

**COURT ONLINE COVER PAGE**

**IN THE HIGH COURT OF SOUTH AFRICA  
Gauteng Local Division, Johannesburg**

**CASE NO: 2025-001473**

In the matter between:

**SALUNGANO GROUP  
LIMITED, WESTCOAL MINING  
PROPRIETARY LIMITED (IN BUSINESS  
RESCUE)**

Plaintiff / Applicant / Appellant

and

**PHAHLANI LINCOLN MKHOMBO  
, ARNOT OPCO PROPRIETARY  
LIMITED, COMPANIES AND  
INTELLECTUAL PROPERTY  
COMMISSION**

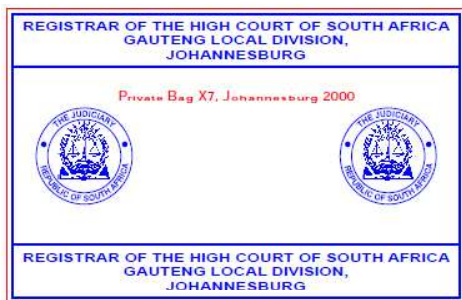
Defendant / Respondent

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**Notice of Motion (Long Form)**

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**NOTE:** This document was filed electronically by the Registrar on 9/1/2025 at 2:45:57 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

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**Registrar of High Court , Gauteng  
Local Division, Johannesburg**

**IN THE HIGH COURT OF SOUTH AFRICA  
GAUTENG LOCAL DIVISION, JOHANNESBURG**

CASE NO:

In the matter between:

**SALUNGANO GROUP LIMITED**

First Applicant

**WESCOAL MINING PROPRIETARY LIMITED  
(in business rescue)**

Second Applicant

and



**PHAHLANI LINCOLN MKHOMBO N.O.**

First Respondent

**ARNOT OPCO PROPRIETARY LIMITED  
(in business rescue)**

Second Respondent

**COMPANIES AND INTELLECTUAL PROPERTY  
COMMISSION**

Third Respondent

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**NOTICE OF MOTION**

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**PLEASE TAKE NOTICE** that the Applicants will apply to the above Honourable Court on **21 JANUARY 2025 at 10h00** or soon thereafter as counsel may be heard for an order in the following terms:

- 1 That the Applicants' non-compliance with the Uniform Rules of Court concerning forms, service and time period otherwise applicable be condoned and permitting this application to be enrolled, heard, and adjudicated upon as an urgent application in terms of Uniform Rule 6(12).

- 2 To the extent necessary, that leave is granted in terms of section 133(1)(b) of the Companies Act 71 of 2008 (“**the Companies Act**”) to the applicants to commence and proceed with this application.
- 3 Ordering the removal of the First Respondent as the Business Rescue Practitioner of Arnot Opco (Pty) Ltd in terms of section 139(1)(b) of the Companies Act.
- 4 Ordering the replacement of the First Respondent as the Business Rescue Practitioner by appointing Refilwe Ndlovu as the new Business Rescue Practitioner of Arnot Opco (Pty) Ltd with immediate effect.
- 5 Ordering the First Respondent to pay the costs of this application on scale C of Rule 67A of the rules of court.
- 6 Further and/or alternative relief.



**TAKE NOTICE FURTHER** that the affidavit of **MUTHANYI ROBINSON RAMAITE** annexed hereto will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicants have appointed **MKHABELA HUNTLEY ATTORNEYS** at the address set out below as the address at which the applicants will accept notice and service of all process in these proceedings.

**TAKE NOTICE FURTHER** that if you intend opposing this application you are required to

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- a) notify the applicants’ attorneys in writing by email to [enabor@mhalaw.co.za](mailto:enabor@mhalaw.co.za) and

[mmasetshaba@mhalaw.co.za](mailto:mmasetshaba@mhalaw.co.za) by 11h00 on 10 January 2025;

- b) serve your answering affidavit, if any, by 16h00 on 13 January 2025;
- c) appoint in such notification and address referred to in rule 6(5)(b) at which you will accept notice and service of all documents in these proceedings;
- d) The applicants will file their replying affidavit, if necessary, by 16h00 on 15 January 2025.

**KINDLY** place the matter on the urgent roll for hearing accordingly.

**DATED** at SANDTON on this the **9th** day of **JANUARY 2025**.



**MKHABELA HUNTLEY ATTORNEYS**

Applicants' Attorneys

Block B Wierda Court

107 Johan Avenue

Sandton Tel: (011) 783 8020

Cell: 083 420 1260

Email: [enabor@mhalaw.co.za](mailto:enabor@mhalaw.co.za);

[mmasetshaba@mhalaw.co.za](mailto:mmasetshaba@mhalaw.co.za)

Ref: Mr E Enabor/gn

TO: **THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT**

AND TO: **PHAHLANI LINCOLN MKHOMBO N.O.**

First Respondent

Genesis Corporate Solutions GCS House

61 Akkerboom Street

Zwartkop Ext 4 Centurion

**C/O COX YEATS ATTORNEYS**

4 Sandown Valley Cres Sandown

Sandton

Ref: Gareth Cremen and Bridget Letsholo

Email: [gcremen@coxyeats.co.za](mailto:gcremen@coxyeats.co.za) and [bletsholo@coxyeats.co.za](mailto:bletsholo@coxyeats.co.za)

AND TO: **AFFECTED PERSONS**

(Listed in annexure "A" hereto with corresponding email addresses)

