

**SUPREME COURT OF SEYCHELLES**

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**Not Reportable**  
[2019] SCSC 793  
MC 62/2019

In the exparte

**MR CHEN SENG KUEI**  
*(rep. by Rene Durup)*

**Applicant**

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**Before:** Twomey CJ  
**Delivered:** [18 September 2019]

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**ORDER**

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**TWOMEY CJ**

- [1] The Applicant is a director of Full Kang Co. Ltd, a company incorporated under the International Business Companies Act 2016 (hereinafter the Company).
- [2] He has brought previous applications to this Court in which he has disclosed that he is a shareholder of the Company together with his brother Chen Pao-Tzu and his father Chen Ho-Cheng.
- [3] On 5 September 2018, this Court granted a Norwich Pharmacal Order for the disclosure of documents held by Sterling Trust and Fiduciary Ltd, a service provider for the Company and on 28 May 2019 a further order for the enforcement of the original order was issued.
- [4] The present application makes serious criminal allegations and concerns further documentation held by Sterling Trust and Fiduciary Limited in respect of the company. The Applicant has averred that a signature on a document annexed to his application (Annexe A) is a forgery and the contents of the document concerning his personal details false. He also avers that a copy of a passport (Annexe B) purporting to be his provided to

Sterling Trust and Fiduciary Ltd is also a forgery. He avers therefore that the production of these to Sterling Trust and Fiduciary Ltd has been to his prejudice and is evidence of civil and criminal wrongdoings.

- [5] He avers that he has asked Sterling Trust and Fiduciary Ltd to provide information as to who provided these documents which request was refused.
- [6] He therefore applies ex parte for an order for disclosure of this information by Sterling Trust and Fiduciary Ltd which is necessary for further action to prevent his identity being used for money laundering purposes or the financing of terrorist activities.
- [7] I am satisfied based on the averments of the affidavit that the urgency of this application and the maintenance of the confidentiality of the proceedings have been fully explained.
- [8] The order ultimately sought by the Applicant in the present matter is for Sterling Trust and Fiduciary Ltd to release information relating to the identity of the person who furnished the documents as appended and referred to above.
- [9] The order as prayed for is grounded in equity and emanates from the case of *Norwich Pharmacal v Commissioners of Customs and Excise (1974) AC 133*, the conditions for which have been satisfied.
- [10] The Applicant in the present matter has made full and frank disclosure of all the facts relating to this case and I am satisfied that the application is not a fishing expedition but justified and necessary for the obtention of information for its use in court proceedings (see *AXA Equity and Law Life Assurance Society Plc and others v National Westminster Bank (PLC)* [1998] SLC1177).
- [11] Section 378 of International Business Companies Act 2016 permits disclosure to a third party of such information and documents by an order of the Court in such circumstances.
- [12] I therefore make the following orders:

*IT IS ORDERED* that:

- I. Sterling Trust and Fiduciary Ltd shall within seven days of the date of service of this order disclose the identity of the person or entity who disclosed and /or provided the information and documents in Appendices A and B of this order.
- II. Sterling Trust must not inform anyone else of these proceedings or that it is to disclose the documents or information sought until further Orders of this Court.
- III. The Court file in respect of these proceedings shall be sealed and public inspection thereof shall not be permitted until further Order of the Court.
- IV. The Registrar is directed to remove reference to the names of the parties to these proceedings from any cause lists which are publically circulated until further order of this Court.

Signed, dated and delivered at Ile du Port on 18 September 2019

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M Twomey CJ