

AISHWARYA TRADING CC (IN LIQUIDATION)
MASTER'S REFERENCE NUMBER : C776/2020

REPORT by the Co-Liquidators Chavonnes Badenhorst St Clair Cooper and Cornelia Carolina Mienie to be submitted in terms of Section 79, at the General Meeting of Creditors, Members and Contributories, convened to be held before the Magistrates Court at Wynberg on Thursday, 29 July 2021 at 09h00.

ORDERS OF THE COURT AND MEETINGS

Aishwarya Trading CC (herein after referred to as the "Company"), was placed in Liquidation by way of Special Resolution registered on 27 October 2020. Chavonnes Badenhorst St Clair Cooper and Cornelia Carolina Mienie were appointed Co- Liquidators by the Master of the High Court, Cape Town, in terms of his Certificate of Appointment dated 20 November 2020.

The First Meeting of Creditors was held before the Presiding Officer, Master of the High Court, Cape Town (due to Covid Regulations) on the 20th of April 2021. One claim from Etlin International (Pty) Ltd for storage costs was submitted and proved at the meeting.

STATUTORY INFORMATION:

REGISTRATION NUMBER : 2009/227810/23

REGISTERED HEAD OFFICE : 15 CARLTON ROAD, CLAREMONT, 7708

MEMBERS: CHI-HSUEH JOHNSON HSU AND JANINE LYNNETTE HECHTER

THE LIQUIDATORS WERE FURNISHED WITH THE COMPLETED CM100.

REPORT

We are now to report more fully in terms of Section 79 of the Close Corporation Act, No.69, of 1984, as amended, as follows:

SECTION 79(a) – ASSETS AND LIABILITIES

ASSETS

Immovable Property

Nil

Movable Assets

Frozen Chicken (Stock) Etlin International	R 3 118 911.55
Frozen Chicken (Stock) Crossberth Cold Store	R 400 000.00
Various Debtors collected from previous FNB Accounts:	R 1 073 164.07
Office Furniture	R 13 000.00

Shortfall	R 47 119 564.30
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<u>TOTAL</u>	<u>R 4 605 075.62</u>
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LIABILITIES

Secured creditors

Etlin International (Storage costs)	R 937 665.22
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Preferent creditors

SARS	R 27 187.96
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Concurrent creditors

Etlin International (defective hens)	R 291 144.45
Chapmans Seafood Company (Storage costs)	R 134 025.73
Crossberth Cold Stores	R 336 121.40
Trade Ocean (Goods Sold and Delivered)	R 12 434 104.65
Excellent Meat	R 92 920.00
Overberg Food Distributors	R 252 121.00
Wing Foods	R 2 097 322.00
BPI	R 1 057 536.00
Tomex	R 404 880.00
Noridane Foods A/S	R 15 514 874.80
Noridane Foods A/S	R 1 725 763.82
Noridane Foods A/S	R 1 624 863.32
Madeco International	R 3 550 019.61
Madeco International	R 441 158.88
OM Foods International	R 8 839 760.00
AJC	R 392 724.00
ESS Food	R 327 760.00
Aryztla	R 1 043 009.00
Sasfin Bank (rental Agreement)	R 199 678.08
<u>TOTAL</u>	<u>R 51 724 639.92</u>

COMMENTS ON ASSETS

The Liquidators recovered large amounts of Frozen Chicken (stock) being stored at Etlin International and Crossberth Cold Store which were sold on, the Liquidators approached court for extension of powers which was also granted.

NOTE : DIVIDEND PROSPECTS:

Concurrent Creditors are requested to lodge their claims with the Liquidators, an Enquiry into the Business Affairs and the Directors will proceed in due course, the Directors are stuck in China due to the Worldwide Covid pandemic. The Liquidators need the Directors to return to South Africa to Summons them to the ongoing Enquiry.

At the moment, NO DANGER OF CONTRIBUTION EXISTS, the Liquidators are waiting for SARS to lodge their claim and then Concurrent Creditors claims will be submitted for proof.

SECTION 79(b): CAUSES OF THE FAILURE OF THE COMPANY

Due to the massive increase in VAT and import duties of Frozen Chicken (goods) into South Africa, the Company could not keep up with its competitors, the Worldwide Covid Pandemic also did not make it any easier on the import industries and ultimately the Company became commercially insolvent and could not re-pay Creditors on a regular basis.

SECTION 79 (c) – SUPPLIMENTARY REPORT

A confidential report, if necessary, will in due course be submitted to the Master of the High Court in terms of Section 400 (2) of the Companies Act No. 61 of 1973, as amended, as read with Section 66 of the Close Corporation Act

SECTION 79 (d) : PERSONAL LIABILITIES OF MEMBERS / OR OFFICERS

It is not clear whether the member \ officers can be held personally liable in terms of the act.

SECTION 79(e) : LEGAL PROCEEDINGS

We do not have sufficient knowledge to report on any legal proceedings pending by, or threatened against, the company, as at the date of liquidation save for the proceedings taken by creditors to obtain payment for their outstanding debts.

SECTION 79(f) : FURTHER ENQUIRIES

At this stage there appears to be reason to conduct an enquiry into the affairs of the corporation and Member/s as a few months prior to the Liquidation large amounts of funds were flowing through the Bank Accounts.


SECTION 79(g) : ACCOUNTING RECORDS

No books and/or records of the Close Corporation as required by Section 56 of the Close Corporation Act No 69 of 1984, as amended, were furnished to us.


SECTION 79(h) : PROGRESS AND DIVIDEND PROSPECTS OF LIQUIDATION

We confirm that at this stage a danger of contribution does not exist.

Dated at Bloemfontein this 28th day of June 2021


CB St Clair Cooper
Liquidator

Dated at Pretoria this 21st day of July 2021


CC MENIE
Liquidator