion.co.za>; Renier Van Der Merwe
 <renier.vdm@eastcoastsources.co.za>; Karen Van Rensburg <karen.vr@eastcoastsources.co.za>; Theresa Morck
 <theresa@clematistrading.co.za>
 Subject: FW: EDCON - IN BUSINESS RESCUE

Good day

The amount below is understated

Please find attached claim form with claim amount submitted.

Also find attached a recon and age analysis showing details of the difference in amounts.

Edcon has double deducted two over payments and a credit note.

Overpayment 1 on age analysis - page 1 R 56 147.59 - 02.12.19
 Over payment 2 on age analysis - page 1 R 42 069.18 - 31.12.21
 Credit note - page 9 R 10 943.54 - 26.03.20

Please respond by return mail confirming that you have amended your figure .

Debbie Chellan
 TEL: 011 009 8804 EXT:1113
 E: debbie.c@clematistrading.co.za
 From: Edcon Creditors [<mailto:creditors@edconbr.co.za>]
 Sent: Thursday, 01 July 2021 1:31 PM
 To: Arthur Limbouris <arthur@flyersunion.co.za>
 Subject: EDCON - IN BUSINESS RESCUE


 042-37

To whom it may concern

Please be advised that CLEMATIS TRADING CC (Vendor : 50705) pre-commencement business rescue claim submitted to Edcon Limited has been accepted as R18 257 867.00.

The payment of the pre-commencement business rescue claims will be made in accordance with the provisions of the adopted business rescue plan.

Should we not hear from you within 7 (seven) days of date hereof, we will presume that the matter has been accepted and finalised.

Creditors will continue to be updated by way of the monthly progress reports.

We trust the above is in order.

Regards
Business Rescue Team

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Please consider the environment before printing this email and/or any related attachments
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