

IN THE SUPREME COURT OF SEYCHELLES

Civil Side: MC 01/2014

[2014] SCSC 10

GLOBAL ENERGY HORIZONS CORPORATION

Petitioner/Applicant

versus

**VICTORIA CORPORATE AGENT (PROPRIETARY) LIMITED
AS REGISTERED AGENT OF PETROSOUND LTD**

Respondent

Heard: 16 January 2014

Counsel: Mr. K. B. Shah for Petitioner/Applicant

Delivered: 16 January 2014

ORDER

Karunakaran J

[1] UPON the application of the Applicant dated the 9th of January 2014

[2] AND UPON hearing Counsel Mr. K. B. Shah for the Applicant

[3] AND UPON carefully perusing the following documents:-

- (i) The affidavit of Justin Nimmo dated the 17th of December 2013 filed in support of the application;
- (ii) The Exhibit “JN1” in Volume 1 and 2 referred to by the deponent in the said affidavit;
- (iii) The judgment of this Court in *Civil Side No. 310 of 2008* delivered on the 12th of November 2008;
- (iv) The authority of *Norwich Pharmacal versus Commissioners of Customs and Excise (1974) A.C page 133*, in which the “*Norwich Pharmacal Principle*” was enunciated by the High Court of England; and

[4] AND IN EXERCISE of the power and jurisdiction conferred on this Court by Section 5, 6 and 17 of the Courts Act, and primarily relying on the “*Norwich Pharmacal Principle*” enunciated by the High Court of England

[5] IT IS ORDERED THAT:

- 1.** The Respondent namely, Victoria Corporate Agents (Proprietary) Limited being the registered agent of Petrosound Limited shall by 4pm on the 27th of January 2014 carry out a reasonable search to locate all the documents in the categories listed below and shall provide a list to the Petitioner’s Attorney Mr. K. B Shah stating which of those documents are in his control:-
 - (a)** the documents recording the shareholdings in the Petrosound Ltd since incorporation, including the share register for the Company which it is required to maintain pursuant to Section 28 of the International Business Companies Act;
 - (b)** the books and records which are required to be kept by Petrosound Ltd pursuant to the International Business Company Act. These would include the records of all meetings of the directors and shareholders and financial records;
 - (c)** to the extent not covered by (b) above, the accounts of Pertosound Ltd, and/or details as to where these accounts are held;

- (d) documents identifying the “Opco” proposed in the email of Mr. Kantor or 20 April 2012 and/or identifying any other entity to whom Petrosound Ltd, Sonoplus Ltd or their subsidiaries have bestowed licenses relating to the Ultrasound Technology.
2. The Respondent shall, when providing the list of documents referred to in paragraph 1 above, also:
- (a) specify which of those documents are no longer in his control; and
- (b) indicate what happened to any documents which are no longer in his control and possession and indicate where these are now held.
3. The Respondent shall by the 27th of January 2014, provide copies of the documents disclosed pursuant to paragraph 1 above to the Petitioner’s attorney. Where the original documents are in electronic form, the Respondent shall provide a copy in the same format as the original as printouts or in electronic format copying the same in movable storage devices. Where the original documents are in hard copy, the Respondent should provide a copy thereof in hardcopy form.
4. Unless the Court orders otherwise, the Petitioner shall pay the Respondents reasonable costs of complying with this Order.
- [6] I also direct the Registrar of the Supreme Court to keep this file sealed unless the Court orders otherwise.

Signed, dated and delivered at Ile du Port on 16 January 2014

D Karunakaran
Judge of the Supreme Court