



Issued: 11 January 2019 4:43 PM

## JUDGMENT/ORDER

### COURT DETAILS

Court	Supreme Court of NSW
Division	Equity
List	Corporations List
Registry	Supreme Court Sydney
Case number	2019/00011229

### TITLE OF PROCEEDINGS

First Plaintiff	Peter Paul Krejci and Andrew Cummins each in their capacity as joint and several administrators of Greatcell Solar Limited
Second Plaintiff	Greatcell Solar Limited formerly known as Dyesol Limited (Administrators Appointed)
Number of Plaintiff(s)	4
Corporation subject of the proceeding	Greatcell Solar Limited formerly known as Dyesol Limited (Administrators Appointed) Refer to Party Details at rear for full list of parties

### DATE OF JUDGMENT/ORDER

Date made or given	11 January 2019
Date entered	11 January 2019

### TERMS OF JUDGMENT/ORDER

By Order of the Court:

1. On the undertaking of the solicitor for the plaintiff to pay applicable filing fees, grants leave to the plaintiff to file in Court the originating process signed by Robb J and dated today's date.
2. Grants leave to the plaintiff to file in Court the affidavit of Peter Paul Krejic affirmed 11 January 2019 signed by Robb J and dated today's date.
3. Exhibit PPK-1 to the affidavit of Peter Paul Krejic affirmed 11 January 2019 is admitted into evidence on this application as Exhibit P1.

The Court makes orders in terms of the short minutes of order initialled by Robb J and dated today's date.

The Court orders that:

1. Upon the undertaking of the first plaintiff to pay the relevant filing fees, grant leave to the plaintiffs to file in Court the Originating Process dated 11 January 2019 and made returnable instanter.
2. Pursuant to section 439A(6) of the Corporations Act 2001 (Cth) (Act), order that the convening period under s 439A(1) and (5) for the meeting of creditors of Greatcell Solar Limited formerly known as Dyesol Limited ACN 111 723 883 (Administrators Appointed) (GSL), Greatcell Solar Australia Pty Ltd formerly known as Dyesol Australia Pty Ltd ACN 131 374 064 (Administrators Appointed) (GSA), and Greatcell Solar Industries Pty Ltd formerly known as Dyesol Industries Pty Ltd ACN 083 102 498 (Administrators Appointed) (GSI), be extended until 11.59 pm on 15 March 2019.
3. Pursuant to s 447A(1) of the Act, order that s 439A of the Act is to operate generally to permit the convening of the second meeting of creditors of GSL, GSA and GSI at any time during the convening period as extended by Order 2 above, provided that the requirements of section 75-225 of the Insolvency Practice Rules (Corporations) are complied with in respect of the convening of

such meetings.

4. Order that by 5.00pm on Friday 18 January 2019, the first plaintiff is to inform the following parties of the these orders by means of a circular forwarded by post, facsimile or email (as appropriate):

(a) those creditors (including persons claiming to be creditors) of GSL, GSA and GSI for whom the first plaintiff has a current post, facsimile or email address; and  
(b) the Australian Securities and Investments Commission (ASIC).

5. Order that by 5.00pm on Friday 18 January 2019, the first plaintiff publish copies of the documents filed in these proceedings, together with a copy of these orders, on the website maintained by BRI Ferrier at [www.briferrier.com.au](http://www.briferrier.com.au) (the publication of such documents being subject to order 6 below).

6. Pursuant to sections 7, 8(1)(a) and or (1)(e) and 12 of the Court Suppression And Non-Publication Orders Act 2010 (NSW), order that the following documents or parts of documents filed in the proceedings be made confidential and prohibited from disclosure to any person except with the consent of the plaintiffs or by order of the Court made on an application in respect of which the plaintiffs have been given at least 3 business days' written notice:

(a) paragraphs 23(c), 27(j), 32-40, 41(a) to (e), 42-53 of the affidavit of Peter Paul Krejci sworn 11 January 2019; and

(b) Exhibit PPK1 to the affidavit of Peter Paul Krejci sworn 11 January 2019; and

(c) the outline of plaintiff's submissions dated 11 January 2019

6A. Order 6 is to expire at 11:49 on 15 April 2019, with the plaintiff's having leave to apply before the expiry of order 6 to extend the further operation of order 6.

such order being made on the grounds that the order is (i) necessary to prevent prejudice to the proper administration of justice, and (ii) in the public interest.

7. The costs of and incidental to this proceeding be costs and expenses in the administration of, and paid out of the assets of, GSL, GSA and GSI.

8. Grant the plaintiffs and any other interested person liberty to apply to the Court on 3 days' notice.

9. Order that these orders be entered forthwith.

10. Grants leave to the plaintiffs to uplift the affidavit of Mr Krejic, the outline of the plaintiff's submissions and exhibit P1 on the undertaking of the solicitor for the plaintiff to

a. provide a redacted copy of the affidavit to exclude the information the subject of order 6 and to deliver the redacted affidavit to the associate to Robb J within 7 days

b. to return the documents to the court within 2 days of any request to do so.

## SEAL AND SIGNATURE



Signature                      T.Kennedy (L.S)  
Capacity                      Chief Clerk  
Date                              11 January 2019

If this document was issued by means of the Electronic Case Management System (ECM), pursuant to Part 3 of the Uniform Civil Procedure Rules (UCPR), this document is taken to have been signed if the person's name is printed where his or her signature would otherwise appear.

## PARTY DETAILS

### PARTIES TO THE PROCEEDINGS

**First Application under Corporation Law  
Plaintiff(s)**

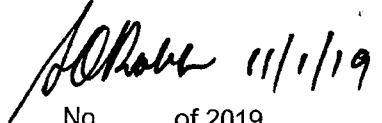
First Plaintiff Peter Paul Krejci and Andrew Cummins each in their capacity as  
joint and several administrators of Greatcell Solar Limited  
Second Plaintiff Greatcell Solar Limited formerly known as Dyesol Limited  
(Administrators Appointed)  
ACN 111723883  
Third Plaintiff Greatcell Solar Australia Pty Ltd formerly known as Ddyesol  
Australia Pty Ltd  
ACN 131374064  
Fourth Plaintiff Greatcell Solar Industries Pty Ltd formerly known as Dyesol  
Industries Pty Ltd (Administrators Appointed)  
ACN 083102498

(s)

**ATTACHMENTS TO ORDERS**

SMO (greatcell\_2019\_01\_11\_16\_42\_21\_251.pdf)

[attach.]

  
No. of 2019

IN THE SUPREME COURT OF NEW SOUTH WALES  
DIVISION: EQUITY  
REGISTRY: SYDNEY  
CORPORATIONS LIST

IN THE MATTER OF GREATCELL SOLAR LIMITED FORMERLY KNOWN AS DYESOL LIMITED ACN 111 723 883 (ADMINISTRATORS APPOINTED) & ORS

**PETER PAUL KREJCI AND ANDREW CUMMINS EACH IN THEIR CAPACITY AS JOINT AND SEVERAL ADMINISTRATORS OF GREATCELL SOLAR LIMITED FORMERLY KNOWN AS DYESOL LIMITED ACN 111 723 883 (ADMINISTRATORS APPOINTED), GREATCELL SOLAR AUSTRALIA PTY LTD FORMERLY KNOWN AS DYESOL AUSTRALIA PTY LTD ACN 131 374 064 (ADMINISTRATORS APPOINTED) AND GREATCELL SOLAR INDUSTRIES PTY LTD FORMERLY KNOWN AS DYESOL INDUSTRIES PTY LTD ACN 083 102 498 (ADMINISTRATORS APPOINTED)**

First Plaintiff & Ors

### SHORT MINUTES OF ORDER

The Court orders that:

1. Upon the undertaking of the first plaintiff to pay the relevant filing fees, grant leave to the plaintiffs to file in Court the Originating Process dated 11 January 2019 and made returnable instanter.
2. Pursuant to section 439A(6) of the *Corporations Act 2001* (Cth) (**Act**), order that the convening period under s 439A(1) and (5) for the meeting of creditors of Greatcell Solar Limited formerly known as Dyesol Limited ACN 111 723 883 (Administrators Appointed) (**GSL**), Greatcell Solar Australia Pty Ltd formerly known as Dyesol Australia Pty Ltd ACN 131 374 064 (Administrators Appointed) (**GSA**), and Greatcell Solar Industries Pty Ltd formerly known as Dyesol Industries Pty Ltd ACN 083 102 498 (Administrators Appointed) (**GSI**), be extended until 11.59 pm on 15 March 2019.
3. Pursuant to s 447A(1) of the Act, order that s 439A of the Act is to operate generally to permit the convening of the second meeting of creditors of GSL, GSA and GSI at any time during the convening period as extended by Order 2 above, provided that the requirements of section 75-225 of the *Insolvency Practice Rules (Corporations)* are complied with in respect of the convening of such meetings.
4. Order that by 5.00pm on Friday 18 January 2019, the first plaintiff is to inform the following parties of these orders by means of a circular forwarded by post, facsimile or email (as appropriate):

- (a) those creditors (including persons claiming to be creditors) of GSL, GSA and GSI for whom the first plaintiff has a current post, facsimile or email address; and
- (b) the Australian Securities and Investments Commission (ASIC).
5. Order that by 5.00pm on Friday 18 January 2019, the first plaintiff publish copies of the documents filed in these proceedings, together with a copy of these orders, on the website maintained by BRI Ferrier at [www.briferrier.com.au](http://www.briferrier.com.au) (the publication of such documents being subject to order 6 below).
6. Pursuant to sections 7, 8(1)(a) and or (1)(e) and 12 of the *Court Suppression And Non-Publication Orders Act 2010* (NSW), order that the following documents or parts of documents filed in the proceedings be made confidential and prohibited from disclosure to any person except with the consent of the plaintiffs or by order of the Court made on an application in respect of which the plaintiffs have been given at least 3 business days' written notice:
- (a) paragraphs 23(c), 27(j), 32-40, 41(a) to (e), 42-53 of the affidavit of Peter Paul Krejci sworn 11 January 2019; ~~and~~
- (b) Exhibit PPK1 to the affidavit of Peter Paul Krejci sworn 11 January 2019; *and*
- (c) ~~the Plaintiff's~~ *Outline of Plaintiffs' Submissions dated* such order being made on the grounds that the order is (i) necessary to prevent "Jan prejudice to the proper administration of justice, and (ii) in the public interest. 2019.
7. The costs of and incidental to this proceeding be costs and expenses in the administration of, and paid out of the assets of, GSL, GSA and GSI.
8. Grant the plaintiffs and any other interested person liberty to apply to the Court on 3 days' notice.
9. Order that these orders be entered forthwith.

Dated: 11 January 2019

*Order 6*  
6A. ~~The order~~ *is to expire at* 11.59 pm on 15 April 2019, ~~and~~ *with* the plaintiffs having leave to apply before the expiry of Order 6 to extend the further operation of Order 6.