

IN THE SUPREME COURT OF NEW SOUTH WALES

FILED

DIVISION: EQUITY

REGISTRY: SYDNEY

CORPORATIONS LIST

11 JAN 2019



No. 1129 of 2019

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

ORIGINATING PROCESS

A. DETAILS OF APPLICATION

This application is made under sections 439A(6) and 447A(1) of the *Corporations Act 2001* (Cth) (**Act**), section 75-225 of the Insolvency Practice Rules (Corporations) (**Rules**) and under sections 7, 8(1)(a) and or (1)(e) and 12 of the *Court Suppression And Non-Publication Orders Act 2010* (NSW).

The first plaintiff seeks to extend the convening period in respect of the second meeting of creditors 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).

On the facts stated in the supporting affidavit of Peter Paul Krejci sworn 11 January 2019, the first plaintiff seeks the following orders:

1. Pursuant to section 439A(6) of the Act, orders that the convening period 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 11.59pm on 15 March 2019.

Filed on behalf of: the Plaintiffs

Prepared by:

Colin Biggers & Paisley Pty Ltd

Lawyers

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Ref: PJH:HKG

Attention: Peter Harkin

2. Pursuant to s 447A(1) of the Act, orders that s 439A of the Act operates generally to permit the convening and holding of the second meeting of creditors of GSL, GSA and GSI at any time during the convening period as extended by Order 1 above, provided that the requirements of section 75-225 of the Rules are complied with in respect of the convening of such meetings.

3. Pursuant to sections 7, 8(1)(a) and or 8(1)(e) and 12 of the *Court Suppression And Non-Publication Orders Act 2010* (NSW), a suppression order and/or non-publication order be made in respect of the following documents or parts of documents, with the effect that such documents or parts of documents 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.

4. The costs of and incidental to this Originating Process dated 11 January 2019 be costs and expenses in the administration of, and paid out of the assets of, GSL, GSA and GSI.

5. Such further other orders as this Honourable Court deems necessary.

Date: 11 January 2019



 Peter John Harkin
 Solicitor for the Plaintiffs
*by his employed solicitor
 Hannah Kate Smith*

This application will be heard by the Supreme Court of New South Wales at Law Courts Building
 Queens Square Sydney at

B. NOTICE TO DEFENDANTS

N/A

C. FILING

Date: January 2019

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This originating process is filed by Peter John Harkin for the Plaintiffs.

D. SERVICE

The Plaintiffs' address for service is c/- Colin Biggers & Paisley Pty Ltd, Lawyers, Level 42, 2 Park Street, Sydney NSW 2000.

SCHEDULE

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 Ddyesol 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

Greatcell Solar Limited formerly known as Dyesol Limited ACN 111 723 883 (administrators appointed)

Second Plaintiff

Greatcell Solar Australia Pty Ltd formerly known as Ddyesol Australia Pty Ltd ACN 131 374 064 (administrators appointed)

Third Plaintiff

Greatcell Solar Industries Pty Ltd formerly known as Dyesol Industries Pty Ltd ACN 083 102 498 (administrators appointed)

Fourth Plaintiff