

## COURT ONLINE COVER PAGE

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

CASE NO: **2025-231389**

In the matter between:

**Just Share NPC, Aeon Investment  
Management (Pty) Ltd, Fossil Free South  
Africa**

Plaintiff / Applicant / Appellant

and

**Thungela Resources  
Limited, Companies and Intellectual  
Property Commission**

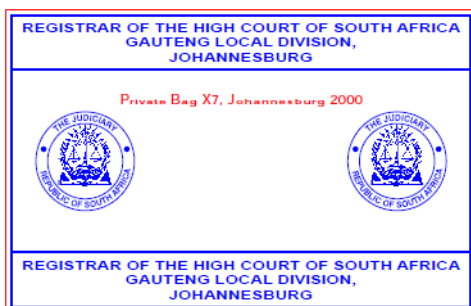
Defendant / Respondent

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### Notice of Motion (Long Form)

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**NOTE:** This document was filed electronically by the Registrar on 27/11/2025 at 11:24:43 AM 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:

A handwritten signature in black ink, appearing to read "Dehale".

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

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

**CASE NO.:** \_\_\_\_\_

In the matter between:

**JUST SHARE NPC**

First Applicant

**AEON INVESTMENT MANAGEMENT (PTY) LTD**

Second Applicant

**FOSSIL FREE SOUTH AFRICA**

Third Applicant

and

**THUNGELA RESOURCES LIMITED**

First Respondent

**COMPANIES AND INTELLECTUAL  
PROPERTY COMMISSION**

Second Respondent



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**NOTICE OF MOTION**

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**KINDLY TAKE NOTICE** that the Applicants will make application on a date to be determined by the Registrar for an order in the following terms:

- 1 It is declared that the First Respondent, Thungela Resources Limited (“Thungela”), breached its obligations and the Applicants’ rights under sections 65(3) and 62(3)(c) of the Companies Act 71 of 2008 (Act) by refusing to circulate and table the following shareholder-proposed resolutions:

- 1.1 The proposed resolution dated 19 April 2023, filed by the Applicants for consideration by Thungela's shareholders at the company's AGM held on 31 May 2023; and
- 1.2 The proposed resolution dated 26 April 2024, filed by the Applicants for consideration by Thungela's shareholders at the company's AGM held on 4 June 2024.
- 1.3 The proposed resolution dated 25 April 2025, filed by the Applicants for consideration by Thungela's shareholders at the company's AGM held on 5 June 2025.



2 It is declared that:

- 2.1 The Applicants, in their capacity as Thungela shareholders, are entitled to propose and exercise voting rights on shareholder resolutions concerning environmental, social, and governance matters, including issues related to climate change.
- 2.2 The Applicants, in their capacity as Thungela shareholders, are entitled to propose and exercise voting rights on non-binding shareholder resolutions.
- 2.3 Thungela is obliged to comply with sections 65(3) and 62(3)(c) of the Act by circulating and tabling shareholder-proposed resolutions that satisfy the formal and procedural requirements prescribed in section 65(3) and section 65(4) of the Act and its memorandum of incorporation, unless it is subject to a court order obtained under section 65(5) of the Act or other applicable law restraining it from doing so.

- 3 Thungela, together with any parties opposing this application, are directed to pay the Applicants' costs, jointly and severally.
- 4 Further and/or alternative relief.

**TAKE FURTHER NOTICE** that the Founding Affidavit of **TRACEY LAUREL DAVIES**, together with supporting affidavits and annexures, will be used in support of this application.

**KINDLY TAKE NOTICE FURTHER** that the Applicants will accept notice and service of all documents in these proceedings at the address of their attorneys of record mentioned below. The Applicants will also accept electronic service at the following e-mail address: [tim.lloyd@powerlaw.africa](mailto:tim.lloyd@powerlaw.africa), [claire.dehosse@powerlaw.africa](mailto:claire.dehosse@powerlaw.africa) and [legal@powerlaw.africa](mailto:legal@powerlaw.africa).

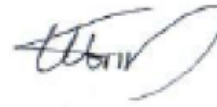


**TAKE NOTICE FURTHER** that if you intend opposing this application, you are required to:

- (a) within 10 days of receipt of this notice of motion, deliver a notice to the Applicants' attorneys that you intend to oppose this application;
- (b) appoint an address within 15 kilometres of the office of the Registrar at which you will accept notice and service of all process in these proceedings; and
- (c) within 15 days of notifying the applicant of your intention to oppose this application, deliver an answering affidavit.

**TAKE NOTICE FURTHER** that if no notice of intention to oppose is delivered, the application will be placed on the unopposed roll on a date determined by the Registrar or so soon thereafter as counsel may be heard.

**DATED at JOHANNESBURG on the 27th day of NOVEMBER 2025.**



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**POWER & ASSOCIATES INC.**

Attorneys for the Applicants

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[legal@powerlaw.africa](mailto:legal@powerlaw.africa)

Ref: PLJS-202516

**TO: THE REGISTRAR OF THE COURT  
JOHANNESBURG**

**AND TO: THUNGELA RESOURCES LIMITED**

First Respondent

25 Bath Avenue,

Rosebank

JOHANNESBURG, 2196

E-mail: [tovi.ellis@thungela.com](mailto:tovi.ellis@thungela.com)

**AND TO: COMPANIES AND INTELLECTUAL PROPERTY COMMISSION**

Second Respondent

77 Meintjies Street,

Sunnyside

PRETORIA, 0002

E-mail: [LSteenkamp@cipc.co.za](mailto:LSteenkamp@cipc.co.za)

