

TRANSLATION

IN THE HIGH COURT OF MALAYA IN KUALA LUMPUR
(COMMERCIAL DIVISION)

ORIGINATING SUMMONS NO : - 24 - - 2007

In the matter of the Powerhouse Asset Management Sdn Bhd Gold Structured Investment Scheme;

And

In the matter of Fund Manager License and Fund Manager Representative License dated 27 December 2005;

And

In the matter of Sections 356 and 360(1)(a)(iii) (M), (N) and (P), 381 and 390 Capital Markets Services Act, 2007 and relevant provisions of the Rules of the High Court, 1980

BETWEEN

SECURITIES COMMISSION

... PLAINTIFF

AND

1. POWERHOUSE ASSET MANAGEMENT SDN BHD
(COMPANY NO : 707021-H)

2. TAN KOK KHENG
(PASSPORT NO : S1394328A)

... DEFENDANTS

ORIGINATING SUMMONS

LET Powerhouse Asset Management Sdn Bhd (Company No : 707021-H) of D-8-4, Megan Avenue 1, 189, Jalan Tun Razak 50400 Kuala Lumpur and Tan Kok Kheng (Passport No : S1394328A), of B-8-5 Mont Kiara, Aman Condominium, Jalan Kiara 2, 50480 Kuala Lumpur, attend before the Judge in Chambers on the day of 2007 at am/pm on the hearing of an application by the Plaintiff for the following :

- (1) A declaration that all such monies or funds standing to the credit of the persons listed in Schedule 1 hereto ("Investors") involved in the 1st Defendant's Gold Structured

Investment Scheme at the time of receipt of the same by the 1st Defendant were held by 1st Defendant upon absolute trust for each of the Investors in proportion to their respective investment in the said scheme;

- (2) A declaration that the Defendants are jointly and severally liable to pay to the Plaintiff the sum of RM1,925,539.10 representing the shortfall required to fully make restitution to the Investors of the 1st Defendant's Gold Structured Investment Scheme, the Defendants having complied with prior directions to transfer to the Plaintiff, all identified monies and properties belonging in trust to the Investors;
- (3) An Order that the Plaintiff be allowed to utilize the sum of RM216,231.49 in the 1st Defendant's Maybank Account No. 514570503877 ("Account B") which is currently maintained by UOB Trustee (Malaysia) Berhad to be paid to the Investors towards reducing the amount of the shortfall;
- (4) An Order that the Plaintiff be allowed to utilize the security deposit of RM150,000.00 paid by the 1st Defendant for the fund manager's license application which is currently held by the Plaintiff to be paid to the Investors towards reducing the amount of the shortfall;
- (5) An Order that the Defendants, jointly and severally, do within 7 days from the date of this Order, pay to the Plaintiff the sum of RM 1,559,307.61 representing the shortfall required to fully make restitution to the Investors less the sum in Account B and the security deposit currently held by the Plaintiff;
- (6) That notice of these proceedings and of the Orders made herein be advertised once in two local newspapers, namely Berita Harian and The Star in the form of an advertisement to be approved by the Deputy Registrar of this Court;
- (7) That the costs of and incidental to this application be paid by the Defendants;
- (8) That the Plaintiff be indemnified by the Defendants for any costs, expenses and fees incurred by the Plaintiff in respect of the appointment of the United Overseas Bank

(Malaysia) Bhd and UOB Trustee (Malaysia) Bhd ("the Trustees") and the exercise of the Trustees' duties;

- (9) Such other ancillary or further orders as this Honourable Court deems fit; and
- (10) That the Plaintiff be at liberty to apply for any ancillary or further orders as may be deemed necessary;

The grounds of this Originating Summons are :

- (a) That 1st Defendant's Gold Structured Investment Scheme was a prohibited business under the conditions of the Defendants' licenses issued under the (now repealed) Securities Industry Act, 1983;
- (b) That the Defendants published, distributed and disseminated 1st Defendants Gold Structured Investment Scheme to solicit investment without the written approval of the SC; and
- (c) That the Defendants had permitted unlicensed fund manager representatives to undertake the activities of a licensed fund manager representative.

and further as stated in the Affidavit of SALMAH BEE MOHD MYDIN affirmed and filed herein.

Dated the day of 2007

.....
Senior Assistant Registrar
High Court
Kuala Lumpur

Memorandum to be subscribed on the summons

This Originating Summons is taken out by Messrs Wong & Partners of Level 41, Suite A, Menara Maxis, Kuala Lumpur City Centre, 50088 Kuala Lumpur, solicitors for the said Plaintiff whose address is 3, Persiaran Bukit Kiara, Bukit Kiara, 50490 Kuala Lumpur

Note--

This summons may not be served later than 12 calendar months after the above date unless renewed by order of the Court.

If the Defendants do not attend personally or by their counsel or solicitor at the time and place abovementioned such order will be made as the Court may think just and expedient.

This Originating Summons is filed by Messrs Wong & Partners, Solicitors for the Plaintiff abovenamed whose address for service is at Level 41, Suite A, Menara Maxis, Kuala Lumpur City Centre, 50088 Kuala Lumpur.

Tel: 03 - 2055 1888 / Fax: 03 - 2161 2919

Ref: CKY/YCG/DCH/cgh/78210738-221760 (#152597)

SCHEDULE 1

**LIST OF INVESTORS OF THE 1ST DEFENDANT'S
GOLD STRUCTURED INVESTMENT SCHEME**

- 1 Chan Yuet May
- 2 Leong Mun Seng
- 3 Chan Seng Yoke
- 4 Choong Li Yin
- 5 Patrick Marie Hays
- 6 Wong Tai See
- 7 Lim Siew Kim
- 8 Gan Koon Ghee
- 9 Heah Gek Huah
- 10 Khairjah Begom bt Shah Mohamed
- 11 The Siew Kim
- 12 YB Dato' Mohamad Khir bin Harun
- 13 Chang Yao Tsung
- 14 Chin Lily @ Chin Lee Lee
- 15 Gong Swee King
- 16 Tan Poh Sook
- 17 Subimal Sen Gupta a/ S C Sen
- 18 Tabung Warisan Negeri Selangor
- 19 YB Datin Che Bashah @ Zaiton bt Mustaffa
- 20 Dr Zarina Bibi bt Shah Mohd
- 21 Mohd Rafik b Shah Mohamad
- 22 Puan Sri Rohita bt Abdul Rahman
- 23 YB Datin Lau Poh Chye
- 24 Low Peng Kong
- 25 Steve Lin I Wan
- 26 Lim Peng Cheong
- 27 Sim Swee Tin
- 28 Faisal b. Mohd Siebel & Kok Wei Chuen
- 29 Kumagaauri a/p Lakhmichand & Mitankumar Praviechandran Doshi
- 30 Chew Chong Keat
- 31 Aaron Sim Kwee Tein
- 32 Tan Soo Lan
- 33 Foo Kok Keun & Leong Choi Leng
- 34 Lee Wai Loong
- 35 Leong Kee Wai
- 36 Roslan bin Jaafar
- 37 Leong Kee Wai & Sou Kuan Yin
- 38 Gan Chee Khen
- 39 Loh Gee Tong
- 40 Sarah Lee bt. Abdullah
- 41 Jasbinder Singh a/ Gurbux Singh
- 42 Wong Khai Seong
- 43 Ong Keng Siew

44	Fong Peck Aik
45	Zamali bin Midun
46	Tan Kim Chua
47	Mak Choong-U
48	Tan Jim
49	Loh Mun Onn
50	Chong Whei Cheun
51	Phang Ai Sim
52	Lim Choon Yang
53	Wong Yek Yin @ Wong Yok Yin & Kun Siak In
54	Lim Ek Hui
55	Poh Swee Kang
56	Choo Siew Fong & Lee Chia Wei
57	Chiew Haw Mien
58	Kam Saun Leng
59	Fung Chee Shyan
60	Tong Shew Long
61	Ooi Kuu Chai @ Ooi Boon Hin & Goh Leng Yak
62	Milankumar Pravichandra Doshi
63	Loh Chee Keong
64	Evelyn Phang
65	Lim Teck Yeow
66	Kok Wei Chuen & Yap Lin Lin
67	Wong Kok Kien & Cecelia Heng Chan Meng
68	Hiew Chung Chun & Zelina Tan Ze Ling
69	(1) Tan Choon Fatt & Wong Sow Kuen
70	Tan Hui Hun @ Tan Hooi Hoon
71	Lee Knon Fung
72	Prodence Wong Yun Yen
73	(1) Kiong Tuck Keong
74	Rinawati Cheah binti Abdullah
75	Liew Yin Chew