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IN THE GENERAL DIVISION OF THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

Case No.: HC/OA 821/2022

In the matter of Section 64 of the Insolvency, Restructuring and Dissolution Act 2018
And
In the matter of **CHARAKU PTE. LTD.**
(Singapore UEN No. 201538393W)

… Applicant

NOTICE OF APPLICATION

Notice is hereby given that **CHARAKU PTE. LTD.** (Singapore UEN No. 201538393W) ("**Applicant**"), on 7 December 2022, filed an application in the General Division of the High Court of the Republic of Singapore ("**Court**") pursuant to section 64 of the Insolvency, Restructuring and Dissolution Act 2018 (the "**Application**") to seek, inter alia, orders that:

1. Pursuant to section 64 of the Insolvency, Restructuring and Dissolution Act 2018 (the "**IRDA**"):-
    1.1. For the automatic moratorium pursuant to section 64(8), (9) and (14) of the IRDA to apply from the date this Application is made ending after thirty (30) days after the date this Application is made ("**Automatic Moratorium Period**");
    1.2. For a further period of two (2) months after the Automatic Moratorium:-
        a) No order or resolution should be passed for the winding up of the Applicant;
        b) No appointment of a receiver or manager over any property or undertaking of the Applicant;
        c) An order restraining the commencement or continuation of any proceedings (other than proceedings under section 210 or 212 of the Companies Act, or section 64, 66, 69 or 70 of the IRDA) against the Applicant, except with the leave of the Court and subject to such terms as the Court imposes;
        d) An order restraining the commencement, continuation or levying of any execution, distress or other legal process against any property of the Applicant, except with the leave of the Court and subject to such terms as the Court imposes;
        e) An order restraining the taking of any step to enforce any security over any property of the Applicant, or to repossess any goods held by the Applicant under any chattels leasing agreement, hire-purchase agreement or retention of title agreement, except with the leave of the Court and subject to such terms as the Court imposes; and

f) An order restraining the enforcement of any right of re-entry or forfeiture under any lease in respect of any premises occupied by the Applicant (including any enforcement pursuant to section 18 or 18A of the Conveyancing and Law of Property Act (Cap. 61)), except with the leave of the Court and subject to such terms as the Court imposes.

1.3. The Applicant be entitled to attend and make submissions at the hearing of any application(s) for leave to the Court to commence, continue, levy or enforce any of the proceedings or to take any steps restrained by the order in paragraph above.

TAKE NOTICE that the address of the Applicant is 21 Bukit Batok Crescent #13-71 WCEGA Tower, Singapore 658065. The Applicant's solicitors are **Messrs Emerald Law LLC** of 3 Shenton Way, Shenton House, #11-10, Singapore 068805.

TAKE FURTHER NOTICE that the Application has been fixed for hearing at **10am** on **5 January 2023 (Thursday)**, Singapore time before the Honourable Justice Aedit Abdullah, sitting in the General Division of the High Court of the Republic of Singapore.

2. The Singapore Court issued the following directions on 15 December 2022:

(a) Any supplemental affidavit of the applicant is to be filed and served by **2359 hours on 16 December 2022 (Friday), Singapore time**. The applicant's solicitors are to make available, by 2359 hours on 16 December 2022, Singapore time, a copy of the affidavit, if filed, to all who may be affected by the orders sought in the Application.

(b) Anyone who objects / for any reason wishes to respond to the Application is to file and serve his/her/its affidavit by **2359 hours on 23 December 2022 (Friday), Singapore time**. The applicant's solicitors are to make available, by 10 AM on 27 December 2022, Singapore time, a copy of all such affidavits to all who may be affected by the orders sought in the Application.

(c) Any reply affidavit of the applicant is to be filed and served by **10 AM on 28 December 2022 (Wednesday), Singapore time**. The applicant's solicitors are to make available, also by 10 AM on 28 December 2022, Singapore time, a copy of the reply affidavit, if filed, to all who may be affected by the orders sought in the Application.

(d) All written submissions and bundles of authorities are to be filed by **4 PM on 3 January 2023 (Tuesday), Singapore time**:

(i) The applicant's written submissions are limited to 35 pages (excluding the cover page).

(ii) Any written submissions filed by each creditor are limited to 25 pages each (excluding the cover page).

(iii) The applicant's solicitors are to make available a copy of all written submissions to all who may be affected by the orders sought in the Application by **6 PM on 3 January 2023 (Tuesday), Singapore time**.

(e) All who may be affected by the orders sought in the Application and who are not represented by Singapore counsel but who wish to address the Court at the hearing of the Application ("**Legally Unrepresented Persons**"), are to note the following:

(i) that, where any of the Legally Unrepresented Persons wish to attend the hearing of the Application in their capacity as corporate representatives of companies claiming an interest in the matter, such Legally Unrepresented Persons are to provide the applicant's solicitors with their companies' letters of authorisation ("**Letters of Authorisation**") for them to attend the hearing on behalf of the companies. Copies of the Letters of Authorisation are to be compiled and forwarded to the Court by the applicant's solicitors; and

(ii) that the dress code for all Legally Unrepresented Persons shall be office attire. Any Legally Unrepresented Persons inappropriately attired may not be permitted to attend the hearing.

(f) The applicant's solicitors are to provide the following to the Court by no later than **4 PM on 3 January 2023 (Tuesday), Singapore time**:

(i) A list of creditors (whether or not attending or to be represented at the hearing), with an indication of whether each supports, opposes or has no position on the Application.

(ii) Of that list in (i), identify all those creditors who will be attending / represented at the hearing. In this regard:

1. where any of those creditors are legally represented, the names of their counsel who will be attending the hearing are to be indicated; and

2. where any of those creditors are corporations, the names of their Legally Unrepresented Persons who will be attending the hearing are to be indicated.

(iii) A copy of all Letters of Authorisation provided by the Legally Unrepresented Persons who will be attending the hearing.

(iv) A time bank setting out the allocation of time for oral submissions by each who wishes to address the Court at the hearing, on the assumption that the entire hearing will take no more than 2 hours.

(g) If there are any supplements to be made in relation to (f)(i) to (f)(iv) above, the applicant's solicitors should update the Court accordingly as soon as possible before the hearing of the Application.

(h) The applicant's solicitors should stand ready to address the Court on whether the applicant is licensed or regulated under any legislation and, if so, whether the applicant complied with all relevant requirements as stipulated under the relevant legislation and/or as imposed by any relevant regulatory authority before making the Application.

3. Without prejudice to the above, please note that:

(a) Any person who has an interest in the Application or who claims to have such interest must appoint counsel with rights of audience in Singapore to represent it at the hearing if:

(i) It is a corporation, wherever incorporated; and

(ii) It intends to contest the Application or to seek a contested adjournment of the Application.

(b) All counsel appointed under paragraph 3(a) above must comply with the directions set out under paragraph 2 above.

Soft copies of the full set of cause papers filed by the Applicant in respect of HC/OA 821/2022 will be made available upon request by email to creditors of the Applicant. All queries on the above applications should be directed to keith.hsu@emeraldlaw.com.sg and nico@emeraldlaw.com.sg.

Note:- Any person who intends to appear at the hearing of the Application must serve on or send by email, fax or hand to the abovementioned Emerald Law LLC a notice in writing of his intention to do so. The notice must state the name and address of the person, or if a firm, the name and address of the firm, and must be signed by the person or firm, or his or their solicitor (if any), and in the case of Legally Unrepresented Persons, must contain copies of the requisite letters of authorization authorizing them to attend the hearing of the Application on the firm's behalf as well as an indication of whether each supports, opposes or has no position on the Application and the time such party needs to address the Court; and must be served in sufficient time to reach the abovenamed not later than 10 AM on 3 January 2022.

Dated this 27 day of December 2022

EMERALD LAW LLC
Solicitors for the Applicant