

**IN THE COMPANIES TRIBUNAL OF THE REPUBLIC OF SOUTH AFRICA**

**("THE TRIBUNAL")**

**CASE NUMBER: CT006MAR2015**

**In the matter of:**

**INDIAN TECHNOMAC COMPANY  
SOUTH AFRICA (PTY) LTD**

**APPLICANT**

and

**MANGANEX MINE (PTY) LTD**

**FIRST RESPONDENT**

**RAMUNLALL MAHADEVY**

**SECOND RESPONDENT**

**ASHWANI PATHAK**

**THIRD RESPONDENT**

**THE COMPANIES AND INTELLECTUAL  
COMMISSION (CIPC)**

**FOURTH RESPONDENT**

**Coram: PJ Veldhuizen**

**Order delivered 18 May 2015**

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**ORDER**

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**1. THE APPLICANT**

The Applicant is **INDIAN TECHNOMAC COMPANY SOUTH AFRICA (PTY) LTD** ("the Applicant"), a private company duly incorporated in terms

of the company laws of the Republic of South Africa. The Applicant is in business rescue and **MR IGOLKISSHORE RAGUNANDAN** has been appointed as the Business Rescue Practitioner and accordingly represents the Applicant.

## **2. THE RESPONDENTS**

2.1. The First Respondent is **MANGANEX MINE (PTY) LTD** a private company duly incorporated in terms of the company laws of the Republic of South Africa.

2.2. The Second Respondent is **RAMUNLALL MAHADEVY** an adult male businessman, and director of First Respondent.

2.3. The Third Respondent is **ASHWANI PATHAK** an adult male businessman, and director of First Respondent.

2.4. The Forth Respondent is the **COMPANIES AND INTELLECTUAL COMMISSION** established in terms of the provisions of section 185 of the Companies Act No 71 of 2008.

## **3. THE APPLICATION**

3.1. This is an application:

3.1.1. in terms of Section 71(8) of the Companies Act No. 71 of 2008 ("the Act") that Second and Third Respondent be removed as directors of the First Respondent.

3.1.2. that Second and Third Respondents be interdicted against the passing any resolution in respect of the affairs of First Respondent.

3.1.3. that Second and Third Respondent be ordered to deliver up books and records of the First Respondent.

3.1.4. that the Business Rescue Practitioner of the Applicant be appointed as an *ex officio* director of First Respondent.

3.1.5. that the Second and Third Respondent pay the costs of this Application.

3.2. The Applicant requests a Default Order as envisaged by Regulation 153 of the Act, the Respondents having failed to file a replying Affidavit, as required by Regulation 143(3). Accordingly Applicant alleges that Regulation 143(4) is therefore applicable.

#### **4. FINDINGS**

The First, Second and Third Respondents have, indeed, not filed replying affidavits despite the Business Rescue Practitioner of the Applicant having requested them to do so. The Tribunal is satisfied that the allegations of facts set out in the initiating document have not therefore been specifically denied as required and therefore must be regarded as having been admitted.

#### **5. ORDER**

The following Order is made:

5.1. Second and Third Respondents are removed as directors of First Respondent;

5.2. The Business Rescue Practitioner, **MR IGOLKISSHORE RAGUNANDAN**, of the Applicant is appointed *ex officio*, as the director of the First Respondent.

5.3. Second and Third Respondents pay the costs of this application, jointly and severally.

5.4. The CIPC is to update their records accordingly.

A handwritten signature in black ink, consisting of several loops and a long horizontal stroke extending to the right.

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**PJ VELDHUIZEN**  
**MEMBER OF THE COMPANIES TRIBUNAL**  
**CAPE TOWN**