



Federal Court of Australia

District Registry: New South Wales

Division: General

No: NSD1894/2019

**RAHUL GOYAL, RICHARD SCOTT TUCKER AND JOHN ALLAN BUMBAK IN
THEIR CAPACITIES AS JOINT AND SEVERAL ADMINISTRATORS OF
AUSTRALIAN INDUSTRIAL MINERALS LIMITED (ADMINISTRATORS
APPOINTED) ACN 623 197 142 and another named in the schedule**
Plaintiffs

ORDER

JUDGE: JUSTICE JAGOT

DATE OF ORDER: 18 November 2019

WHERE MADE: Sydney

THE COURT ORDERS THAT:

Extension of Convening Period

1. Pursuant to s 439A(6) of the Act that the convening period within which the plaintiffs must convene the second meeting of creditors of Australian Industrial Minerals Limited (administrators appointed) ACN 623 197 142 and Australian Abrasive Minerals Pty Ltd (administrators appointed) ACN 118 292 756 (together, the **Companies**) under section 439A of the Act (**Second Meeting**) be extended from 21 November 2019 to 24 April 2020.
2. Pursuant to s 447A(1) of the Act that Part 5.3A of the Act is to operate such that the Second Meeting may be held at any time during, or within five business days after the end of, the convening period as extended by paragraph 1 above, notwithstanding the provisions of s439A(2) of the Act.

Service and Notices

3. The plaintiffs, within five business days of the making these orders, take all reasonable steps to give notice of the orders to the Companies' creditors (including the persons claiming to be creditors), by means of a circular:
 - a) to be sent by email transmission to creditors for whom the plaintiffs have a current email address;



- b) to be sent by ordinary post to creditors for whom the plaintiffs have only a postal address;
 - c) to be published on the website maintained by the plaintiffs in relation to the Companies at <https://www.kordamentha.com/creditors/australian-abrasive-minerals-pty-ltd>.
4. Pursuant to s 447A(1) of the Act that Part 5.3A of the Act is to operate such that the requirement on the plaintiffs to issue notices under ss 75-225(1) and 75-15 of the Insolvency Practice Rules (Corporations) 2016 (Cth) (**Rules**) be modified such that notice of the Second Meeting will be validly given to any creditors, not less than five business days prior to the date of the proposed meeting, by:
- a) giving such notice electronically by email sent to the email address of any creditor (including persons claiming to be creditors) of the Companies for whom or which the plaintiffs hold an email address;
 - b) for creditors for whom the plaintiffs do not have an email address but for whom the plaintiffs have a postal address, sending such notice to the postal address for the creditor;
 - c) causing such notice to be published on the website maintained by the plaintiffs in relation to the Companies at <https://www.kordamentha.com/creditors/australian-abrasive-minerals-pty-ltd>; and
 - d) causing such notice to be published in The Insolvency Notices website located at: <https://insolvencynotices.asic.gov.au>.
5. The following parties have liberty to apply on giving the plaintiffs not less than 3 business days' notice:
- a) any person who can demonstrate a sufficient interest (including any creditor of the Companies) for the purpose of modifying or discharging any orders made pursuant to paragraphs 1 and 2 above; and
 - b) the plaintiffs for the purpose of seeking any further extension of the convening period.

Costs

6. The plaintiffs' costs of and incidental to this application be costs and expenses in the administration of each of the Companies, and be paid out of the assets of the Companies.



7. A direction that orders 1 to 6 of this Originating Process be entered forthwith.

Date that entry is stamped: 18 November 2019

Sia Lagos
Registrar



Schedule

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Second Plaintiff

AUSTRALIAN ABRASIVE MINERALS PTY LTD
(ADMINISTRATORS APPOINTED) ACN 118 292 756