

## COMPANY ANNOUNCEMENT

### MATERIAL LITIGATION

#### KUALA LUMPUR HIGH COURT SUIT NO. WA-22NCvC-860-12/2018

#### **CIMB Islamic Trustee Berhad and Boustead Plantations Berhad -v- Setia Fontaines Sdn Bhd**

CIMB Islamic Trustee Berhad, acting as trustee for Boustead Plantations Berhad (“**First Plaintiff**”), and Boustead Plantations Berhad (“**BPlant**” as Second Plaintiff) had on 28 December 2018 filed a Writ of Summons and Statement of Claim on Setia Fontaines Sdn Bhd (“**Defendant**”). The Writ of Summons and Statement of Claim were served on the Defendant on 3 January 2019.

Under the Writ of Summons and Statement of Claim, BPlant is claiming for relief against the Defendant on account of the Defendant’s breach of a Sale and Purchase Agreement dated 22 December 2016 (“**Sale and Purchase Agreement**”). Specifically, BPlant’s claims against the Defendant are related to a refund under the Goods and Services Tax Act, 2014 owing to BPlant, as follows:-

- (a) declaration that goods and services tax is chargeable in the sum of RM37,207,353.35 on the sale of lands by the First Plaintiff to the Defendant pursuant to the Sale and Purchase Agreement;
- (b) damages amounting to RM37,207,353.35 to be paid by the Defendant to the Plaintiffs jointly; or to the First Plaintiff (in its capacity as Trustee for the BPlant); or to BPlant;
- (c) interest at the rate of 8% per annum (or such rate deemed fit by the Court) computed from 31 October 2017 until full settlement by the Defendant; and
- (d) costs and such further or other relief deemed fit by the Court.

The Defendant has 14 days from the date of receipt of the Writ of Summons to enter their appearance in the Suit, and the matter has been fixed for case management on 28 January 2019.

In consultation with BPlant’s solicitors, the Board is of the view that BPlant has a good case in this suit and are therefore positive of the outcome of this litigation.

Further announcements will be made as the case progresses.

This announcement is dated 8 January 2019.