**EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED (In Business Rescue)**

Registration No: 1960/001900/06

**NOTICE OF COURT PROCEEDINGS AGAINST *INTER ALIA* EVRAZ HIGHVELD STEEL AND VANADIUM LIMITED (IN BUSINESS RESCUE) (“Highveld”), THE BUSINESS RESCUE PRACTITIONERS OF HIGHVELD (“the BRPs”) AND AFFECTED PERSONS**

1. The BRPs of Highveld have instituted court proceedings against Air Liquide (Pty) Limited (“**Air Liquide**”) under case number 26911/2016 in the High Court of South Africa, Gauteng Local Division, Johannesburg in which they seek, *inter alia*, to cancel certain obligations imposed on Highveld in terms of a Supply Agreement entered into between Highveld and Air Liquide and declaratory relief pertaining to limitations on Air Liquide’s damages claim against Highveld as a consequence of such cancellation.
2. Air Liquide opposes the relief, and intends to bring a counter-application against the BRPs, Highveld and affected persons for a declaration that, *inter alia*:
	1. Air Liquide is not bound by paragraph 24.2 of the Business Rescue Plan;
	2. Clause 20.12 of the Supply Agreement does not impose any limitation on Air Liquide’s claim for damages against Highveld arising from a cancellation of Highveld’s obligations under the Supply Agreement by the Court in terms of section 136(2)(b) of the Companies Act 71 of 2008;
	3. Air Liquide is entitled and the BRPs are obliged to accept a claim to the full extent of Air Liquide’s duly mitigated damages, discounted to a present day value, in the Business Rescue Proceedings and any dispute regarding the quantification thereof is to be determined in accordance with the dispute resolution mechanism contained in paragraph 38 of the Business Rescue Plan; and
	4. Air Liquide is entitled and the BRPs are directed to pay to Air Liquide the same proportionate dividend as will be paid to all other concurrent creditors in the Business Rescue Proceedings, calculated on the full amount of Air Liquide’s damages claim;
	5. Air Liquide is entitled to receive a supply of water according to its requirements from the Highveld Steel water pipeline and to have the waste water managed by Highveld Steel’s waste water treatment facility, on reasonable commercial terms and to that end to be included in any agreement concluded by Highveld with any third party or parties concerning the ownership and continued operation of the pipeline and waste water treatment facility.
3. Applications have been launched by Air Liquide to join all affected persons to the court proceedings for purposes of its counter-claim and for substituted service.
4. A full copy of the papers in the main application, the counter-application and the applications to join affected persons and for substituted service are available on the website of Highveld, [www.evrazhighveld.co.za](http://www.evrazhighveld.co.za), and upon request from Van Hulsteyns Attorneys, the attorneys representing Air Liquide, who can be contacted as follows:

**Van Hulsteyns Attorneys**

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