

IN THE GRAND COURT OF THE CAYMAN ISLANDS
FINANCIAL SERVICES DIVISION



CAUSE NO: FSD 61 OF 2020

IN THE MATTER OF SECTIONS 156 AND 159 COMPANIES LAW
AND IN THE MATTER OF LIBERTY-CITIC ENERGY CAYMAN LIMITED

BETWEEN

SOCIETE NATIONALE D'ELECTRICITE DU SENEGAL

AND

LIBERTY-CITIC ENERGY CAYMAN LIMITED

DEFENDANT



ORIGINATING SUMMONS

LET THE DEFENDANT of Uglan House, South Church Street, Grand Cayman, KY1-1104 Cayman Islands attend before the Judge in Chambers, at the Law Courts, George Town, Grand Cayman on the day of 2020, at o'clock AM/PM on the hearing of an application by the Plaintiff of 28 Rue Vincens, Dakar, Sénégal for:

(1) Declarations that:

- (i) the Defendant at the time of it being stricken from the Companies Register and dissolved was not carrying on business or in operation within the provisions of section 159 of the Companies Law;
- (ii) the Affidavit evidence dated 22 August 2016 of Mr Frank Corsini in support of the Defendant's application for restoration to the Companies Register which asserted that the Defendant was carrying on business and in operation was deliberately false and/or misleading in that the Defendant was not carrying on business or in operation at the time of striking off and dissolution and this was known to Mr. Corsini at the time of swearing his evidence in support of the Defendant's application for restoration;

This **Originating Summons** was filed by Travers Thorp Alberga, attorneys for the Plaintiff, whose address for service is PO Box 472, 103 South Church Street, Grand Cayman, KY1-1106 Cayman Islands.

- (iii) the Defendant is or ought to be dissolved.
- (2) An Order for costs.
- (3) Such further and other relief as the Court thinks fit and just.

The Plaintiff and the Defendant executed a Conditional Power Purchase Agreement dated 24 October 2012. The Plaintiff seeks the declarations of the Cayman Court as the Court of the jurisdiction of the Defendant's place of incorporation and the Court which has jurisdiction over questions pertaining to the Defendant's legal existence or otherwise.

AND LET THE DEFENDANT within 14 days after service of this summons on him counting the day of service, return the accompanying Acknowledgement of Service to the Courts office.

Dated the *17th* day of *April* 2020

Travers Thorp Alberga
Travers Thorp Alberga

NOTES:-

- (1) This Summons may not be served later than 4 calendar months (or, if leave is required to effect service out of the jurisdiction, 6 months) beginning with the above date unless renewed by order of the Court.
- (2) If a defendant does not attend personally or by his attorney at the time and place above-mentioned such order will be made as the Court may think just and expedient.

IMPORTANT

Directions for Acknowledgment of Service are given with the accompanying form.

This Originating Summons was issued by **Travers Thorp Alberga**, attorneys for the Plaintiff, whose address for service is PO Box 472, 103 South Church Street, Grand Cayman, KY1-1106 Cayman Islands.

This **Originating Summons** was filed by Travers Thorp Alberga, attorneys for the Plaintiff, whose address for service is PO Box 472, 103 South Church Street, Grand Cayman, KY1-1106 Cayman Islands.